

# **TEMPE SUPERVISORS ASSOCIATION**

## **BYLAWS**

**Revised: 11/16/2017**

# ARTICLE I

## Purpose

Section 1: The name of the organization is the Tempe Supervisors Association, herein referred to as the "Association or Organization."

Section 2: The Tempe Supervisor's Association will promote the interest of the city of Tempe supervisory employees in the U. S. Congress, the Arizona State Legislature, the Tempe City Council and the State of Arizona:

Section 3: The Tempe Supervisor's Association believes that the city of Tempe supervisory employees is professional and will constantly strive to up-grade their standards, wages, benefits and working conditions to reflect their professional status.

Section 4: The Tempe Supervisor's Association believes that the city of Tempe Supervisors have the same constitutional rights as other citizens and will constantly protect these rights.

Section 5: At all times the Tempe Supervisor's Association will work to fulfill the mission that the residents of Tempe have entrusted it to perform.

As a work group and as individuals, Active Members will welcome and celebrate the diverse workforce and community. Active Members will encourage appropriate use of resources. Active Members will respect the chain of command, city policy and the results of elections.

As a work group and as individuals, Active Members will work toward open and trusting communication both internally and externally. Active Members will pride themselves on customer service and the knowledge of a job well done.

As a work group and as individuals, Active Members will expect and constantly deliver respect in their attitudes and actions. They will aggressively develop partnerships with fellow bargaining groups and city staff. The active membership will work with department heads and city management on programs that are in the best interest of the city of Tempe and its employees. During negotiations and all communications, Active Members will be respectful to management and one another.

Section 6: Active members will respect the membership. Each member's issues will be brought forth through the area representatives to the Executive Board.

The Executive Board shall survey active membership and solicit comments by asking questions pertinent to negotiations. While the Executive Board will run the day-to-day operations of the Association, at all times board members will keep in mind that they are working for the membership.

Priorities of negotiation will include employee safety, employee value and the high value of employee contributions to Tempe.

## **ARTICLE II**

### **Definitions**

Active Member: any dues paying TSA unit member.

Appeal: an application for review.

Board Member: Executive Board members and Representatives.

Executive Board Member: President, Vice President, Secretary, Treasurer and one Trustee.

Fiscal Year: July 1 to June 30.

Good Standing: Active Members or Associate Members who are current with their TSA dues, have not engaged in any act of intimidation against another Active Member or Associate Member, have not joined TSA under false pretenses and are not unprofessional or disrespectful when addressing and working with management or other members.

Grievance: a perceived wrong against an employee by the city that is considered grounds for a complaint.

Inability: lack of ability or capacity.

Leave of Absence: an authorized absence from duties and/or responsibilities from the organization that has been approved by the Executive Board.

Majority: any number larger than half the total, as opposed to minority. For purposes of voting, any number larger than half of the total of votes will constitute a majority.

Memorandum of Understanding: an agreement reached between the Tempe Supervisor's Association and the city of Tempe regarding wages, hours, benefits and working conditions.

Quorum: A majority of the persons in a particular group i.e. Executive Board, Active Members, Unit Members, etc.

Representatives Meeting: a meeting of the Executive Board and elected or appointed representatives only.

Resignation: the act of resigning.

Roberts Rules of Order (“RONR”): common rules and procedures for deliberation and debate in order to place the whole membership on the same footing and speaking the same language; which will be used in conducting TSA meetings.

Unit Member: Any city of Tempe Supervisor who is not a member of the Management Team, Classified Employees or TSA by definition of the city of Tempe Charter.

## **ARTICLE III**

### **Membership**

Section 1: City of Tempe employees may join the Tempe Supervisor's Association with the payment of the bi-weekly membership dues established by the Executive Board in accordance with Article IX of these Bylaws. This membership will entitle the Active Member access to the legal services provided by the Association, ability to attend and participate in TSA Representative and Membership Meetings as well as all other benefits and activities of the active members.

Section 2: An Active Member (“AM”) may hold any elected office, serve on any standing or ad hoc committee and vote on any issue before the membership. AM will receive all benefits of the organization. Upon enrollment, an Active Member must remain as a member for at least one (1) year before being eligible to opt-out of the Association (exceptions: transfer to another bargaining group or termination from the city).

