

SACRAMENTO COUNTY MANAGEMENT ASSOCIATION (SCMA)

BYLAWS

PREAMBLE

The Sacramento County Management Association (SCMA) has been formed to meet, advocate, negotiate and discuss with Sacramento County Government matters pertaining to salaries, equity and parity with other like state, county, and local governments throughout California; promote high standards of employment practices and conduct among its members; encourage its members to improve professional and leadership skills; develop, maintain, and improve relations with the public we serve, Sacramento County government, represented and unrepresented Sacramento County management, line staff employees, and members of SCMA; open channels of communication among County managers and Sacramento County Government; gather SCMA membership for events; and provide information to SCMA members concerning matters of interest.

SECTION 1 – NAME OF ORGANIZATION

The organization shall be known as the Sacramento County Management Association (SCMA) with the principal office of SCMA in Sacramento County, California.

SECTION 2 – REPRESENTATION CATEGORIES

- 2.1 Represented individuals are those persons whose job classification has been assigned to a bargaining unit represented by SCMA, currently 032 Management and 033 Civil Attorney. To be a member of SCMA, the represented individual must meet the criteria below.
- 2.2 Voting Member: A person whose classification has been assigned to a bargaining unit represented by SCMA, who applies for membership (voting rights) in SCMA, pays the required dues, and remains in good standing.
- 2.3 Honorary Member: An honorary membership may be granted to a living retired or former member of SCMA or to a living non-member upon approval by the Board of Directors. An honorary member shall be accorded a voice but shall not have a vote in any matters of SCMA. The process is as follows:
 - a. Nominations may be made by any voting member;
 - b. An honorary membership is to be awarded only to members or non-members who have rendered valuable service to SCMA;
 - c. All nominations for honorary membership shall be submitted to the Board of Directors accompanied by a written recommendation from a voting member; and,
 - d. A list of approved honorary members shall be presented to the voting members at the first SCMA meeting following approval of the honorary membership(s) by the Board of Directors.

SECTION 3 – ASSOCIATION OBLIGATIONS

At the discretion of SCMA, its obligations may include, but not be limited to, organizing new units and/or classifications; contract negotiations and enforcement; and representation at disciplinary hearings. Members or represented individuals shall direct inquiries regarding employee/employer relations to SCMA's Board of Directors, and shall have the right to appeal a matter to the Board of Directors as provided in the SCMA Bylaws.

SECTION 4 – OFFICERS

The officers of SCMA shall be voting members (as defined in Section 2.2 herein) and shall be elected by the Board of Directors each fiscal year during the July meeting of the Board of Directors. Officer positions consist of the President, Vice President, Treasurer and Secretary. His/her duties shall include, but are not limited to, the following:

4.1 President

- a. Preside at all meetings of SCMA and of the Board of Directors;
- b. Identify committees and appoint committee chairs as deemed appropriate by the voting members or the Board of Directors;
- c. May appoint departmental and/or site representatives. Such representatives shall serve to disseminate information to his/her assigned members and to encourage and facilitate eligible employees to join SCMA;
- d. Schedule meetings of SCMA and the Board of Directors;
- e. Review or sign official documents or correspondence;
- f. Delegate other responsibilities in his/her discretion; and,
- g. Officially represent SCMA.

4.2 Vice President

- a. Perform the duties of the President when the President is absent;
- b. Assist the President in conducting meetings of SCMA;
- c. Serve the remainder of the President's term should the President resign or be incapable of serving the full term;
- d. Assist the President to ensure officers, directors, and committee chairs are fulfilling their duties; and,
- e. Provide assistance to the President at the President's request.

4.3 Treasurer

- a. Review the deposit, collection, and disbursement of all funds;
- b. Process all transactions within ten (10) business days of receipt;
- c. Keep an itemized account of all receipts and disbursements of SCMA funds;
- d. Prepare a monthly report of all receipts and disbursements to be distributed to the Board of Directors;
- e. Prepare annual financial reports for SCMA which are accessible for review by SCMA members. At minimum, documents shall include an "Asset/Liability" statement, a "Profit and Loss" (P&L) statement, and a proposed annual budget for the fiscal year (July 1 through June 30); and,
- f. Ensure that taxes are timely prepared and filed.
- g. Provide documentation to the Audit Committee.

