

Operating Policy & Procedures

Association of California State Supervisors



Updated: May 2, 2015

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Section 1: STRATEGIC PLAN

101.00 The Strategic Plan for ACSS

ACSS shall establish and maintain a strategic plan to further the mission and goals of the Association of California State employees. **(ACSS Bd 7/18/10)**

102.00 The Vision for ACSS

The vision for ACSS is to be the pre-eminent excluded employee organization. Our vision is to grow and to establish a brand that is easily identified with excluded state employees. To cultivate and promote the values of ACSS, thereby enabling ACSS to be a powerful advocate for excluded employees across California. **(ACSS Bd 7/18/10)**

103.00 Member Activity

Strengthening our organization by increasing membership, increasing member involvement, increasing member visibility, and increasing political power for excluded employees. **(ACSS Bd 7/18/10; 10/23/11)**

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Section 2: DELEGATE ASSEMBLY

201.00 Accreditation of Delegates at the Delegate Assembly

Members elected as delegates and alternate delegates to represent the chapters at the Delegate Assembly shall be accorded membership at the Delegate Assembly by the Credentials Committee upon presentation of credentials signed by the President or Secretary of the Chapter. **(ACSS Bd 7/13/08)**

202.00 Delegate Assembly Resolutions

202.01 Drafting of Resolutions

In drafting resolutions, each whereas clause shall be consecutively numbered, and each resolved clause shall be consecutively lettered. Resolutions shall be prepared according to the following procedures:

- A. The resolved clauses shall be complete statements and shall stand on their own merits;
- B. The resolved clauses affecting the Operating Policy and Procedures shall clearly state the intent of the author and the section of the Operating Policy and Procedure it affects; of the Operating Policy and procedure it affects;
- C. The resolved clauses shall clearly reflect the subject matter. **(ACSS Bd 1/15/94)**

202.02 Responsibility of Proponent

The primary responsibility for insuring that a resolution intended for submission to the Delegate Assembly is in proper form rests with the proponent.

202.03 Format of Resolution

Resolutions submitted by 10 or more active members of the Corporation or signed by 5 or more members or members-elect of the Delegate Assembly shall indicate the principal proponent in the following form:

Principal Proponent: _____ (chapter or individual)
Resolutions submitted to the Delegate Assembly must set forth the subject, the name of the proponent, including chapter number if it is submitted by an individual, and a reference to the appropriate section of the Bylaws and the Operating Policy and Procedure, if ascertainable by the proponent, in the following form at the beginning of the resolutions:

Subject: _____
Submitted by: _____
Reference: _____

Amendments to the Bylaws or Operating Policy and Procedures manual shall be in a form which indicates proposed deletions to existing language in strikeout type and proposed additions to existing language in underline type. If a proposed amendment is to delete an entire section, a statement to that effect is all that is necessary.

The resolutions must contain estimates of probable cost to the Corporation in the following form:

Estimated cost: _____

202.04 Processing of Resolutions

All resolutions received in headquarters office no later than 90 days prior to the convening of the Delegate Assembly shall be forwarded to the members of the Bylaws & Policy File Committee for review and recommended action. At the completion of the Bylaws & Policy File Committee's review, all resolutions shall be retained by ACSS Headquarters staff until a Delegate Assembly Resolutions Committee is formed at Delegate Assembly. Requests for clarification or recommendations for amendment will be forwarded to the proponent. **(ACSS Bd 4/12/03; 7/13/08; 10/23/11)**

202.05 Personal References

Resolutions to be heard at the Delegate Assembly which name any individual person or allude to any Corporation member in language that will be deleterious to that person's character and reputation will not be published. Such resolutions shall be referred by the President to the Board of Directors for disposition.

202.06 Suspended Resolutions

The Board of Directors may, for substantial cause, suspend enforcement of a Delegate Assembly resolution by two-thirds vote. The Board of Directors must immediately initiate a resolution for submission to the Delegate Assembly delegates to rescind or amend the suspended resolution. Failure of the Delegate Assembly to rescind or amend the suspended resolution lifts the suspension and restores the suspended resolution to its original form, require immediate implementation.

202.07 Conflicts between Resolutions

In interpreting the actions of the Delegate Assembly where a conflict exists between two or more resolutions:

- A. The most recently adopted resolution shall govern when the conflicting resolutions were adopted at different Delegate Assemblies;
- B. The Board of Directors shall resolve the conflicts between resolutions adopted at the same Delegate Assembly by taking into consideration the overall actions of the Delegate Assembly in order to determine its intent with respect to any individual resolution and provided further that the Board of Directors conform to the requirements of Policy and Procedure Section 202.06 **(ACSS Bd 1/15/94)**
- C. If the Board of Directors cannot determine the intent of the Delegate Assembly, it shall submit conflicting resolutions to the delegates to resolve a conflict.

202.08 Status Report of Delegate Resolutions

At each meeting of the Board of Directors, the President shall report in writing on the status of all Delegate Assembly resolutions for which final action remains pending. **(ACSS Bd 10/23/11)**

203.00 Rules of the Delegate Assembly**Rules Adopted by the Delegate Assembly**

It is the prerogative of each Delegate Assembly to adopt the rules to govern its own session of the Delegate Assembly. In order to provide for a continuing policy of rules of the Delegate Assembly, these rules are printed in the Operating Policy and Procedure manual so that the rules are available for study on a continuing basis.

- A. Only members of the Delegate Assembly (hereafter referred to as members), those person having official assembly duties and other person authorized by the President shall be permitted on the Delegate Assembly floor.
 - B. Members must be present at all sessions of the Delegate Assembly unless excused by the presiding officer. Members must be seated at their designated tables and report to the sergeant-at-arms whenever leaving. Any delegate vacancy should be filled immediately following a negative roll call or after an unexcused absence of two hours or more, provided an alternate is available.
 - C. Certification by the Credentials Committee as to the attendance of members at the opening of each session shall constitute the roll call.
 - D. Once a quorum is established, that quorum, for the purpose of doing business continues in existence until adjournment.
 - E. The presiding officer shall make a motion establishing the order of business.
 - F. Three minutes to speak upon the matter currently before the Delegate Assembly will be allowed each member. No member may be allowed to speak more than twice on a matter currently before the Delegate Assembly and will not be allowed to speak a second time until all other members who have so requested have had an opportunity to speak. Two minutes shall be allotted for the second speech.
1. Resolutions
- a. A Delegate Assembly resolutions committee shall consider all resolutions referred to it.
 - b. Resolutions may be amended and/or consolidated by the committee.
 - c. Committee reports shall be in writing and include recommendations for:
 - I. Adoption in original form;
 - II. Adoption in amended form;
 - III. Adoption as consolidated with one or more resolutions;
 - IV. Referral to the Board of Directors for study and appropriate action;
 - V. Referral to the Board of Directors for study and report to the next Delegate Assembly.
 - VI. Referral to the President for appropriate action;
 - VII. Rejection with reasons
 - d. When a committee has recommended an amendment to a resolved clause, the entire resolved clause as amended shall be presented to the Delegate Assembly in writing before action is taken on the resolution.
 - e. When called upon by the presiding officer, the Chairperson of the resolutions committee shall report the recommendation of the committee to the Delegate Assembly, such recommendations constituting a motion.
 - I. If a motion for adoption is not adopted by the Delegate Assembly, the resolution is rejected.

- II. If a motion to reject is not adopted by the Delegate Assembly, the resolution continues as a subject before the assembly and must be disposed of by subsequent action of the Delegate Assembly.
 - III. If a motion to amend and adopt is not adopted, then a motion to consider the resolution in its original form is in order; 30 seconds are required.
 - IV. If a motion to refer is not adopted by the Delegate Assembly, the resolution continues as a subject before the assembly and must be disposed of by subsequent action of the Delegate Assembly.
- f. Separate action is not required on resolutions which have been consolidated with other resolutions. However, upon proper motion and 20 seconds a resolution may be withdrawn and considered separately.
- I. A motion to accept the committee resolutions in toto is in order if the written committee recommendations have been distributed to the members at least four hours prior to the committee's report.
 - II. Committee recommendations which would change the Bylaws and budget resolutions shall require separate action by the Delegate Assembly.
- g. The final report of Delegate Assembly actions on committee recommendations shall be in written form and must show the amended resolved clause(s) and the action taken.

2. Motion

- a. Only one amendment and one amendment to the amendment may be pending concurrently.
- b. A substitute motion is not in order.
- c. A motion to table is not in order.
- d. A motion to reconsider and enter on the minutes is not in order at any time.
- e. A motion to reconsider may only be made by a member who voted on the prevailing side; it requires a second, is debatable; and requires a two-thirds vote. If the motion prevails, the motion which resulted in the action which has been reconsidered is restored to the floor. A motion to reconsider would be taken on the resolution. The resolution comes back exactly as it was when it was previously acted upon. It is then open for amendment, adoption or rejection.
- f. A motion to rescind is amendable, debatable and requires a two-thirds vote.
- g. A member who makes a motion must rise only for that purpose and will be given the first opportunity to speak on the motion.
- h. A motion for the previous question may be made only by a member who rises solely for this purpose. The motion must be seconded by 10 members. It is not amendable; it is not debatable. It requires a two-thirds vote.

3. Voting

- a. Delegate Assembly actions on motions shall be by voice vote show of hands, standing vote or roll call vote.
 - i. A request for a standing vote visually determined by the chair requires one second.