Section 3: Written Notice of Resignation - Active Members shall complete a cancellation of the automatic payroll deduction of dues. This shall serve as proper notice of resignation.

Section 4: Associates - Any member who leaves the employment of the city of Tempe and chooses to remain a member of the Association may do so under the following conditions: if an Active Member at the time of termination; there is no objection or reason to prohibit membership. An Associate Member will not have a vote or be able to hold office; however, will be entitled to all other benefits of the Association.

Section 5: Removal from Membership - Any member found to be involved in any act of intimidation, or bullying against another Active Member and/or found to have joined TSA for the purpose of targeting an Active Member and/or using or disseminating information obtained from any membership meeting against an Active Member shall be immediately removed from the membership for a period of no less than one year. After one year has expired, the removed member may return upon a written request by the removed member (via e-mail, letter, memo or note) to the Executive Board requesting reinstatement. The removed member may be reinstated by a majority vote of the Executive Board.

## **ARTICLE IV**

### **Organization Executive Board**

The Executive Board shall be as follows: President, Vice President, Secretary, Treasurer and one Trustee.

Section 1: President - The President shall be the Chief Executive Officer of the organization and shall exercise active supervision over its property and affairs. Shall sign all legal documents on behalf of the organization and perform all acts and tasks that the Executive Board requires. The President, or a designee from the Executive Board, shall be an ex officio non-voting member of

all committees.

Section 2: Vice President - In the event of the President's absence or inability to act, the Vice President shall have the powers of the President for a limited period of time, not to exceed six months or until an election can be scheduled whichever is first. The Vice President shall perform such duties as the Executive Board may impose. The Vice President or designee shall be an ex officio non-voting member of all committees.

Section 3: Secretary – The Secretary shall keep the minutes of the organization's membership, Executive Board and special meetings, and shall keep such books and records as required under Title 10 of the Arizona Revised Statute (i.e. minutes, agendas, election and voting records, complaints, attendance sheets), or any document that the Executive Board may require. The secretary shall maintain a current membership list and advise on the status of members. The secretary shall propose and review any Bylaw changes that are brought before the organization at the membership meetings or Executive Board meetings.

Section 4: Treasurer - The Treasurer shall have custody and control of all funds of the organization, subject to the action of the Executive Board and shall, when requested by the President, report the state of the finances of the organization at each monthly meeting and at any meeting of the Executive Board. Shall perform such other services as the Executive Board requests Shall be responsible for implementing *Article IX* of these Bylaws.

Section 5: Trustee - There shall be one Trustee who shall perform such services as the President and Executive Board requests.

Section 6: Leave of Absence - any Active Member who sits on a committee, or acts as a designee including Board Members may be relieved of duties or responsibilities within the organization for any reason for a period of time not to exceed one month from the date of request. This request must be submitted in writing to a member of the Executive Board. An extension may be granted by the Executive Board on a case-by-case basis. Dues must be paid during the Leave of Absence in order for the member to return as an Active Member in good standing. Any Board Member compensation, as detailed in Article IX of these Bylaws, shall be forfeited while the Board Member is on leave of absence.

## **ARTICLE V**

### **Organization Representatives**

Section 1: Representatives are Board Members of the TSA. They are not members of the Executive Board.

Section 2: Duties - The Representatives shall keep the Active Members informed on any and all events by the organization, meetings, activities, new City policies and procedures, Bylaw revisions and will assist the Active Members with any problems concerning the organization. Representatives will actively promote and recruit new members.

Section 3: Duties Owed to Active Members – Representatives shall assist any unit member

during a grievance, including ~~the~~ helping the member with drafting grievances, responding to a Part I, Part II, or Part III. Will attend any investigation with the involved member. Active Members receive assistance with grievance issues throughout the entire grievance process.