- 4.4 Secretary
- a. Review and keep records of the correspondence and business of SCMA;
 - b. Review and keep the names, addresses, and emails of all members of SCMA; and provide this information on an ongoing basis to the Website Committee;
 - c. Prepare, review, and edit the minutes of regular and special meetings of SCMA and Board of Directors' meetings at the direction of the Board of Directors;
 - d. Maintain the official copy of the Bylaws of SCMA and make copies available upon request; and,
 - e. Maintain and archive documentation of SCMA and coordinate the storage of said documentation with the Website Committee.
- 4.5 The order of ascendancy to the Office of President shall be: In the absence of the President, the Vice President shall preside; in the absence of the President and Vice President, the Treasurer shall preside; in the absence of the President, Vice President, and Treasurer, the Secretary shall preside.
- 4.6 Any officer may be removed for cause as determined by a two-thirds (2/3) vote of the Board of Directors. Cause may include, but is not limited to, those acts listed under Section 6.3 (a) through (o). If an officer has been removed pursuant to this section, the Board of Directors shall send written notice of that result to the officer's address via registered or certified mail, return receipt requested, within fifteen (15) calendar days.

SECTION 5 – BOARD OF DIRECTORS

- 5.1 The Board of Directors shall consist of twelve (12) qualified voting members. Ten (10) members shall be elected from Bargaining Unit 032 by voting members in Bargaining Unit 032 and two (2) members shall be elected from Bargaining Unit 033 by voting members in Bargaining Unit 033.
- 5.2 At any Board of Directors' meetings, fifty percent (50%) of the Board of Directors shall comprise a quorum to conduct SCMA business.
- 5.3 Duties of the Board of Directors shall include, but not be limited to, the following:
- a. Establish, interpret, administer and execute SCMA's goals, objectives, policies and procedures; and be accountable for the overall direction of SCMA;
 - b. Advise the President;
 - c. Meet as often as required;
 - d. Attend all Board of Directors' meetings, general or special membership meetings, and events;
 - e. Take any appropriate action on business brought before it by committees;
 - f. Recommend dues and assessments for approval by voting members as outlined in Section 9;
 - g. Take action necessary or appropriate to comply with any laws, regulations, and contracts;
 - h. Determine the merit of a potential claim or other action on behalf of a member or SCMA;
 - i. Perform all fiduciary responsibilities and obligations, and be fiscally responsible with SCMA funds; and,
 - j. Approve the annual SCMA budget no later than the June Board of Directors' meeting.

- 5.4 Should a position on the Board of Directors become vacant for any reason after the election, the Board of Directors may appoint a voting member to the position by majority vote regardless of his/her bargaining unit. The appointment will be made until the next election for said position.
- 5.5 A director may appoint a voting member to act on the director's behalf at any Board of Directors' meeting provided the director who is to be absent notifies the President and/or the Board of Directors of the identity of the voting member prior to the meeting. Notification by telephone call or email shall be sufficient for purposes of this section. The voting member may exercise all powers herein assigned to a member of the Board of Directors, except that the voting member may not appoint a further designee, serve as Chairperson of the Board of Directors, or publicly express the viewpoint of the Board of Directors.

SECTION 6 – BOARD OF DIRECTOR REMOVAL

The entire Board of Directors or any individual director may be removed from office as set forth in this section. A director may be removed for absenteeism, by recall election, or for cause. A director shall automatically be removed when no longer a voting member.