- ii. A request for a standing vote to be counted by the sergeant-at-arms must be concurred in by 10 members or more.
 - b. A request for a roll call vote must be concurred in by a majority of members present and would be accomplished with a recorded tally by the sergeant-at-arms of the delegates, by delegate number, within their assigned areas.
 - c. A request for a standing roll call vote must be made before another motion is put forward by the presiding officer.
 - d. The presiding officer may call for a show of hands, a standing vote or a roll call vote at his/her discretion.
 - e. On a standing vote or a roll call vote, the presiding officer shall direct the sergeant-at-arms to instruct all members who are away from the Delegate Assembly floor to return for the vote.
 - f. At the discretion of the presiding officer, a motion before the Delegate Assembly may be set aside until all delegates have been given an opportunity to return to the floor.
- 4. Candidate Election Protest Procedure
A candidate for Association office may protest an election for that office at the general session of Delegate Assembly. The protestor shall:
 - a. Seek recognition of the presiding officer, prior to recess on the day the elections are held, for presentation of the protest.
 - i. Specifically explain the irregularity or procedure violated.
 - b. The presiding officer shall immediately rule upon the protest and if the protestor or any candidate for that office disagrees with the ruling, he/she may challenge the ruling of the chair. The presiding officer shall immediately take appropriate action to enact the decision of the Delegate Assembly.
 - c. An appeal from the decision of the chair; is in order, requires concurrence of 10 members and is debatable. A motion to sustain the decision of the chair is adopted by a majority or a tie vote.
- 5. Motion to Suspend Rules
A motion to suspend a Delegate Assembly rule is in order on all matter before the house except on those involving an amendment to the Bylaws, provided the maker of the motion states the purposes for which the suspension is requested. The motion must be seconded, is not amendable, is debatable only to the question of the suspension and not to the merits of the question to be considered under the suspension, and requires a three-fourths vote.
- 6. Elections
 - a. After the nominations for all offices have been closed, the presiding officer shall call for a motion to declare elected any un-opposed candidate for an office. The Secretary shall cause the record to report the candidate as elected.
 - i. No other business shall be conducted during the balloting period for Corporation Directors and officers.
 - ii. All delegates must be seated at their designated locations and all entrances to the Delegate Assembly floor shall be secured from the time

of distribution of the ballots until all ballots have been presented to the Election Tellers Committee.

- b. The election shall be conducted in accordance with procedures established by the Board of Directors.
7. Appeals from the decision of the Chair
An Appeal from the decision of the chair; is in order, requires concurrence of majority of members present and is debatable. A motion to sustain the decision of the chair is adopted by a majority or a tie vote.
 8. Campaign/Electioneering Material
All campaign/electioneering material including posters, banners and other forms displayed material is not allowed in the area or in any location where it could be observed by delegates while they are in session **(ACSS Bd 10/23/11)**
 9. Rules of Order
The Bylaws, these rules, Roberts Rules of Order, latest edition, in order of priority stated, constitute the rules during the session.
 10. Smoking/Alcoholic Beverage Rule
Smoking and/or consumption of alcoholic beverages shall be prohibited on the floor of the Delegate Assembly.

204.00 Reports of the Delegate Assembly (ACSS Bd 10/23/11)

The report of the Delegate Assembly may be published in two segments to minimize publication costs and shall include, but not be limited to, the following: **(ACSS BD 10/23/11)**

- A. Reports of the officers;
- B. Corporation financial statement;
- C. A record of disposition of adopted resolutions, when appropriate, indicating whether each resolution was incorporated in Bylaws or Operating Policy and Procedure;
- D. A text of rejected resolutions, with the reason for rejection;
- E. The action taken on all resolutions not rejected by the previous Delegate Assembly;
- F. The status of significant legislation before the current legislature.

205.00 Delegates to the Delegate Assembly

205.01 Dues to be paid prior to attendance at the Delegate Assembly

Delegate Assembly delegates and alternates shall have their current dues paid prior to being seated as delegates to the Delegate Assembly.

205.02 Delegates Folder

The Delegates folder shall include at least the following:

- A. A section describing the action taken on all resolutions not rejected by the previous Delegate Assembly.
- B. A section reporting on the status of significant legislation before the current legislature;
- C. A section containing the report of the secretary-treasurer;
- D. A section containing a list of all members of the Delegate Assembly;

- E. A section containing Delegate Assembly subject committee reports;
- F. A section containing Board of Directors and standing committee reports;
- G. A section containing resolutions before the current Delegate Assembly;
- H. A section containing rules from the preceding Delegate Assembly and/or proposed amendments to the rules.
- I. A section containing staff reports. **(ACSS Bd 7/13/08)**

206.00 Delegate Assembly Standing Committee (ACSS Bd 4/16/94; 7/13/08)

- A. The function of the Compensation, Benefits Improvement and Protection Committee is to provide full consideration to resolutions and motions referred to the committee on matters within its scope, including, but not limited to, compensation, benefits, and conditions of employment, career opportunities and employment rights.
- B. When Delegate Assembly Resolutions are referred by the Resolutions Screening Committee, the Compensation, Benefits Improvement and Protection Committee is responsible for hearing testimony and reviewing factual documents from delegates and members, then making a recommendation either for or against approval of any subject that is appropriately considered by the committee. Resolutions that are recommended by the committee are then voted on for or against adoption by the entire ACSS Delegate Assembly according to its Rules of Procedure.
- C. It is the intent of the Compensation, Benefits Improvement and Protection Committee to encourage members to submit Delegate Assembly Resolutions that identify the most important compensation/rights issues so they may receive maximum exposure and the support needed to accomplish unified objectives. It is also the intent of the committee to encourage resolution proponents to carefully research the subject, present a factual basis for the resolution and an estimate of the number of employees affected by the subject resolution. **(ACSS Bd 7/20/02)**

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301.08 Nominations from the Floor

During the chapter meeting, and after the Nominations Committee has completed its report, nominations from the floor are in order.

301.09 Election of Un-opposed Candidates

After nominations have been closed, the presiding officer shall call for a motion to declare elected any unopposed candidates for chapter office. All delegates must appear on the formal ballot in the April election, even if running unopposed.

301.10 Introduction of Candidates

After the nominations for elective chapter offices and Delegate Assembly delegates have been closed, the presiding officer shall introduce the candidates and encourage them, or their sponsor, to express their qualifications, experience and ability to serve if elected. **(ACSS Bd 7/20/02)**

301.11 Responsibilities

- A. By March 1, in the year of Delegate Assembly, each chapter president shall notify headquarters office of the candidates for elective office within their respective chapters including unopposed candidates. **(ACSS BD 7/20/02;10/23/11)**
- B. By March 10, in the year of Delegate Assembly, headquarters office shall send to each member of chapters failing to report nominations for all available offices an open letter inviting them to run for still vacant chapter offices. Included with the letter shall be a consent form, a list of vacant chapter offices, information regarding candidate statements and a description of the duties of each vacant office. **(ACSS Bd 7/20/02;10/23/11)**
- C. By March 10, in the year of Delegate Assembly, headquarters office shall notify each candidate for chapter office other than those specified in (B) above that their nominations have been received. **(ACSS Bd7/20/02; 10/23/11)**
- D. All chapter nomination forms distributed under (B) above must be received in headquarters office no later than 5 p.m. March 25.

301.12 Ballots

- A. Ballots shall be mailed by the Headquarters office no later than April 20, in the year of Delegate Assembly, to each active member in good standing, by first-class mail and shall comply with the following rules: **(ACSS Bd 7/20/02; 10/23/11)**
 1. The positions to be filled by the election shall be shown;
 2. The order of the candidate's names on the ballot for each office shall be determined by lot;
 3. Each candidate shall be identified by name and classification;
 4. There shall be no write-in candidates;
 5. The number of candidates to be elected for each office shall be shown;
 6. First-class return postage shall be used for elections;

- B. The following voting instructions and information shall accompany each ballot either on a separate sheet or on the ballot: **(ACSS Bd 7/20/02)**
1. Vote for the number of candidates to be voted for;
 2. Instructions to place signature and print name in the designated location on the envelope;
 3. To be valid, ballots must be received in headquarters by 5:00 p.m., May 20 in the year of Delegate Assembly. If May 20 falls on a Saturday or Sunday the deadline will be the first working day following; **(ACSS Bd10/23/11)**
 4. Plurality is required to elect, a tie shall be broken by lot.
 5. Election protests must be in writing and received in Association headquarters by 5:00 p.m., June 10, in the year of the Delegate Assembly. **(ACSS Bd 10/23/11)**

301.13 Retention of Ballots

The ACSS Executive Vice-President shall be responsible for retention of all election materials until the close of the Delegate Assembly. **(ACSS Bd 1/15/94)**

301.14 Duplicate Ballots

Headquarters shall keep a supply of ballots (with envelopes clearly marked "duplicate") for distribution to members who do not receive ballots.

301.15 Computation of Election Results

Under direction of the ACSS Executive Vice-President, Headquarters office shall verify the validity of all returned ballots according to the following principles:

- A. Absence of the signature in the designated location voids the ballots;
- B. If ballot irregularities go to the essence of the entire ballot, the ballot shall be invalidated;
- C. Where Corporation policy is silent; the ACSS Vice-President shall be authorized to take appropriate steps consistent with public election laws in the computer counting of ballots. In the event of a tie vote, the ACSS Vice-President shall resolve the tie by lot in the presence of witnesses. **(ACSS Bd 1/15/94)**

301.16 Notification of Election Results

By May 30, in the year of Delegate Assembly, the ACSS Executive Vice-President shall cause the election results to be sent to each candidate and the appropriate Chapter President except for any office where an appeal has been filed.