Section 4: Duties Owed to Non-Paying Unit Members - Non-paying unit members may receive assistance with grievance issues only during the initial phase of the grievance (the first meeting) as an observer. Non-paying unit members will not have access to TSA legal. Representatives shall not use legal to assist a non-paying unit member in anyway. Representatives are not required to write any grievance, or assist in drafting a response on behalf of a non-paying unit member. Representatives are not required to spend more than one-hour in consultation with the non-paying unit member.

Section 5: Meetings - Representatives must attend meetings as required by the President. Representatives may attend the monthly meeting of the Executive Board and shall attend the monthly unit meetings and special meetings called.

Section 6: Appointments - Annually the Executive Board will reevaluate the number of Representatives based on the number of members and the amount of hours the MOU provides for TSA business. If all departments are not served by a representative, the Executive Board will assign Representatives to serve specific areas. A Representative's term will be for two (2) years or until a rotation causes a realignment requiring the selection of new Representatives.

Section 7: Removal of Representatives - The President, with confirmation of the Executive Board, may remove any Representative.

## **ARTICLE VI**

### **Professional Consultants**

Professional Consultants to the Executive Board and the organization may be appointed by the Executive Board to advise it and the organization on certain matters.

## **ARTICLE VII**

### **Election of Officers**

Section 1: Officers of the organization to be elected shall be the President, Vice President, Secretary, Treasurer and Trustee (“Executive Board”). All of these shall be elected by the active membership who are in good standing. A majority of the votes cast will be needed to fill the President, Vice-President, Secretary, Treasurer and Trustee positions.

Section 2: The President shall establish a Special Elections Committee (“SEC”) in conformance with Article XI, Section 7 of the Bylaws.

Section 3: Electronic voting will be allowed. Votes will be accepted until noon on the day designated day set by the SEC following the April membership meeting in an election year, and counted within 24 hours. To maintain accountability and credibility, write-in candidates shall be prohibited. All candidates for office must comply with the Article VII as it pertains to elections.

Section 4: The term of office for the Executive Board will be for two (2) years. The President, Secretary and Trustee election will be conducted during even numbered years. The Vice President and Treasurer election will occur during odd numbered years.

Section 5: The Board will call for nominations of Board Members two (2) months prior to the unit membership meeting in April. A newly elected Board Member term will begin at the start of the fiscal year (July). Nomination of Board Members shall be turned in to the designated person of the SEC no later than March 10 of the election year (or other date, if necessary) on forms obtained from the SEC. The form shall possess the signature of the nominee and a statement of acceptance of the nomination. The form shall also have five (5) signatures of Active Members in good standing supporting the nomination. An Active Member shall sign only one nominating petition for each elected office.

Section 6: The election of Board Members and the fiscal year shall coincide so that new Board Members elected in April may not take office until July 1st. During that period, new Board Members would be in a transition period in their respective offices.

Section 7: Active Members shall not be eligible for nomination until they have been active for at least six (6) consecutive months. The Executive Board may waive this requirement if individuals will complete their six-month membership prior to or on July 1 of the year they take office.

Section 8: In the event that a seat on the Executive Board becomes vacant for any reason, active membership will be solicited for interested parties to fill the vacancy. All interested parties will be considered and presented to the remaining Board Members for consideration. The Executive Board shall appoint a new Board Member to finish the term of office. If a majority is not available, the seat for a Board Member shall be filled by an election of a majority of the votes cast.

Section 9: Once ballots have been printed and are ready to be disseminated, a Candidate's name can not be removed from the ballot. Candidates choosing to withdraw from an election must do so in writing to the President or designated person of the SEC. If the ballots have been printed and a Candidate has properly notified the President or designated person for SEC of the desire to withdraw from the election, the President or SEC may send an email notice to all members advising of the Candidate's withdraw only if there is sufficient time and ability to do so. If a Candidate abdicates the seat once elected, the seat shall be considered vacant and shall be filled in accordance with Section 8 of this Article.

Section 10: Candidates running unopposed will automatically be elected to the seat they were nominated to run for without proceeding through the election process.

## **ARTICLE VIII**

### **Calls and Notices of Meetings**

Section 1: Active Membership meetings will occur monthly at the time and location set by the Executive Board. The Executive Board shall ensure that all notices and agendas shall be sent to the members ten (10) calendar days prior to the meeting as required under Title 10 of Arizona Revised Statute.

