

SUBMITTED BY: OCSEA Board of Directors

SUBJECT: Article IX – Delegates; Section 1(D)

RATIONALE: This modification will loosen up the requirements to be a delegate to encourage participation by newer members after the U.S. Supreme Court's decision in *Janus* holding that fair share fees are unconstitutional. This proposal is similar to proposed modifications to SB Article IV allowing members to become subordinate body officers with only one (1) year of active membership.

BE IT RESOLVED THAT ARTICLE IX OF THE OCSEA STATE CONSTITUTION BE AMENDED AS FOLLOWS:

Article IX - Delegates

Section 1. OCSEA Convention Delegates

(A) Delegates-At-Large

(1) Automatic

All State Officers, members of the Board of Directors and Chapter, District Council, or Assembly presidents of this Union shall be delegates-at-large to all conventions. In the event that the Chapter, District Council, or Assembly president is unable to attend the convention as the Chapter, District Council, or Assembly's authorized delegate, the vice president shall be the delegate-at-large. In the event that the Chapter, District Council, or Assembly vice president is unable to attend the convention as the Chapter, District Council, or Assembly's authorized delegate, the secretary or secretary/treasurer shall be the delegate-at-large. In the event that the Chapter, District Council, or Assembly secretary or secretary/treasurer is unable to attend the convention as the Chapter, District Council, or Assembly's authorized delegate, the treasurer shall be the delegate-at-large. If the Treasurer is unable to attend, a member of the Executive Board shall be the delegate-at-large based on lot.

(2) Succession

If a Chapter, District Council, or Assembly President is a delegate-at-large by virtue of another elected position, the Chapter, District Council, or Assembly vice president shall be the delegate-at-large representing the Chapter, District Council or Assembly. If a Chapter, District

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25 Council, or Assembly vice-president is unable to attend the convention
26 as the Chapter, District Council Or Assembly's authorized delegate,
27 the secretary or secretary/treasurer shall be the delegate-at-large.
28 In the event that the Chapter, District Council, or Assembly secretary
29 or secretary/treasurer is unable to attend the convention as the Chapter,
30 District Council or Assembly's authorized delegate, the treasurer
31 shall be the delegate-at-large. If the Treasurer is unable to attend, a
32 member of the Executive Board shall be the delegate-at-large based
33 on lot.

34 **(B) Other Convention Delegates**

35 Each Chapter shall be entitled to at least one delegate and one alternate to the OCSEA
36 biennial convention or any OCSEA special conventions, in addition to the delegate-at-large
37 provided in Section 1(A) of this Article. An elected delegate who is unable to attend shall be
38 replaced by an alternate. If the Chapter has elected more than one alternate, the alternate shall be
39 selected in order of the highest to the lowest number of votes received. In the event of a tie, the
40 executive board of the affected Chapter, District Council, or Assembly shall select one of the tied
41 alternates.

42 **(C) Additional Delegates and Alternates**

43 A Chapter shall be entitled to one (1) additional delegate and alternate for each one
44 hundred (100) members. Membership for this purpose shall mean the number of active members
45 listed as of 60 days preceding the opening date of any convention.

46 **(D) Delegate Qualifications**

47 All elected delegates and alternates must be active members of the Union for ~~two~~ one
48 **(21)** continuous years immediately prior to the election.

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49 **(E) Election of Delegates**

50 Fifteen (15) days notice must be given prior to the election of delegates and alternates.
51 The election shall be conducted in accordance with OCSEA's election procedure pursuant to the
52 OCSEA Subordinate Body Constitution Article VI at least ten (10) days before but not more than
53 one hundred eighty (180) days prior to the start of a convention, and the credentials shall be
54 forwarded immediately by the body's secretary to the Secretary-Treasurer of the Union.

55 **Section 2. Assembly Delegates**

56 (A) Voting delegates to an Assembly shall consist of each Chapter President (if the
57 Chapter President is employed by the agency that forms the Assembly), or his/her designee from
58 the appropriate agency and one other delegate from the appropriate agency elected by the
59 members of the Chapter who are employed by the agency that forms the Assembly.

60 (B) State Board of Directors members, including State Officers, who work in the
61 agency represented by the Assembly shall be voting members of the Assembly.

62 (C) The term of office for an Assembly delegate shall be three (3) years. Delegates
63 shall be elected in conjunction with the Chapter's election of officers and executive board
64 members pursuant to Article VI of the Subordinate Body Constitution. A Chapter shall be
65 entitled to elect delegates to every Assembly which represents agencies covered by its
66 jurisdiction.

67 (D) Delegates to the Assembly may be removed by the Chapter from which they were
68 elected for failure to attend two (2) consecutive meetings of the Assembly without being
69 excused. When an emergency precludes advance notification, the body may retroactively grant
70 an excused absence.

71 **Section 3. District Council Delegates**

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BE IT RESOLVED THAT ARTICLE IX OF THE OCSEA STATE CONSTITUTION BE AMENDED AS FOLLOWS:

72 (A) Delegates to a council shall consist of each Chapter president or his/her designee
73 and one other delegate elected by the Chapter.

74 (B) State Board of Directors members shall be voting delegates in the District Council
75 from which they were elected. State Officers shall be voting delegates in the District Council to
76 which their home chapter is assigned.

77 (C) The term of office for a District Council delegate shall be three (3) years.
78 Delegates shall be elected in conjunction with the Chapter's election of officers and executive
79 board pursuant to Article VI of the Subordinate Body Constitution.

80 (D) Delegates to the District Council may be removed by the Chapter from which
81 they were elected for failure to attend two (2) consecutive meetings of the District Council
82 without being excused. When an emergency precludes advance notification, the body may
83 retroactively grant an excused absence.

84 **Section 4. International Convention Delegates**

85 (A) The State Board of Directors shall determine the number of delegates to represent
86 the Union at the Biennial Convention or any special convention of the International Union. By
87 virtue of election to their respective positions, the State President, State Vice President, State
88 Secretary-Treasurer, State Board of Directors members and the President of each District
89 Council shall be eligible to be delegates to the International Convention.

90 (B) In the event that the State Board of Directors determines that the number of
91 delegates to attend the International Convention is less than the number delineated above, the
92 State Board of Directors shall determine which individuals from those delineated above, shall
93 attend using the following order of priority: State President, State Vice President, State
94 Secretary-Treasurer, one (1) Board Member from each of the State Board of Directors Districts

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95 and District Council President, selected proportionately, according to the Union membership of
96 their respective districts.

97 (C) Should the number of delegates authorized by the State Board of Directors to
98 attend such International Convention exceed the number of State Officers, Board of Directors
99 members and District Council Presidents attending such International Convention, additional
100 delegates shall be elected from amongst the Districts on a pro-rata membership basis.

101 If a District Council President is a member of the State Board of Directors, or is unable to
102 attend, the International Convention delegate slot shall proceed through the levels of succession
103 in that District as outlined in the State Constitution Article IX, Section 1(A)(2).

104 (D) Should the number of delegates authorized by the State Board of Directors to
105 attend such International Convention be less than the total number of State Officers, Board of
106 Directors members and District Council Presidents, the State Board Member who is a District
107 Council President, shall represent both the Board and their District Council.

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