No election results shall be released prior to the candidate notification. General publication of the election results shall be released no sooner than two (2) working days later. **(ACSS Bd 1/15/94; 7/20/02; 10/23/11)**

301.17 Recounts

Upon written request from any candidate during the protest period, headquarters office shall cause an immediate recount of ballots for that office. No further recount shall be required unless it is requested through the election protest procedure.

301.18 Installation of Chapter Officers

Prior to June 30, in the year of Delegate Assembly, the Chapter Presidents shall provide for the installation of the chapter officers-elect and official recognize the Delegate Assembly delegates-elect. Chapter officers-elect shall be sworn into office at Delegate Assembly or as soon as possible thereafter. **(ACSS Bd 7/20/02; 10/23/11)**

301.19 Filling of Vacancies

The Chapter Bylaws under Section 2.1.7(D) Filling of Vacancies shall provide a method for filling vacancies in chapter offices and in its delegates to the Delegate Assembly. **(ACSS Bd 7/20/02)**

302.00 Election Protest Procedure**302.01 Written Protest**

Election protests, to be valid, shall be filed in writing with the ACSS President and received in Association Headquarters by 5 p.m., June 10th, in the year of Delegate Assembly. The incumbent in the protested office shall remain in office until the protest is decided. If there is no incumbent, the office shall remain vacant. **(ACSS Bd 1/15/94; 4/25/98; 9/15/00; 7/20/02; 10/23/11)**

302.02 Appointment of Election Protest Hearing Committee

The ACSS President, within 10 calendar days of receipt of an election protest(s), shall appoint committee(s) of three (3) non-candidate members to investigate all timely appeals. These committee(s) must have the hearing(s) within 30 calendar days of appointment. **(ACSS Bd 1/15/94)**

302.03 Election Protest Hearing

In hearing the election protest the hearing committee shall:

- A. Contact all persons known to be involved and request all information pertaining to the protested election(s) to be assembled for review;
- B. Review all material used in the election procedure relevant to the protest;
- C. Hold an open meeting for the purpose of hearing the protest. The protestor and all other persons known to be involved shall receive timely notice of the open meeting, and shall be afforded an opportunity to present information in person or in writing. If the investigation is completed at the open meeting, an oral report of findings and recommendations may be given.
- D. Within 10 days of the close of the hearing, the hearing committee shall report its findings to the ACSS President and the protestor. The findings and recommendations of the appropriate hearing committee, when adopted by the Board of Directors, shall be final and binding on the parties **(ACSS Bd 1/15/94)**

302.04 Re-election Process

- A. Upon order of the Board of Directors for re-election, headquarters office shall, within 10 days, notify all interested parties in writing of the specific action of the Board of Directors.
- B. The chapter representative on the Board of Directors shall be responsible for carrying out the directive of the Board of Directors. **(ACSS Bd 10/23/11)**
- C. All reelections, unless otherwise specified by the Board of Directors, shall be completed no later than 60 days after the Board of Director's decision.

302.05 Retention of Office

Upon the filling of an election protest, the incumbent(s) in the protested office(s) remain(s) in office until the completion of the Board of Directors' action on the protest, including re-elections, if ordered.

303.00 Election of Delegates

The election of Delegates to ACSS Delegate Assembly shall be accomplished in accordance with the provisions established in the Bylaws, Article 5, Section 5.3. This provision establishes the election date at not more than 180 days prior to Delegate Assembly. The election of Delegates to CSEA General Council shall be held simultaneously and in conjunction with the election of ACSS Delegates to Delegate Assembly. Because of the concurrence of the two elections, the timing for General Council Delegate elections is controlled by the ACSS Delegate Assembly Delegate elections.

303.01 Number of Delegates to ACSS Delegate Assembly

Bylaws Article 5.2 (a) establishes the number of Delegates to ACSS Delegate Assembly at one for each 200 members per chapter. Delegate count is determined by a major portion on the one per 200 count that is, a Chapter with 300 members is entitled to one Delegate, and a chapter with 301, or more, members is entitled to two Delegates.

(ACSS Bd 7/20/02)

303.02 Number of Delegates to CSEA General Council

Bylaws Article 9.3(a) establishes the number of delegates to CSEA General Council at one for each 200 members per chapter. **(ACSS Bd 7/20/02)**

303.03 Dual Role of ACSS Delegates as General Council Delegates

It is the intention of the ACSS Delegates that the Delegates for General Council and the Delegates for Delegate Assembly be the same. Therefore, all Delegates to Delegate Assembly will also be Delegates to General Council.

303.04 Election Process for Delegates

The election process for Delegates to ACSS Delegate Assembly and CSEA General Council shall be one in the same election. The provisions for the election shall be as specified in Bylaws Article 5, Section 5.3.

- A. Selection of Delegates to ACSS Delegate Assembly
Candidates running for delegate shall be considered as a candidate for General Council Delegate and as a candidate for ACSS Delegate Assembly. The candidate(s) who amass the greatest number of votes shall be elected as Delegate(s) to the ACSS Delegate Assembly based upon one Delegate for each 200 chapter members or major fraction thereof. The candidate(s) who amass the greatest number of votes shall be elected as Delegate(s) to the CSEA General Council based upon one Delegate for each 100 chapter members or major fraction thereof. The election and ballot shall be one in the same. If a Chapter is entitled to two Delegates to Delegate Assembly and four Delegates to General Council, the candidates with the highest number of votes and the second highest number of votes shall be elected Delegates to Delegate Assembly. The first two candidates with the highest number of votes shall also be elected as Delegates to General Council. The candidates with the third and fourth highest number of votes shall be elected as Delegates to General Council.
- B. Selection of Delegates to CSEA General Council
Candidates running for Delegate shall be considered as a candidate for General Council Delegate and a candidate for ACSS Delegate Assembly. The

candidate(s) who amass the greatest number of votes shall be elected as Delegate(s) to the ACSS Delegate Assembly based upon one Delegate for each 200 chapter members or major fraction thereof. The candidate(s) who amass the greatest number of votes shall be elected as Delegate(s) to the CSEA General Council based upon one Delegate for each 100 chapter members or major fraction thereof

C. Selection of alternates to ACSS Delegate Assembly

The candidates by chapter with the highest number of votes at the ratio of one to 200 members per chapter shall be elected as Delegates to the ACSS Delegate Assembly. The alternates will be those candidates with the highest number of votes in order of the votes cast after the determination of the Delegates. The alternates to Delegate Assembly shall be deemed elected as Delegates to CSEA General Council by virtue of their total votes obtained. The election process will be in accordance with the provisions of Bylaws Article 5, Section 5.3. The number of alternates is determined in the Bylaws, Article 5, Section 5.2 (c).

D. Selection of Alternates to CSEA General Council

The candidates by chapter with the highest number of votes at the ratio of one to 100 members per chapter shall be elected as Delegates to the CSEA General Council. The alternates will be those candidates with the highest number of votes in order of the votes cast after the determination of the Delegates. The election process will be in accordance with the provisions of Bylaws Article 5, Section 5.3. The number of alternates is determined in the Bylaws, Article 5, Section 5.2).

304.00 Election of Directors

304.01 Nominations Committee

Commencing on April 1, 2003 and in the year of Delegate Assembly thereafter, a Nominations Committee consisting of the ACSS President, all past ACSS presidents who remain members in good standing, and five members appointed by the ACSS President shall meet to select candidates for all Director positions. The Nominations Committee shall meet to select candidates for all positions on the Board of Directors. The Nominations Committee shall select, no later than June 30, at least 15 qualified candidates who are willing to serve if elected, at least two of whom are willing to serve as the elected representatives of the Supervisors' class of CSEA on the CSEA Board of Directors. **(ACSS Bd 1/15/94; 4/25/98; 4/15/00; 10/23/11)**

304.02 Report of Nominees

The Nominations Committee shall report to the Board of Directors no later than June 30 in the year of Delegate Assembly. The Board of Directors shall review the report, make any changes to the list of candidates which it deems advisable, and authorize publication of the names and qualifications of the nominees no later than 90 days before the date the election is to be held. The Vice President shall thereupon forward to each person, entitled to receive notice, the notice of such meeting and other information required by Bylaws Sections 5.5 and 6.13(b). **(ACSS Bd 10/23/11)**

304.03 Nominations by Delegates

Delegates representing at least two percent (2%) of the active members may place in nomination the name of one candidate for Director for each position to be filled. If any nominations are made in writing to the Secretary more than 30 days before the meeting at which Directors are to be elected, the Secretary shall cause the names of such qualified nominees to be placed on the ballot along with the names of those candidates selected by the Nominations Committee and/or Board of Directors.

304.04 Nominations from the Floor

Delegates to the Delegate Assembly may place in nomination the names of candidates for each position to be filled. Ballots shall have a space for writing in the names of candidates nominated from the floor.

304.05 Term of Office

The term of office of Directors shall be for three years. (ACSS Bd 4/25/98; 7/20/02; 10/23/11)

305.00 Election of Officers of Corporation

305.01 Time of Election

Election of officers shall be held following the election of Directors. (ACSS Bd 10/23/11)

305.02 Nominations

The elected Directors shall elect the Corporation officers from among their number following standard nomination procedures.

305.03 Secret Ballot

The election of the Corporation officers shall be by secret ballot.