Section 2: The Executive Board will meet monthly, at least 10 days prior to the monthly Active Membership Meeting. The President or a majority of the board may call a meeting of the Executive Board and/or Representatives as deemed necessary. The President may call Executive Sessions at any time. Executive Sessions are reserved for meetings on issues that must be addressed immediately. The President also may call for a Private Meeting with the Executive Board and others as deemed necessary at any time. Private Meetings are intended for discussion of confidential or politically sensitive issues.

Section 3: Only Active Members in good standing may attend and participate in TSA Representative Meetings. The Board may elect to schedule special membership meetings for the purpose of recruiting membership. Special membership meetings shall be open to the unit members to attend and participate. There shall be one special membership meeting a year, unless the Executive Board determines the need for more or less.

Section 4: Special meeting- A special meeting of the membership may be called in writing by the President, a majority of the Executive Board, or a petition of twenty-five (25) percent of the active membership.

Section 5: The calls and notices of all meetings of the membership shall conform to this Article.

Section 6: The President, or in his/her absence, the Vice President or designee, shall preside at all such meetings. All meetings will be conducted pursuant to guidelines distributed by the board.

Section 7: Meetings shall be conducted in conformance with Robert's Rules of Order.

Section 8: Voting-Active Members shall have one vote on any proposed items listed on the agenda for vote. A response on all questions before the meeting of the Executive Board or Active Membership shall be one of the following: "Aye," "Nay," "Abstain" or "Absent." Action taken shall be a majority of the votes cast or as otherwise designated in these Bylaws. A quorum of the Executive Board must be present before any vote may be taken by the Board. Voting on Bylaw changes and Memorandum of Understandings ("MOU") shall be passed by a majority of the Executive Board. Once passed by the Executive Board, the Bylaw changes and MOU shall be ratified by the majority of Active Members who cast a vote.

Section 9: All informalities and/or irregularities in calls or notices of meetings and credentials and /or ascertaining those present shall be deemed waived if no objections are made at the meeting.

Section 10: Active Membership Disagreement - The active membership, in disagreement with Board policy or a Board decision, may circulate a petition signed by one-third (1/3) of the active membership to contest a board decision. This petition must be delivered to the Secretary thirty (30) days prior to the next scheduled membership meeting. The petition must contain the necessary amount of verified signatures, the grievance and the recommended remedy. The active membership will be advised by email as to the nature of the petition. A majority vote will be required to change a Board decision. This section shall apply only to Board policy or a Board decision the outcome of which is still reversible.



## **ARTICLE IX**

### **Dues**

Section 1: Dues Structure - The dues of the Association will be established by the Executive Board. Any dues increase in excess of ten (10) percent in any year must be proposed by the Executive Board and be approved by a majority vote of the active membership.

Section 2: Special Assessments - The organization may make special assessments of its membership to assist any Active Member or for any emergency of the organization as declared by a three quarter majority of the Executive Board. Any special assessments must be approved by a majority vote of the active membership. Any Active Member not paying the assessment within a two (2) month period after the assessment will be considered a member in bad standing and will be carried as such until the assessment is paid.

Section 3: Board Member/Representatives – Board Members and Representatives shall be required to pay the same monthly dues as all members.

Section 4: Board Member Compensation –Executive Board Members will receive monthly compensation as listed follows.

- President - \$500
- Vice-President - \$200
- Treasurer - \$100
- Secretary - \$100
- Trustee - \$50

The Executive Board will be provided with up to \$100 per month to provide for additional expenses for meetings. Board members must submit receipts to the Treasurer for reimbursement.

Section 5: Attendance – Attendance at the monthly Active Membership Meeting will be reflected in the minutes, which will be posted on the TSA website within a week of their approval. Attendance logs will be available for review through written request to the Secretary.

## **ARTICLE X**

### **Budget and Expenditures**

Section 1: Mandatory Budget and Fiscal Year- The Executive Board will be required to submit a yearly budget to the membership for each fiscal year. The fiscal year shall start July 1 of each year. The budget must be presented to the Executive Board for approval at the Executive Board's annual meeting in April.