- 6.1 Any director who is not in attendance at least half of the scheduled meeting time of each regularly scheduled Board of Directors' meeting shall be considered absent. Any director who has been absent from three (3) regularly scheduled Board of Directors' meetings within the fiscal year may be removed from office by a majority vote of the Board of Directors then present at a regular meeting.
- 6.2 All members of the Board of Directors are subject to recall by a recall election for that purpose. The process is as follows:
- a. A notice of recall letter shall be submitted to the Secretary in writing. Once this letter is received and acknowledged by the Secretary, the forty-five (45) calendar day period starts. A petition for a recall election must be signed and dated by at least twenty percent (20%) of voting members, must contain the specific reasons for the recall election, and must be filed with the Secretary of SCMA within forty-five (45) calendar days from the date of acknowledgement of receipt of the recall letter by the Secretary. Failure to provide a proper petition with a minimum of twenty percent (20%) of voting members, as verified by the Secretary, will invalidate the call for a recall election. If the Secretary is the subject of the recall, the Treasurer shall be responsible for the duties contained in this subdivision;
 - b. A recall election must be conducted according to procedures established by the Election Committee;
 - c. A director shall be recalled and disqualified from completing the term of office in the event that a majority of voting members vote in favor of the recall of the designated director(s); and,
 - d. The successor to a recalled director shall be selected in accordance with Section 5.4.
- 6.3 Any director, by virtue of such position, shall be subject to removal from the Board of Directors for cause through suspension or expulsion. Suspension or expulsion shall be by a two-thirds (2/3) vote of the Board of Directors provided that a statement of the charges shall have been delivered by personal service or mailed, by registered or certified mail, return receipt requested, to a director under charge to the director's last reported address, at least fifteen (15) calendar days before the final action is taken

thereon. This statement shall be accompanied by a notice of the time and place where the meeting is to be held to take action. Such director shall be given the opportunity to present a defense at that time. Procedures for such proceedings shall be determined at the discretion of the Board of Directors. Cause for removal, suspension or expulsion, shall include, but not be limited to, any of the following acts committed by a director:

- a. Violating any provisions of the Bylaws, any lawful Board of Directors' policy or directive, or any established rules of SCMA;
- b. Failing to pay dues, fines, assessments, fees, or other financial obligations in a timely manner;
- c. Obtaining membership by fraudulent means or by misrepresentation;
- d. Advocating or attempting to bring about the decertification of SCMA or the withdrawal of any member or group of members from SCMA, or other similar act;
- e. Working in the interest of, or accepting membership in, any organization inconsistent with the interests of SCMA;
- f. Unreasonably, unlawfully, or improperly disturbing the peace or harmony of any Board of Directors' or SCMA meeting;
- g. Embezzling, misappropriating, fraudulently receiving, wrongfully handling, or failing to account for the funds of SCMA or any employee benefit fund;
- h. Using the name of SCMA for soliciting funds, advertising, or similar activities, except as expressly authorized by the Board of Directors;
- i. Furnishing a complete or partial list of the membership of SCMA without specific authorization in writing from the President to any person other than those whose governmental position, SCMA office, or employee benefit fund position entitles them to have a list;
- j. Deliberately and improperly interfering with any officer, director, or representative of SCMA in the discharge of his or her official duties;
- k. Deliberately engaging in conduct in violation of the responsibility of directors;
- l. Deliberately interfering with the performance of the legal or contractual rights or obligations of SCMA;
- m. Engaging in dishonest acts or illegal acts which involve SCMA;
- n. Engaging in conduct unbecoming a director of SCMA or in acts harmful to the welfare of SCMA; or,
- o. Failing to faithfully perform the duties of the position, becoming negligent in the performance of the duties of the position, or accepting dual compensation of expenses for the performance of duties related to the position.

- 6.4 In the event that a director is no longer employed by a public agency within a bargaining unit for which SCMA is the exclusive bargaining representative, the position on the Board of Directors held by that director shall be declared vacant. In the event that the director's loss of qualifying employment was due to an adverse action taken against the director by his public employer, the director's position shall not be declared vacant until after the director has unsuccessfully exhausted all administrative remedies to challenge his or her removal from qualifying employment and gain reinstatement, or until SCMA makes a final determination not to represent the director in that challenge, whichever occurs first.