305.04 Term of Office

The term of office of Corporation officers shall be for three years. (ACSS Bd 7/20/02; 10/23/11)

305.05 Vacancies

Vacancies shall be filled by a majority vote of the Directors then in office.

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SECTION 4: ACSS REPRESENTATION POLICY

401.00 Scope of Representation

Representation is the means by which ACSS makes its resources available in accordance with the ACSS Policy File to ensure a fair and full review of any infringement of its members' rights and to obtain for them the full realization of any and all benefits to which they may be entitled by reason of being a state excluded employee. The access to and/or use of any attorney by any ACSS member will be afforded only at the discretion of the ACSS Executive Board. **(ACSS Bd 1/20/07; 10/23/11)**

401.01 Merit-Related and Government Code-Related Matter (ACSS Bd 10/23/11; 5/2/15)

The ACSS policy is to provide formal representation only in merit-related and Government Code-related matters within the scope of the following definitions:

- A. "Merit-related" means matters that are within the exclusive jurisdiction of the State Personnel Board.
- B. "Government-Code related" means protections and benefits afforded employees by Title 2 of the California Code of Regulations and the laws governing the California State Civil Service System. Including matters under the jurisdiction of the California Department of Human Resources.
- C. "Formal Representation" means representation provided by specially trained staff members assigned to ACSS. **(ACSS Bd 1/20/07)**
- D. "Appeals Body" as used herein applies to any group elected or appointed to hear appeals of staff representation decisions.

401.02 Court Representation (ACSS Bd 10/23/11; 5/2/15)

Representation in court is not automatically afforded unless approved by the ACSS Executive Board. Representation in individual civil lawsuits is also not provided unless it comes within the scope of representation set forth in Section 401.01(a) and (b) and is approved by the ACSS Executive Board. **(ACSS Bd 1/20/07)**

401.03 Workers Compensation and Whistleblower Matters (ACSS Bd 10/23/11; 5/2/15)

Representation is not provided in workers compensation matters, whistleblower retaliation claims, or any matter for which ACSS representation is sought but deemed too complex, costly or time-consuming, unless otherwise determined by the ACSS Executive Board **(ACSS Bd 1/20/07)**

402.00 Representation Rights and Limitations

The right of representation by ACSS is subject to both the financial ability of ACSS and to such specific limitations as may be imposed by ACSS. The right to representation is further subject to a formal request for representation and an initial review of the matter by ACSS. **(ACSS Bd 1/20/07; 10/23/11)**

402.01 Representation Limitations (ACSS Bd 10/23/11; 5/2/15)

ACSS will provide representation within the limitations set forth in this policy to ACSS members based upon their status as follows:

- A. Active members in good standing have the full right to good faith representation in any employment-related matter, subject to the limitations set forth in Section 401.01 (a) and (b) by ACSS' designated representative, including legal counsel,

subject to the discretion of the ACSS Executive Board, without charge therefore.
(ACSS Bd 1/20/07)

- B. Associate members of ACSS shall not be entitled to representation unless they are associate members as defined in Article 3, Section 3.2(b)(3) and (b)(4) and are in good standing as defined in Article 3, Section 3.3 **(ACSS Bd 10/7/05)**

402.02 Late Joiners

Representation will not be provided to late-joiners who knew or could reasonably be expected to know that events occurring prior to the date of their application for membership in ACSS had the potential to have adverse consequences requiring representation, except as provided by Section 4, 402.03. **(ACSS Bd 1/15/94; 10/23/11; 5/2/15)**

402.03 Exception to Late Joiners (ACSS Bd 10/23/11)

Representation of a late-joiner will only be undertaken if a favorable result would benefit ACSS members or establish precedent favorable to excluded employees. The determination to represent a non-member rests with the ACSS Executive Board of Directors. **(ACSS Bd 1/20/07; 10/23/11)**

402.04 Approval or Disapproval of Representation (ACSS Bd 10/23/11)

ACSS has the right to make fair and impartial decisions as to the merits of a particular request for representation, including, but not limited to decisions:

- A. Whether to undertake representation;
- B. Whether to discontinue representation at any time;
- C. Whether to recommend that a matter be settled prior to exhaustion of the applicable administrative procedures;
- D. Whether to refused to continue representation in the event that its recommendation of settlement is not satisfactory to the employee;
- E. Whether to seek judicial relief and redress for a particular matter, including but not limited to whether that relief is in addition to or in lieu of representation through any or all of the available administrative procedures; **(ACSS Bd 4/19/97)**
- F. Whether to discontinue its representation in judicial proceedings at any point prior to their exhaustion;
- G. Whether to discontinue its representation in the event that the member is found to be uncooperative or has withheld or misrepresented facts;
- H. Whether to utilize an ACSS attorney to represent the interests of a member.
(ACSS Bd 1/20/07)

403.00 Types of Representation

Representation consists of either services or indemnity or both.

403.01 Services Rendered (ACSS Bd 10/23/11)

Services consist of advice, counsel and assistance rendered by competent and qualified persons, and may include investigation, negotiation and settlement as well as appearances before administrative, judicial or legislative tribunals.

403.02 Indemnity (ACSS Bd 10/23/11)

Indemnity consists of money payment in reimbursement of either a portion of or all actual and necessary representation costs up to the amount of the fiscal limitations set forth in Section 5, 502.04 and 503.05. ACSS will not indemnify anyone for costs or expenses incurred without prior written authorization from either the representation appeals committee or the board appeals committee. No indemnification monies will be paid absent written documentation consisting of both a detailed billing statement and the work performed, including but not limited to copies of any documents filed with a judicial, administrative or legislative tribunal. ACSS does not provide indemnification unless the member has first sought formal representation and/or review by an ACSS Labor Relations Representative or other specially trained member of the ACSS Staff. **(ACSS Bd 1/20/07)**

404.00 Representation before Licensing or Examining Boards

ACSS does not normally provide representation before licensing or examining boards but may provide such representation if the following conditions are satisfied:

- A. The individual seeking representation faces revocation or suspension of his/her license and such license is a condition of employment; **(ACSS Bd 10/23/11)**
- B. The license or certificate is sought to be revoked or suspended because of conduct which occurred in connection with the individual's employment; and **(ACSS Bd 10/23/11)**
- C. The representation is specifically approved by ACSS. **(ACSS Bd 10/23/11)**

405.00 Requests for Formal Representation

All requests for formal representation shall be accompanied by a form signed by the individual requesting representation which: **(ACSS Bd 10/23/11)**

- A. Certifies that he/she is a member in good standing and was such prior to the time the matter involved first arose;
- B. Acknowledges that ACSS may review the case for merit before representation is undertaken;
- C. Acknowledges that no representation in court proceedings will be undertaken unless approved by ACSS;
- D. Authorizes disclosure of information concerning the case to the appropriate appeals body of ACSS in the event an appeal is taken to such body;
- E. Acknowledges that ACSS will be the exclusive representative and that if any other representative is retained, ACSS shall thereby be relieved of any representational obligation. **(ACSS Bd 1/20/07)**
- F. Acknowledges that ACSS will not grant requests for indemnification unless an ACSS labor relations representative or other specially trained member of the ACSS staff has first reviewed the matter. **(ACSS Bd 1/20/07)**
- G. Use of an attorney will be at the discretion of the ACSS Executive Board.

406.00 Denial of Representation

It is ACSS' general policy to deny representation through notification via U.S. Postal Service certified mail on the following grounds:

406.01 Unapproved Actions

ACSS may deny representation with respect to disciplinary action arising from inappropriate work place behavior, insubordinate behavior, or any other pattern of behavior or conduct deemed inappropriate by the employer's written work rules. **(ACSS Bd 1/20/07)**

406.02 Best Interest of ACSS

ACSS shall not provide representation that would conflict with the best interests of ACSS or would require ACSS or its staff to take a position in any manner inconsistent with established positions or policies of ACSS. **(ACSS Bd 4/19/97)**

406.03 Conflict of Interest

ACSS shall not provide representation services that would result in a conflict of interest for ACSS staff, or a conflict of interests between ACSS members on the same matter. Indemnity for representation costs may be authorized if prior approval is obtained from ACSS. **(ACSS Bd 1/20/07)**

406.04 Lack of Merit

ACSS may deny representation in matters that appear to lack factual or legal merit.

406.05 Other Representation

ACSS shall deny representation when it determines that an individual has another representative in the same matter.

406.06 Late Joiner

Representation may be withheld from a member who knew or could reasonably be expected to know that events occurring prior to the date of his or her application for membership in ACSS had the potential to have adverse consequences requiring representation. **(ACSS Bd 1/20/07)**

406.07 Failure to Pay Dues

Representation will not be provided to those active or associate members who are not in good standing as defined in Article 3, Section 3.3. ACSS shall deny representation to members who have not paid their dues at the rate that exists just prior to their separation from state service and/or commencement of ACSS' representation of them. **(ACSS Bd 10/7/05; 1/20/07)**

406.08 Refusal of Settlement

Representation may be denied if an ACSS recommended settlement is refused by the member being represented. **(ACSS Bd 7/13/08)**

406.09 Failure to Cooperate

Representation may be denied if ACSS determines that the member is uncooperative or has withheld or misrepresented facts or information pertinent to his/her representation. **(ACSS Bd 7/13/08)**

406.10 Procedures for Denial of Representation

A denial of representation shall be submitted to the member in writing and delivered via U.S. Postal Service regular mail by the ACSS labor relations representative assigned to the particular case. Each labor relations representative shall include in his or her denial letter the grounds for denial of representation, including a reference to the applicable section(s) of the ACSS Policy File, and the process for filing an appeal. Each labor relations representative shall also provide a copy of his or her denial letter to the ACSS

President, ACSS Executive Officer, ACSS attorney and the Chapter President for the denied member and U.S Postal Service certified mail with proof of service **(ACSS Bd 1/20/07; 7/13/08; 5/2/15)**

407.00 Review of Decisions

Matters for which ACSS staff has denied representation may be reviewed in accordance with Section 5: Member Representation Appeals. **(ACSS Bd 1/15/94; 4/19/97; 5/2/15)**

408.00 Attorney-Client Relationship

ACSS does not practice law nor solicit matters requiring legal services. It does employ staff attorneys whose services are made available in accordance with representation policy. ACSS may authorize representation, but having given such authorization will not thereafter interfere in the attorney-client relationship so established unless authorized by the client.