Section 2: The Treasurer shall be responsible for implementing and adhering to Section 1 of Article X.

Section 3: Any expenditure over what has been authorized by the budget must have a majority vote of the full Executive Board.

Section 4: All checks will be signed by the Treasurer and the President or a designee of the Executive Board, or in the absence of the Treasurer, the President and the designee. All checks for more than \$500 (except the legal retainer, insurance premium and Legal Defense Fund) must have the approval of three (3) of the five (5) Executive Board Members (President, Vice-President, Secretary, Treasurer and Trustee). Approval may be done by a telephone or email poll in the interest of time or in the case of emergency.

The Association will provide bonding and insurance for the Executive Board members.

An independent CPA will be utilized to provide an annual review of the Association funds. The report will be provided to membership no later than Oct. 1 of each year.

## **ARTICLE XI**

### **Standing Committees**

All committee chairs will be appointed by the Executive Board. The committee chairs will select their own committee members. The terms for the committees will be the same as the Executive Board, (2 years) but may be extended by a majority vote of the Executive Board. The Executive Board shall have the ability to create committees not listed in this document should they need to be convened.

#### Section 1: Grievance Committee

A: Definition - The Grievance Committee shall be comprised of three (3) Active Members. The Chair of the Grievance Committee shall be selected by the Executive Board. The remaining members of the Grievance Committee shall be selected by the designated Committee Chairperson and approved by the Association President.

B: Duties - It shall be the responsibility of the Grievance Committee to review any grievance brought by an Active Member in good standing for action by or assistance of the organization. All grievances will be kept confidential unless the Executive Board decides that the active membership should be informed. The Executive Board will be apprised of all grievances. The Representative shall advise the Executive Board of all grievances, time lines, actions, and final disposition. Grievances shall not be kept in secret from Executive Board. The Grievance Committee shall not be required to review any grievance brought by a non-paying unit member.

C: Accept or Reject - The Grievance Committee shall decide whether or not to accept or reject any grievance. Should a grievance be rejected by the Grievance Committee, the member bringing forth the grievance shall have the right of appeal to the Executive Board of the organization. The decision of the Executive Board is final.

D: If a Grievance Committee is not in place, the Executive Board will act on its behalf and will be responsible to review any grievance brought by an Active Member for action by or assistance of the organization. The Executive Board shall decide whether to accept or reject any grievance that would require legal representation at which time the decision

would be final.

E: Article V, Section 4 applies to the Grievance Committee as well.

## Section 2: Membership Committee

A: Duties - The Membership Committee's duties will be to actively recruit new members. The Membership Committee shall keep a confidential list of all members.

B: If a Membership Committee is not in place, the Executive Board will work with department representatives to actively recruit new members. The Executive Board can use funds for events to actively recruit members.

## Section 3: Benefits Committee

A: Duties - The Benefits Committee shall continuously strive to upgrade or retain benefits.

B: The organization shall have Executive Board members or representatives sit on benefit committees to gather and speak on behalf of the organization, if necessary.

## Section 4: Fund Raising Committee:

A: Duties - The purpose of the Fund Raising Committee is to provide the means to help fund the organization so that the cost to members will be kept at a minimum. However, per this Article, the organization will not engage in telephone solicitations.

## Section 5: Bylaws Committee:

A: Duties - The Bylaws committee will review all proposed Bylaw changes and make recommendations to the Executive Board. If there is a conflict in the interpretation or intent of these Bylaws, the conflict will be referred to the Bylaws Committee who will make a recommendation to the Executive Board.

B: If a Bylaws Committee is not in place, the Executive Board will update and make recommended changes to the Bylaws for active membership approval.

## Section 6: Political Action Committee:

A: Duties - The political action committee will review, and approve, all requests for use of PAC funds. The TSA Treasurer will maintain the PAC funds separately from TSC funds and two signatures will be required on all PAC checks.

## Section 7: Special Elections Committee (“SEC”):

A: Duties – The SEC shall supervise and count ballots of the election of the Executive Board positions. It shall set times, and locations of nominations, and elections. It shall accept nominations and handle all election questions or issues.

B: In the year for the President’s election, the Vice President shall establish the SEC to supervise and count the ballots of the President, Secretary and Trustee’s election.

C: In the year for the Vice President’s election the President shall establish the SEC to supervise and count the ballots of the Vice President and Treasurer.

D: The Committee may submit a written election policy or modifications to the existing policy outlining the procedures for the election and guidelines for campaign statements to be adopted by the board.

## **ARTICLE XII**

### **Benefits**

Section 1: The organization may establish and make available benefits, in addition to those offered by the city, to dues paying members such as insurance plans, savings plans that might benefit the active membership at a reasonable cost to the individual member.

Section 2: Legal Representation - The organization shall provide a legal assistance plan for its Active Members, referred to “Tempe Supervisors Association Fair Representation and Legal Policy.”

Section 3: Appeal – Active Members in good standing who were a dues paying member prior to the incident, may have the right to appeal a discipline pursuant to the City of Tempe’s Personnel Rules and Regulations. Active Members may have a right to legal counsel to represent them during the appeal process including appeal representation. If an Active Member desires to appeal a discipline, they are required to comply with the following:

1. Notify TSA Executive Board,
2. Send an appeal notification to City of Tempe Human Resources,
3. Meet with TSA legal counsel.

If the Active Member requests an appeal from the City of Tempe Human Resources, and TSA Executive Board but fails to maintain contact with TSA’s legal counsel, and fails to meet with legal counsel, legal counsel shall withdraw as counsel in the appeal matter. Legal counsel shall:

- 1.) Send a notification to TSA’s Executive Board advising of the Active Member’s failure to meet and communicate with counsel.
- 2.) Legal counsel shall send a notification withdrawing as legal counsel to the City of Tempe. Neither TSA nor legal will have any further dealings with the Active Member’s appeal.

## **ARTICLE XIII**

### **Meet and Confer Negotiations and Agreements**

Section 1: A Negotiation Committee shall be convened when negotiating wages, hours, benefits and working conditions under the City’s Meet and Confer Ordinance. The Negotiating

Committee shall be composed of the Executive Board of the Association and an outside professional consultant, if necessary. The Negotiation Committee also may include an individual member recommended and approved by the Executive Board. In no case shall a negotiation meeting occur unless it is attended by at least two members of the negotiation committee. Any negotiation committee member(s) who cannot attend a negotiations session will be apprised of the missed negotiations within 24 hours of the conclusion of any negotiation session. Appraisal may be accomplished in person, over the telephone or by email if the negotiation committee member cannot be located.

Section 2: All Memorandums of Understanding negotiated by the organization shall be submitted to all Active Members at least fourteen (14) days prior to a vote for approval. All Active Members are allowed to vote to approve and ratify the MOU. An affirmative vote of no less than a majority of the Active Members who cast a vote, shall constitute such approval and ratification of said Memorandum of Understanding. Said membership vote may be by secret ballot cast in person, by mail-in ballot or by internet voting.

## **ARTICLE XIV**

### **Amendments**

Section 1: These Bylaws may be altered, amended or repealed by a majority vote of the Active Members after they have been sent to the Bylaws Committee or other designees for study and recommendation to the Executive Board.

Section 2: Said membership vote may be by secret ballot cast in person, by internet voting or by mail-in ballot. Any proposed changes must be sent to all Active Members at least fourteen (14) days prior to a vote.

## **ARTICLE XV**

### **Conflict of Interest**

Section 1: A conflict of interest shall exist when a Board member, Active Member and/or agent of the Tempe Supervisor's Association cannot act in the best interest of the Tempe Supervisor's Association due to association with any person, organization, business, and/or legal entity. A conflict of interest shall render the Board member, Active Member, business, and/or agent unable to act on behalf of the Tempe Supervisor's Association as it relates to dealings with the other person, organization, business, or legal entity. If a Board member is applying for a promotional position within the City, that Board member should be recused from negotiating or working on behalf of an Active Member with or against the City, in order to refrain from the appearance of a conflict or impropriety.