409.00 Function of Chapters

Chapters should inform their members of the fact that representation is available for those who express a need for such help. **(ACSS Bd 10/23/11)**

Chapters should inform their members about the person to whom grievance problems are to be referred. (ACSS Bd 10/23/11)

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Section 5: MEMBER REPRESENTATION APPEALS

501.00 Representation Appeal

Any member or member's designee may appeal a staff decision to deny a request for representation in adverse actions and all other matters within the scope of representation or a staff decision to discontinue representation. **(ACSS Bd 4/19/97; 7/13/08; 10/23/11)**

An appeal must be filed within ten calendar days of proof of service of the denial. An appeal is deemed filed when it is received by ACSS at the address below. **(ACSS Bd 4/19/97; 7/13/08; 10/23/11)**

The appeal must be in writing stating whether the appellant is seeking staff services or indemnification as set forth and defined by this Policy. The appeal shall be addressed to the ACSS President, in care of Association Headquarters, Attention: ACSS, 1108 'O' Street, Suite 400 Sacramento, CA 95814. **(ACSS Bd 4/19/97; 7/13/08; 10/23/11; 5/2/15)**

502.00 Structure (1st Level)

502.01 Representation Appeals Panel (ACSS Bd 10/23/11)

- A. A first level representation appeals panel consisting of three ACSS members shall be selected to each first level appeal. The panel members may vary with each hearing but should be selected from the geographical area within which the individual lives or works. **(ACSS Bd 1/20/07; 10/23/11)**
- B. Each chapter shall compile a list of names of those members who desire to serve on the representation appeals panel and submit this list to ACSS Headquarters. This list shall be reviewed annually by the appropriate Chapters and changes submitted as required. **(ACSS Bd 1/20/07; 10/23/11)**
- C. Once an individual on this list has been asked to serve on a panel and agrees to do so, his or her name shall be moved to the bottom of that particular list to ensure: (1) that each person listed has been given an opportunity to participate, and (2) that the composition of the panel will continually change. **(ACSS Bd 1/20/07; 10/23/11)**
- D. Training for a representative panel member will be provided as necessary. **(ACSS Bd 10/23/11)**
- E. When an appeal is received at ACSS Headquarters, ACSS Headquarters shall refer to any individual chapter list located in the geographical area within which the individual lives or works and contact the appropriate members to create the three-person appeals committee. Upon creation of the appeals panel, the appeals panel shall convene, determine the merits of the appeal, and issue a decision within thirty (30) calendar days of receipt of the appeals request. **(ACSS Bd 1/20/07; 10/23/11)**
- F. In the event ACSS Headquarters is unable to assemble a three-person panel within thirty (30) days of notification of the request for an appeal, ACSS Headquarters will notify the individual requesting the appeal of this fact. At such time, the appeal will be placed in abeyance for an additional fifteen (15) days to secure an appeals panel. Once the appeal is placed in abeyance, ACSS headquarters may seek to create the three-person panel by drawing from members outside the individual's geographical area. Upon formation of the three-person panel, they shall have an additional fifteen (15) days within which to issue a decision. **(ACSS Bd 1/20/07; 10/23/11)**
- G. When an appeals panel has reached a decision on a particular appeal, the panel shall designate one member to draft the findings and conclusions of the committee to be issued to the member. **(ACSS Bd 1/20/07; 10/23/11)**

- H. Any decision issued by an appeals panel must be submitted via U.S. Postal Service regular mail to ACSS Headquarters for dissemination, with at least one original signature from a member of that particular panel on the document. **(ACSS Bd 1/20/07; 10/23/11)**

502.02 Call to Meetings

The representation appeals panel meets on an as needed basis at the call of the ACSS. **(ACSS Bd 4/19/97; 10/23/11)**

502.03 Appellate Body

Each representation appeals panel is a body whose agenda consists entirely of matters of members' appeals from decisions of the ACSS by which they have been denied representation and/or for requests for indemnification. **(ACSS Bd 10/23/11)**

A panel decision to uphold the staff denial of representation; or denial of a request for indemnification is further appealable to the second level representation appeals panel. A member granted indemnification by the first level representation appeals panel may also petition the second level representation appeals panel for more financial assistance than that granted by the first appeal panel subject to limitation set forth in Section 503.05. The appeal or petition must be filed in writing with the ACSS President at headquarters office within five (5) calendar days of proof of service of the decision of the first level hearing panel. **(ACSS Bd 7/20/01; 7/13/08; 10/23/11)**

502.04 Fiscal Limitations

The chapter member representation appeals panel may recommend granting financial assistance of up to \$1,000 per case to be paid by ACSS. **(ACSS Bd 1/15/94; 7/13/08; 10/23/11)**

503.00 Structure (2nd Level)

503.01 Board Appeal Panel

The ACSS board appeals panel shall consist of three board members appointed by the ACSS President. Upon receipt of notification of an appeal of a decision of the first level hearing panel from ACSS Headquarters, the board appeals panel shall convene, determine the merits of the appeal, and issue a decision within thirty (30) calendar days of notification of the appeal. **(ACSS Bd 1/20/07; 10/23/11)**

Any decision issued by a board appeals panel must be submitted to ACSS Headquarters for dissemination via U.S. Postal Service First-class mail, with at least one original signature from a board member of that particular panel on the document. **(ACSS Bd 1/20/07; 7/13/08; 10/23/11)**

503.02 Scope of Authority

The ACSS Board Appeal Panel shall have the authority to hear individual representation appeals at the second level and have final authority to act for the ACSS Board of Directors. **(ACSS Bd 4/19/97)**

503.03 Call of Meetings

The ACSS Board Appeal Panel shall meet at the call of the chairperson who shall be appointed by the president.

503.04 Appellate Body

The ACSS Board Appeal Panel is the appellate body whose function is to represent the ACSS Board in reviewing members' appeals from actions taken by the chapter representation appeals panel. **(ACSS Bd 10/23/11)**

The ACSS Board Appeal Panel may sustain, modify or set aside the decision of ACSS staff or the first level panel with direction to take action in accordance with the findings and conclusions of ACSS. There shall be no further review or appeal of the action taken by the ACSS Board Appeal Panel and that its decision shall be deemed final when rendered. **(ACSS Bd 7/20/01)**

503.05 Fiscal Limitations

The ACSS Board Appeal Panel may authorize additional indemnification in the amount of \$2,000 with an aggregate total expenditure not to exceed \$3,000 per case. **(ACSS Bd 7/13/08)**

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Section 6: ASSOCIATION EXPENSES

601.00 Persons Eligible for Reimbursement

601.01 Reimbursement on ACSS Business

The following persons may be reimbursed for expenses in connection with official business of the Association of California State Supervisors.

- A. Members of the ACSS Delegate Assembly.
- B. An alternate delegate from each chapter in the ACSS having only one delegate to the Delegate Assembly.
- C. Members of CSEA General Council, if held. **(ACSS Bd 5/2/15)**
- D. Members of the ACSS Board of Directors.
- E. Members of ACSS committees, Ad Hoc committees and advisory groups. Reimbursement for expenses from the Corporation for attendance at Board meetings will be limited to Board-directed business **(ACSS Bd 4/15/00)**
- F. Other members of the ACSS assigned by the President to perform duties benefitting the ACSS.
- G. Members of ACSS or CSEA staff.
- H. Consultants.

602.00 Processing of Expense Claims

602.01 Necessary Expenses

The most economical use of ACSS and chapter funds, consistent with the convenience of the claimant and the schedule for the meeting, is the standard to be used in determining whether expenses claimed are "necessary." In review, the Secretary/Treasurer shall include mode of travel, needed lodging and meals in relation to necessary time of departure and return. **(ACSS Bd 5/2/15)**

602.02 Committee Member Expenses

Committee members shall receive reimbursement from the Corporation as provided, limited to expenses incurred attending Committee meetings.

603.00 Limitations on Reimbursements

603.01 Expense Reimbursement Limits

Reimbursement for meal and travel expenses in excess of reimbursement limits is paid only with the approval of the secretary-treasurer or president. **(ACSS Bd 4/25/98; 4/15/00)**

604.00 Computation of Expenses

604.01 Meals

The daily meal allowance is \$55. Individual meal limitations are as follows: breakfast \$14, lunch \$16 and dinner \$25. **(ACSS Bd 7/16/94; 7/13/08; 5/2/15)**

- A. When meals are purchased for other persons authorized to claim meal expense, such persons must be listed on the expense claim.

- B. When meals are purchased for other than authorized persons, such persons must also be listed on the expense claim with receipts attached.
- C. Member of headquarters staff are authorized, when necessary, to claim meal expenses for other persons authorized to claim meal reimbursement. No receipt is necessary, but such persons must be listed by name and title. Meal expenses for other than authorized persons may be allowed when supported by:
 - 1. A complete explanation of the need for the exception.
 - 2. The names and business affiliation of the persons.
 - 3. Receipts for the meal expense.

604.02 Lodging

Lodging - the regular allowance is up to CalHR's published state rates for excluded employees plus tax per night or the negotiated rate. Lodging other than Delegate Assembly or General Council lodging shall not be allowed if residence is within 40 miles from meeting location, unless expressly authorized by the president. Only actual expense within the above limits is reimbursed and receipts are required. **(ACSS Bd 4/25/98; 7/13/08; 5/2/15)**

Lodging for Delegate Assembly or General Council shall be for the negotiated rate or less, based upon single occupancy by delegates. Only actual expense within the above limitations is reimbursed, and receipts are required. General Council delegates opting not to take lodging may claim \$15 a day, without receipts to cover mileage, parking and other incidental expenses.

Incidental expense for up to \$12 per day is allowed if lodging is involved. No receipts are required. **(ACSS Bd 7/13/08)**

604.03 Travel

Travel expense allowances are computed as follows:

- A. Common carrier – actual coach fare expense is reimbursed and receipts are required.
- B. Air porter – actual is reimbursed and receipts are required.
- C. Personal car – authorized use of a personal care is reimbursed at the current IRS standard mileage rate (rounded down to the nearest whole cent), shall not exceed the common carrier rate unless the common carrier would be reasonable inconvenient as determined by the President or Secretary-Treasurer. Under no circumstance can a member claim both the mileage reimbursement of a rental car and the expenses of a rental car. The number of miles traveled must be indicated; if more than one person eligible for mileage rates rides in the car, reimbursement will be allowed for only one claimant. **(ACSS Bd 7/17/05; 5/20/06)**
- D. Privately-owned or rented aircraft – authorized use of a privately-owned aircraft is reimbursed at the rate of 50 cents per statute mile, 30 cents per kilometer. Distance shall be computed on the basis of shortest air route from origin to destination, using airways wherever possible. Reimbursement for use of the rental aircraft will be for actual and necessary costs for such rental when substantiated by voucher. Reimbursement for rental aircraft is authorized only for the size and type of aircraft necessary to safely complete the trip. Reimbursement shall not exceed the common carrier rate unless the common

carrier would be reasonable inconvenient as determined by the ACSS Secretary-Treasurer. If more than one person eligible for travel reimbursement rides in the aircraft, the eligible reimbursement will be allowed for only on claimant. Authorization for use of the above aircraft will be granted only after receipt of a certificate of insurance from the member/pilot indicating that he/she has insurance sufficient to hold the Associate harmless from claims resulting from the operation of the aircraft.

- E. Parking – actual authorized expense is reimbursed but amounts in excess of \$9.00 per day require receipts. **(ACSS Bd 10/23/11)**
- F. Bridge and road tolls – actual expense is reimbursed and no receipts are required. **(ACSS BD 1/15/94)**
- G. Taxicab – taxi fares will be reimbursed only when no other transportation is practical or available or unless the taxi fare for several riders is less than the common carrier fare. Delegates to the General Assembly and General Council may not claim reimbursement for taxi fares.
- H. Telephone or internet access – actual expense is reimbursed when date and place are shown on the expense claim, but amounts in excess of \$1.00 require receipts. Telephone calls home associated with lodging may be claimed at \$2.50 per day without a receipt. **(ACSS Bd 1/21/07; 07/13/08)**

605.00 Entertainment

605.01 ACSS Officers (ACSS Bd 10/23/11)

Entertainment may be an authorized expense for ACSS officers when incurred in the performance of official business. The names and titles of persons for whom this type of expense is claimed, an explanation of expenses, and receipts must be included with the expense claim. When receipts are not available, that fact must be stated on the claim.

605.02 Other Members

Entertainment is not an authorized expense for delegates to the Delegate Assembly or General Council.

605.03 Management Staff

Expenses for approved legislative and administrative business activities involving entertainment of non-Association persons are authorized for headquarters management staff members whose assignments require such entertainment. The names and titles of persons for whom this type of expense is claimed, explanation of expenses, and receipt for entertainment expense, must be included with the claim. In the event it is impractical to list the names of each person in a sizeable group, the name and title of the main person in the group, the total number of persons, and the receipts will be sufficient.

606.00 Management Staff

All required information (date, location, signature, etc.) on the claim must be supplied by the claimant.

606.01 Deadline for Submission of Claims

- A. Expense claims may be submitted at any time, but no later than the calendar month following the date the expenditures were made.

B. Delegate Assembly and General Council claims not submitted within sixty days after the close of General Council shall be deemed untimely and the amount that was advanced:

1. To a member shall be immediately due and collectable (**ACSS Bd 7/13/08**)
2. To a board member shall be recovered from the board member's next travel expense account claim.

606.02 Requirement of Receipt

Deductions may be made from expense claims for any item which is not accompanied by the required receipt, authorization or explanation.

606.03 Expenses Paid by Others

When expenses are paid by another, that person's name must be indicated where the expenses would appear on the claim.

606.04 Reimbursement from Other Sources

No expense may be claimed which was reimbursed from any other source.

606.05 Travels from Delegates' Home to General Council

Travel to and from the delegates' home to Delegate Assembly and General Council is included in the delegate allowance. No claim should be made for travel to the Delegate Assembly, Board of Directors or committee meetings which normally precede General Council, unless a committee member is not a delegate to General Council and the appropriate claim is submitted.

606.06 Expenses of Spouse or Domestic Partner

Members of the ACSS Executive Committee may claim all reasonable and necessary out-of-pocket expenses of their spouse or domestic partner when attending meetings of the ACSS Board of Directors and Delegate Assembly or any other meeting which they are authorized to attend. (**ACSS Bd 1/12/08; 7/13/08; 5/2/15**)

606.07 Travel Companion

Members of the ACSS Board of Directors and Committee members who are accompanied by their spouse, significant other, or domestic partner to a Board of Directors meeting are entitled to reimbursement for the additional cost of a double room if any. Directors and Committee members are not entitled to any other expense reimbursements for travel companions. (**ACSS Bd 1/12/08; 7/13/08**)

606.08 Extraordinary Expenses

- A. Officers of the Association are reimbursed for all allowable expenses incurred in the performance of official business of the Association. In addition, they may claim all reasonable and necessary out-of-pocket expenses incurred in fulfilling the requirements of their office, subject to the approval of the president and secretary-treasurer.
- B. Delegate Assembly and General Council delegates and (alternate delegates as defined in Policy File Section 601.01(b)) are reimbursed only for actual authorized expenses necessary for attendance at the Delegate Assembly and General Council and related preliminary committee meetings.
- C. Claims for reimbursement of extraordinary expenses of delegates to the Delegate Assembly shall be submitted to the ACSS president for approval and

submission to the secretary-treasurer. Members of the ACSS Board of Directors shall submit claims directly to the ACSS secretary-treasurer for approval.

- D. Expenses resulting from assignment of members of the Delegate Assembly to a hotel/motel more than one mile distance from the Delegate Assembly location shall be approved by the ACSS president prior to submission to the secretary-treasurer.

606.09 Travel Advance

- A. A travel advance, in an amount not to exceed estimated expenses for one month, may be requested of headquarters. However, each advance must be fully accounted for before further advances can be issued.
- B. Headquarters office shall estimate expenses for members of the General Council and issue an advance check to each chapter for distribution to the delegates prior to their departure, the amount of the advance later to be deducted from the delegate's expense claim.

606.10 Exception to Expense Rules

- A. The ACSS secretary-treasurer may make exceptions to the rules in unusual circumstances. The secretary-treasurer shall require concurrence of the ACSS president prior to approval. **(ACSS Bd 10/23/11)**
- B. The Executive Director has authority to permit exceptions from the expense rules and standards for headquarters staff, but this approval must be in writing and attached to the expense claim. The Executive Director's approval of a continuing requirement for variance from the rules and standards may be obtained once in writing and filed with the accounting unit. **(ACSS Bd 5/2/15)**

607.00 Expenses of ACSS Executive Committee (ACSS Bd 4/25/98)

607.01 Reimbursable Expenses

ACSS Executive Committee members are reimbursed for allowable expenses incurred in: **(ACSS Bd 1/15/94; 4/25/98)**

- A. Attending ACSS Board of Directors meetings;
- B. Attending CSEA Board of Directors meetings
- C. Attending statewide committee meetings;
- D. Attending any other activities requiring ACSS participation.