When officers, Active Members or agents of the Tempe Supervisor's Association believes a conflict of interest may exist, they shall immediately cease acting on behalf of the Tempe Supervisor's Association as it relates to the potential conflict and notify the Executive Board in writing. The Executive Board may or may not, at its discretion, seek an opinion from its legal advisor concerning the conflict. If an opinion is sought from its legal advisor, the opinion shall be in writing and advisory only to the Executive Board.

If after a vote of the Executive Board, the conflict of interest is deemed to exist, the Board Member, Active Member and/or agent of the Tempe Supervisors Association shall not resume representation of the Tempe Supervisors Association as it relates to the conflict; however, the Board Member, Active Member and/or agent shall continue to have all authority and powers to act in other areas not related to the area of conflict, unless it purports an appearance of impropriety.

This article shall control and supersede all other articles relating to the powers and authority of officers, Active Members and/or agents of the Tempe Supervisors Association.

## **ARTICLE XVI**

### **Misconduct, Malfeasance, Misfeasance or Nonfeasance by any Active Member, Recall of Executive Board**

Section 1: The following shall constitute Misconduct:

A: Refusal or intentional failure to comply with or abide by the provisions of the Bylaws or official decision of the Executive Board.

B: Committing any act of fraud, embezzlement or misappropriation of any funds or property or other things of value belonging to the organization; or refusing or intentionally failing to comply with the provisions of the Bylaws which require full and accurate accounting of all funds, property, books and records for examination, audit or financial review.

C: Filing false charges against any officer, Active Member representative, consultant or agent of the organization provided, however, that it is understood that for the purpose of this provision, false charges are not merely charges of which a person is acquitted, but rather charges which are filed recklessly or in bad faith without substance, foundation or reasonable basis of support.

D: Committing any physical assault upon any officer, Active Member, representative, consultant or agent of the organization thereof while engaged in the performance of duties for the organization.

Section 2: The following shall constitute Misfeasance:

A: Any wrongdoing or misconduct by an official or representative of the organization in the performance of related job duties.

Section 3: The following shall constitute Malfeasance:

A: The performance of a lawful act in an illegal or improper manner by an official or representative of the organization.

Section 4: The following shall constitute Nonfeasance

A: The intentional or willful failure to act by any official or representative of the organization in connection with the official duties or as directed by the Executive Board.

Section 5: Who may prefer charges:

A: Any Active Member may prefer charges under the provisions of this article.

Section 6: Who may be charged:

A: Any Active Member of the organization may be charged with misconduct.

B: Any official or representative of the organization may be charged with malfeasance, misfeasance or nonfeasance.

Section 7: Proper form and filing of Charges:

A: To be properly filed, charges must be filed in writing and signed by the charging Active Member(s). The charging document must specifically state the act(s) alleged to constitute a violation of this Article. Also, it must specifically identify by Article and Section number, the provisions of the Bylaws that are alleged to have been violated.

B: In the event an alleged violation involves established policies, decisions or governing principle of the organization which are not set forth in the Bylaws, the charging document shall so state.

C: A copy of the charging document filed against any person shall be sent by certified mail to the Executive Board or to the Trial Board (later defined in this article) and the accused.

D: The current mailing address of the organization is the Tempe Supervisor's Association P.O. Box 132, Tempe, AZ, 85280.

Section 8: Response to Charges:

A: The accused shall have thirty (30) days from the post marked date of the certified letter, containing the charging document to respond to the charges. The response must be filed in writing and delivered to the Trial Board by certified mail. If the accused fails to respond, the charges shall stand as filed.

B: The accused may deny the allegation(s), in which case a Trial Board shall convene no sooner than thirty (30) days and no later than forty-five (45) days from the post marked date of the certified letter which denies the allegation(s). If more than one person is charged, the Trial Board may hear the matter in a single session.

C: The accused may admit the allegations and file a written explanation. The letter of explanation must be signed and notarized.

## Section 9: Trial Board;

A: The Trial Board shall be two (2) representatives, selected by lottery, and one Executive Board member selected by lottery, excluding any representative or officer accused.