608.00 Appeals

A claimant may appeal the deduction of any expense item from the expense claim, first to the ACSS officers through the ACSS president; if satisfaction is not received at that level, the claimant may appeal to the ACSS Board of Directors. **(ACSS Bd 4/25/98)**

609.00 Travel Accident Insurance

When on official ACSS business, members of the ACSS Board of Directors, committee members, chapter officers, delegates to the Delegate Assembly and General Council, and headquarters staff shall be covered by a master travel accident policy. The face amount, terms and conditions shall be determined by the CSEA Board of Directors and shall be the same for all persons covered. **(ACSS Bd 4/25/98)**

610.00 Paid Leave for ACSS Business

ACSS may authorize officers and members to request paid leave from their state jobs to perform ACSS business subject to prior approval of the President and subject to the availability of funds. Paid leave shall not ordinarily be granted for attendance at regular ACSS Board of Directors meetings. (**ACSS Bd 7/20/01; 10/23/11**)

Section 7: Chapter Grant

701.00 ACSS Chapter Grant

The ACSS Chapter Grant was established in order to assist those chapters that have special funding needs. The amount of funding will be determined by the written request from the chapter and availability of funds in the ACSS Chapter Grant. Any chapter may make a written request for funding, to carry out chapter business throughout the year. **(ACSS Bd 1/10/04; 7/13/08; 5/2/15)**

702.00 Required Chapter Grant Request Documentation

A written request for chapter funding must be presented to the ACSS Executive Committee. The Chapter must provide a copy of its proposed budget with an explanation on how the grant money will be used. The letter must provide the Executive Committee with pertinent information outlined below and shall include a request for immediate deposit of either all or part of the funds:

- A. Regularly scheduled meetings;
- B. Communication network;
- C. Membership recruitment program;
- D. Any other area of benefit

No later than December 31 of each year, the chapter shall provide the Executive Committee with an accounting of monies used from the Chapter Grant. **(ACSS Bd 5/2/15)**

If funding from the Grant is approved, progress reports of expenditures incurred and on- going activities shall be made quarterly. Failure to submit timely reports may result in curtailment of any additional funding. **(ACSS Bd 1/10/04; 5/2/15)**

703.00 ACSS Executive Committee

Requests for Grant funding will be screened by the ACSS Executive Committee. The Committee will review the Chapter's written request for funding and, if approved, will require chapters to submit quarterly reports on the chapter activities for which the funding was approved. **(ACSS Bd 1/10/04)**

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Section 8: ACSS FINANCING AND ACCOUNTING

801.00 Corporate Fiscal Accounting

801.01 Mission Statement

It is the stated mission of the Fiscal Committee to safeguard the assets of the ACSS Corporation at all times through periodic review of its financial statements and review of any extraordinary items which may impact its budget, as adopted, and to advise the Board accordingly. **(ACSS Bd 4/15/00; 7/13/08)**

801.02 Referral of Corporate Expenditures to Fiscal Committee

It is the ACSS corporate policy to refer non-budgeted expenditure items in excess of \$10,000 per item to the fiscal Committee for review and recommendation as to source of funds, impact upon current budget and impact on corporate reserves. **(ACSS Bd 7/13/08)**

It is important and good fiscal policy to always seek and receive fiscal review of significant expenditures for appropriateness, impact on corporate reserves and relevance to mission and purpose of the Corporation. Having the fiscal committee review all significant, unbudgeted proposed expenditures and recommend action to the Board will enhance the objectivity of such transactions.

It is the corporate policy to refer all corporate committee actions that result in the expenditure of general funds in excess of \$10,000 to the Fiscal Committee for review and recommendation to the Board for action. Time sensitive actions can be referred directly to the Board by the President. **(ACSS Bd 5/2/15)**

801.03 Budget Amendments

Article 10, Section 2 (b) of the ACSS Corporate Bylaws addresses Budget amendments. It was the intent of the drafters of the Bylaws that the budget be a working document and as such would require periodic modification during the course of any fiscal year. Section 10.2 (B) was incorporated into the Bylaws to accommodate such modifications. The drafters further intended that the modifications in line items within major categories of the budget could be made at the discretion of the Secretary/Treasurer. Modifications of the budget between major categories of the budget were at the discretion of the Board. Modifications of the budget which affected an increase in the total budget were at the discretion of the majority of the delegates.

802.00 Chapter Fiscal Policy

Section 7 of the ACSS Chapter Bylaws sets the parameters of the Chapter Financial reporting. The Corporation has arranged for the professional accounting staff at Headquarters to provide each chapter with the bookkeeping and accounting functions necessary to operate their chapter at no cost to the chapters. **(ACSS Bd 7/13/08; 5/2/15)**

802.01 Subordination of Chapters to Corporation

Article 4, Section 4.5 of the ACSS Bylaws clearly establishes the intent of the corporation to require each chapter to be "subject in all respects to the control of the Corporation". This subordination truly establishes the oversight control and the directive nature of the corporation.

802.02 Chapter Reporting Requirements

The Bylaws of each Chapter establishes that Chapter's reporting requirements under Section 7.1.2.

802.03 Sanctions for Failure of Chapters to Submit Financial Statements

Chapters which fail to prepare an annual budget by November 30 of the preceding year, which fail to have said budget ratified (adopted) by the chapter membership by December 15 of the preceding year, and which have not submitted the ratified budget to the Secretary/Treasurer by January 1 of the budget year, shall have their monthly stipend withheld until such time as all the budget documents are received in a satisfactory manner and accepted by the Secretary/Treasurer. **(ACSS Bd 7/13/08; 5/2/15)**

803.00 Chapter Record Keeping

In view of the many requirements and need for specific fiscal expertise in the chapter financial management, the Corporation has established a central accounting function in the Headquarters staff to assist and provide the Chapter Bookkeeping and Accounting functions. The professional accounting staff at Headquarters will provide timely, accurate, and supportive financial services for each chapter and shall file all necessary reporting records and reports. **(ACSS Bd 5/2/15)**

Section 9: ACSS MEMBERSHIP/WORKSITE LISTS

901.00 Availability of Membership Mailing lists

ACSS shall ensure that permitted use of its membership lists shall be for purposes consistent with its stated goals and organizational activities.

901.01 Definition of Lists

- A. Membership List – a membership list is a confidential list of names and addresses for all ACSS members in each chapter. Lists are printed and provided to the Chapter Presidents on a monthly basis (ACSS Bd 7/13/08)
- B. Worksite List – a worksite list is a list of both members and non-members by worksite in each chapter. Lists are printed on an annual basis and provided to the Chapter Presidents

902.00 Use of Membership/Worksite Lists

- A. The ACSS Board of Directors authorizes headquarters to disseminate by direct mail:
 1. Official publication and communications as directed by the Board or as required and budgeted for the normal business of ACSS;
 2. Official chapter communication within respective jurisdictions at cost of materials, labor and postage to the chapter requesting mail services.
 3. Information to the full membership or any portion thereof on matters relating to member benefits, including PERS-sponsored health programs. **(ACSS Bd 5/2/15)**
 4. Educational information with respect to ACSS' legislative program;
 5. Information with respect to the interest of an individual member as it applies to their candidacy for ACSS/Chapter Office.
- B. Any direct mailing will be reviewed as to context in conformity with all applicable policies.
- C. Chapters may utilize the names and addresses of their own members by requesting headquarters to provide them with addressed envelopes and/or sticker tapes for use in the conduct of official chapter business, the cost of which shall be borne by the chapter. Chapters may not receive mailing addresses for members of other chapters.
- D. The Executive Vice President may authorize the use of the appropriate membership list by headquarters to mail election material on behalf of an individual member. To be eligible for such a mailing, a member must apply for use of the membership list by submitting a written request to the Executive Vice President stating: **(ACSS Bd 5/2/15)**
 1. The purpose for the mailing, explaining how such a mailing is in the person's interest as a member;
 2. Specifying which members are to receive the mailing. A copy of the material to be mailed must accompany the request. A form to make such a request may be obtained from headquarters;
 3. The Executive Vice President shall verify that the member(s) requesting the mailing are dues paying member(s) in good standing. If not, the request will be denied; **(ACSS Bd 5/2/15)**

4. If any names are on the material to be mailed, those names of non-dues paying members shall be stricken and only the name(s) of dues paying members shall remain;
5. The request must be signed by the member(s) requesting the mailing; and
6. If denied, the member may appeal to the President.

The Executive Vice President will respond within ten business days as to whether the membership list can be used for the mailing and, if the use is authorized, the print shop shall also be notified. In making this determination, the Executive Vice President shall act in accordance with applicable law.

When notifying a member that use of the membership list is approved, the Executive Vice President will advise the member of the estimated cost the services required to do the mailing on the member's behalf. This cost will be the actual cost of the services, by either first class mail or by pre-sorted standard mail at the member's option. The member(s) must deliver the materials to ACSS Headquarters already prepared for mailing and must pay for the services in full prior to the mailing. The check or other proof of payment received for the services shall be copied and the copy shall be attached to the work order. **(ACSS Bd 5/2/15)**

- E. All mailings under this section shall have the following statement prominently displayed on the outside of the mailer at no less than 14 point bold print on the bottom or along the side margin of the materials being mailed, and the return address must be the home address of the person requesting the mailing: "THIS MATERIAL IS NOT PAID FOR OR ENDORSED BY ACSS." **(ACSS Bd 7/17/04)**

903.00 Improper use of Membership/Worksite lists

- A. Membership lists shall not be used for:
 1. Dissemination of information which is contrary to provisions of CSEA's Bylaws or aimed at opposing any program endorsed or sponsored by General Council or the CSEA's Board of Directors or the approved policies of the Association.
 2. Dissemination of information which is contrary to provisions of ACSS' Bylaws or aimed at any program endorsed or sponsored by Delegate Assembly or the ACSS Board of Directors or contrary to the approved policies of ACSS.
 3. Sales, loan or gift to any person or organization.
 4. Subject to the provisions of the California Corporation code, CSEA's Bylaws and Policies, membership lists shall not be given to anyone without permission of ACSS' Board of Directors.
 5. Solicitation for or opposition to the candidacy of any member other than yourself for any election position in ACSS, except as provided in ACSS Policy File.
- B. The Chapter President is responsible for the proper use of the membership lists when distributed to the chapter pursuant to Section 901.00, 901.01 and 902.00 above.
- C. ACSS will hold individuals liable for the misuse of membership lists and/or unauthorized release of the information contained in the membership lists. In the event of any legal action against the Association for any type of allegations based on misuse of the membership list information and/or the unauthorized release of the information contained on those lists, ACSS reserves the right to deny legal representation. Furthermore, ACSS reserves the right to take any disciplinary or legal action deemed

necessary against the individual who improperly used, abused, or released information without appropriate authorization. Prior to the release of the membership list to any authorized member, any authorized user must sign a privacy statement. **(ACSS Bd 7/13/08)**

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Section 10: ACSS BOARD OF DIRECTORS MEETINGS

1001.00 Absences from Board of Directors Meetings

1001.01 Excused Absence

No Director may miss two (2) consecutive Board meetings unless the Director has authorized excuse. The President has the authority to review and determine whether or not a Director's absence is excused. In the President's absence or unavailability the Executive Vice President is authorized to review the Director's request for an authorized absence. **(Special Delegate Assembly 10/7/05) (ACSS Bd 5/2/15)**

1001.02 Authorized Excuses (ACSS Bd 5/2/15)

A Director may be excused from attending a Board meeting for the following reasons, including but not limited to:

- A. Serious illness of the Director or his/her family;
- B. Death of a family member;
- C. Unavoidable work obligations;
- D. Good cause.

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Section 11: REVIEW AND APPROVAL OF CHAPTER BYLAWS

1101.00 Chapter Bylaw Modification or Revision

Upon revision or modification of a Chapter's Bylaws, the Chapter President submits the Bylaws to the Secretary under a transmittal memo outlining the sections of the Bylaws that have been revised, or that represent a substantial re-write of a previously approved document. The Secretary submits the documents (Bylaws and Transmittal) to the Association President. The President then assigns them to the Bylaws & Policy (B&P) Committee for review and recommendation to the Board of Directors. The B&P Committee review is based on the template/model language and any possible conflicts with Association Bylaws or Policy File. Committee recommendations are restricted to approve, approve with recommended change(s) or, reject with explanation.

1102.00 Board of Director Determination

The Board of Directors accepts or rejects the B&P Committee recommendation and notifies the Chapter President. The Chapter President is required to take the Association's Board of Director mandates.

1103.00 Appeal of Board Determination

Appeals of the Board's decision may be requested in writing to the Association President. The Association President must schedule the appeal before the Association Board of Directors at the earliest possible opportunity. The appeal will be heard in open session. **(ACSS Bd 1/8/05)**

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Section 12: ACSS POLITICAL ACTION

1201.00 Purpose of the ACSS Political Action Committee

The ACSS Political Action Committee (PAC) is formed for the expressed purpose to advance the cause of the members of ACSS Inc. as it pertains to salaries, benefits, and working conditions, through the establishment of a Political Action Committee Fund (APAC). **(ACSS Bd 7/18/10)**

1201.01 Composition of the Political Action Committee

The Political Action Committee shall consist of enough members from every geographical district statewide. Every effort will be made to achieve a political balance of Democrats and Republicans on the committee. **(ACSS Bd 10/23/11)**

1201.02 Distribution Authority

- A. Within the PAC Committee only the ACSS President, the ACSS Secretary/Treasurer, and the ACSS Administrator each will have the authority to authorize distribution for payment for the APAC Administrator. **(ACSS Bd 7/18/10)**
- B. Distribution as directed above if deemed to be in the best interest of ACSS members, and within legal guidelines governing Fair Political Practices regulations. **(ACSS Bd 7/18/10)**

1202.00 Funding of the APAC

1202.01 Allocation of Member's Dues

The Board of Directors (BOD) has the authority to allocate a portion of member's dues in keeping with the wishes of the Delegate Assembly. As of January 1, 2008, the BOD has authorized \$2 per member to be transferred monthly to the APAC. **(ACSS Bd 7/18/10)**

1202.02 Voluntary Member Contributions

Individual members may contribute additional voluntary funds. Forms for that purpose will be made available. Members may opt out of this voluntary contribution via written notification to the Association. **(ACSS Bd 7/18/10; 10/23/11)**

1202.03 Other Political Action Committee Contributions

Funds may be accepted from other PACS or other sources **(ACSS Bd 7/18/10)**

1203.00 PAC Administration

The administration of ACSS PAC shall be contracted out to a qualified Political fund Administrator with experience in such matters. Expenses incurred as a result shall be paid from the APAC. **(ACSS Bd 7/18/10)**

1203.01 Treasurer of the PAC

The ACSS Secretary-Treasurer shall serve as the Treasurer for the APAC. **(ACSS Bd 7/18/10)** The ACSS Secretary-Treasurer shall not be a voting member of the PAC Committee. **(ACSS Bd 10/23/11)**

1204.00 APAC Disbursement Authority

Ultimate authority for approving APAC disbursements rest with the Board of Directors, delegated to the Political Action and Executive Committees. **(ACSS Bd 7/18/10; 10/23/11)**

1204.01 Distribution Approval Procedure

Any ACSS member can make a request for a PAC donation. Requests for a PAC donation shall include the following:

- A. Event details
- B. Amount of request
- C. Justifications for the donation

Request shall be submitted to the PAC Chair who shall electronically forward the request to the PAC. The Chair, in forwarding the request to the PAC, shall include current political fund budget expenditures and fund totals. The PAC shall vote on the requests for donations submitted to them by the chair within 48 hours. PAC members that do not respond to the request within 48 hours shall be deemed to have voted to approve the donation. Requests submitted to the PAC shall be approved by a majority vote. Expenditures in excess of \$1,500 must be submitted to PAC Committee for approval. Expenditures up to \$4,500 can be approved by the Executive Committee. **(ACSS Bd 10/23/11)**

1204.02 Distribution Authority

Within the PAC Committee only the ACSS President, the ACSS Secretary-Treasurer and the ACSS Administrator each will have the authority to authorize distribution for payment by or for the APAC Administrator.

1204.03 Distribution of Funds

Funds may be distributed for candidates for statewide offices, state legislative offices, political parties and/or political coalitions in advancing the best interests of members of ACSS. **(ACSS Bd 7/18/10)**

1205.00 Coordination with CSEA and other Affiliates

Nothing in the previous sections, preclude ACSS Inc. through the APAC from supporting any candidate, which may be in conflict or in opposition to CSEA or CSEA Affiliates. However, to the extent possible, on issues and candidates to which there is common agreement, ACSS Inc. may support mutual alliances with other groups including but not limited to CSEA and its affiliates. **(ACSS Bd 7/18/10)**

1206.00 ACSS PAC Candidate Endorsement Procedures

The following guidelines will be observed with respects to the endorsement(s) of political candidates running for statewide office. **(ACSS Bd 7/18/10)**

1206.01 Statewide Offices

The Executive Committee will review the candidate's list and make a recommendation to the ACSS Political Action Committee (PAC). The full PAC will decide on the final endorsement recommendation to the Board of Directors by majority vote. The PAC will have the following options: **(ACSS Bd 10/23/11)**

- A. No endorsement
- B. Dual endorsement

C. Sing endorsement **(ACSS Bd 7/18/10)**

1206.02 Candidate Interview Questions

The PAC, in a timely manner, will develop questions to be used when interview panels are convened. **(ACSS Bd 7/18/10)**

1206.03 Composition of the Interview Panel

The interview panel shall consist of not more than five members. Every effort will be made to achieve a political balance of Democrats and Republicans. The panel recommendation(s) will be forwarded to the PAC Committee for the final endorsement recommendation of the Board of Directors. **(ACSS Bd 7/18/10; 10/23/11)**

1207.00 ACSS Political Event Attendance Guidelines

The PAC will keep in line with being “Fiscally Responsible”, transparent and setting an example for the membership. **(ACSS Bd 7/18/10)**

1207.01 First Consideration for Attendance

The ACSS President or his/her designee has first option to attend political events. **(ACSS Bd 7/18/10)**

- A. ACSS will endeavor to have as many different members as possible attend political events. **(ACSS Bd 10/23/11)**

1207.02 Local Political Events

In keeping in line with being fiscally responsible with respect to attendance of local events, consideration should be given to the geographical area where PAC members live when inviting members to attend. Whenever possible, constituents should always be recruited to attend. Members(s) of the local chapter(s) shall be the primary person(s) attending, with the remaining attendees from local or adjoining chapters. **(ACSS Bd 7/18/10; 10/23/11)**

1207.03 District Office Visits

ACSS will endeavor to have as many different members as possible to attend District Office Visits (DOV). **(ACSS Bd 10/23/11)**

1207.04 Political Event and District Office Visit Reporting

For all DOV's and political events, a closing report will be filed at ACSS Headquarters within 30 days of the event or visit. **(ACSS Bd 10/23/11)**

1208.00 Responsibilities of the Political Action Committee (ACSS Bd 10/23/11)

Responsibilities of the PAC are:

- A. The development of a decisive Political Action Plan (Annually or Election Cycle) to include General Fund expenditures for travel expenses, to be approved by the Board of Directors. **(ACSS Bd 10/23/11)**
- B. Actively developing sponsors for ACSS Bills. **(ACSS Bd 10/23/11)**
- C. Develop and maintain interview questions for candidate interviews. **(ACSS Bd 10/23/11)**