B: The Trial Board shall hear all evidence and arguments presented at the hearing. The Trial Board shall conclude the trial as soon as practical and then assemble in private for consideration of its findings and penalties, if any.

C: In the event the accused files a letter of admission, the Trial Board shall consider the case submitted and thereafter render a decision as to the penalty, if any to be imposed.

D: The decision of the Trial Board shall be by majority vote of the Trial Board, shall be reduced to writing and shall contain a statement of the pertinent facts involved, the charging document(s) and state a penalty to be imposed, if any.

E: Prescribed penalties shall be either a reprimand, suspension from office, removal from office, suspension from membership or expulsion from the organization.

F: The decision of the Trial Board is final.

## Section 10: Recall of Elected Board Members:

A: Any elected or appointed Board Members shall be subject to recall from office at any time by a majority vote of the active membership.

B: Any Active Member may submit a request for a recall petition to the Secretary. The request must state the name of the Board Member to be recalled. The Secretary will notify the affected officer within forty-eight (48) hours of the receipt of the request. In the event that the Secretary is the affected officer, the Vice President shall perform all duties of the Secretary under this section.

C: The recall petition shall state its purpose and require the signature, printed name and employee number of the Active Member requesting the recall. In order to hold a recall election, the Active Member seeking to recall the officer must submit signatures from at least thirty percent (30%) of the active membership obtained within sixty (60) days of the receipt of the petition. The signatures shall be submitted to the Secretary on a form clearly indicating the signature, printed name, employee number, and date signed by each Active Member. The Secretary shall verify the validity of the signatures within five (5) days of receipt of the petitions.

D: If the required number of valid signatures are received by the Secretary, a recall election shall be held within thirty (30) days from the date of validation of the petitions.



The recall election will be held at a special membership meeting called for that purpose.

E: If the affected Board Member has been removed by a majority vote of the membership, the vacated position will be filled by a special election.

F: Nomination of officers for the special election shall be turned in to the Secretary no later than fourteen (14) days following the recall election on forms obtained from the Executive Board. The nomination form will conform to the requirements of Article VII, Section 7 8 of these Bylaws.

G: The special election will be held within thirty (30) days of the recall election at a special membership meeting called for that purpose. The elected officer will immediately fill the position vacated by the recall.

H: All Active Members will have one vote in any recall or special election resulting from a recall. This vote may be cast on an absentee ballot if the Active Member is unable to attend a recall or special election meeting.

## **ARTICLE XVII**

### **Political Action**

Section 1: Due to the Hatch Act, TSA is unable to endorse or oppose Tempe City Council candidates; however, TSA may reach out to sister labor organizations in other Cities and Towns in Arizona and request their assistance in financing the endorsement or opposition of Tempe City Council candidates. The Association may endorse or oppose any State, Congressional or Presidential candidate, pending legislation, initiative, referendum or proposition. Such action must conform to city policy and shall be taken for the good of the Association's goals as a whole and not for the benefit or desire of an individual Active Member.

Section 2: Endorsement for or opposition to any candidate, pending legislation, initiative, referendum or proposition shall be made by an affirmative vote of the Executive Board.

Section 3: Voting may be preceded by a screening of the candidate(s), pending legislation, initiative(s), referendum(s) or proposition(s) conducted by the Executive Board. Such screening meetings may be open to all Active Members.

Section 4: Under urgent circumstances, the President (or Vice President in President's absence) may give conditional support or opposition to pending legislation or amendment(s) to same, when time to act becomes critical in the best judgment of the President. The President shall so advise the Executive Board of such action as soon as practical. Afterward, if a contrary position is taken by the Association, the President will make notification to the appropriate parties.

Section 5: Active Members who have a legal conflict or prohibition from voting on an endorsement or opposition action must declare such conflict to the screening body and/or membership prior to the applicable vote.

Section 6: Active Members may participate actively in the passage or defeat of all political action taken by the Association, provided no legal conflict or prohibition precludes such participation.

Section 7: Endorsements or oppositions made by the Association shall be nonpartisan and non-discriminatory (i.e., without regard to political party affiliation, race, creed, gender, religion, handicap or national origin).