SECTION 7 – ELECTIONS

- 7.1 The Board of Directors shall be elected by confidential ballot prior to June 30, on a date approved by the Board of Directors. The elected members of the Board of Directors shall assume office at the first Board of Directors' meeting of the fiscal year which shall be held no later than July 31.

- 7.2. Any voting member may be nominated for a position on the Board of Directors for his/her respective bargaining unit by filing nomination papers with the Election Chairperson by a date specified.
- 7.3. If five or less Management (032) or only one Civil Attorney (033) is nominated (i.e., the number of nominations received does not exceed the number of vacant seats for the bargaining unit), the nominees shall be automatically elected to the Board of Directors on the day of the election in lieu of an election. No election will be held for that bargaining unit. At the first meeting of the fiscal year, the Board of Directors shall declare those new members elected.
- 7.4. The five Management (032) and one Civil Attorney (033) nominee(s) who receives the highest number of votes shall be elected each year. The term is for two (2) fiscal years beginning July 1 through June 30. There are no term limits.
- 7.5. The procedures for scheduling and conducting SCMA elections shall be established by the Elections Committee with the approval of a majority vote of the Board of Directors.

SECTION 8 – SCMA MEMBERSHIP MEETINGS

- 8.1. SCMA membership meetings shall be held at least once a year at such a time and place as may be determined by the Board of Directors for the transaction of such business as may be appropriate. Additional meetings may be held as directed by the Board of Directors.
- 8.2. Special membership meetings of voting members may be called by the President, by a simple majority of the Board of Directors, or by a petition of twenty percent (20%) of voting members signed and delivered to the President. No business except what has been stated by the President, the Board of Directors, and/or by petition (whichever method was used to call the special meeting) shall be transacted at the designated special meeting.
- 8.3. Notice of the time, place and purpose of any meeting of SCMA membership shall be communicated to each voting member no later than fifteen (15) calendar days prior to such meeting.
- 8.4. Any number of voting members present at any regularly scheduled membership meeting or special membership meeting shall constitute a quorum for the transaction of business.

SECTION 9 - DUES AND ASSESSMENTS

- 9.1. Dues shall be assessed for all SCMA members in amounts ratified by the voting members. Payment of dues will be done by payroll withholding. Pursuant to the 032 and 033 Agreements, the SCMA member must sign a payroll deduction form authorizing the County to deduct an amount equal to the bi-weekly dues.
- 9.2. Changes in annual dues shall be determined by the Board of Directors with the approval of the majority of voting members. Voting shall occur at a regularly scheduled membership meeting, special membership meeting, by mail ballot, or by an online voting system.

- 9.3 Special assessments shall be determined by a majority vote of voting members at a regularly scheduled membership meeting, special membership meeting, by mail ballot, or by an online voting system.
- 9.4 Any SCMA member may terminate his/her membership by written declaration. The effective date of the termination of membership shall be ten (10) County business days following the end of the pay period during which the request was made. The written declaration must be received by a member of the Board of Directors.
- 9.5 The Board of Directors is authorized to temporarily suspend the dues assessment of individuals for hardship reasons on a case by case basis as determined by the Board of Directors.

SECTION 10 – STANDING COMMITTEES

- 10.1 The Board of Directors shall have eight (8) standing committees: SCMA Membership Meetings, Bylaws, Elections, Website, Membership, Meet and Confer, Grievance/Discipline, and Audit.
- 10.2 The SCMA Membership Meetings Committee is responsible for coordinating all aspects of general membership meetings subject to approval by the Board of Directors.
- 10.3 The Bylaws Committee shall regularly review the Bylaws and propose any recommended changes to the Board of Directors. This committee shall consist of a minimum of two (2) voting members including a chairperson.
- 10.4 The Elections Committee is responsible for all aspects of SCMA election processes. This committee shall consist of a minimum of two (2) voting members including a chairperson.
- 10.5 The Website Committee is responsible for maintaining and updating the SCMA website; maintaining and archiving documents; and sending electronic communications.
- 10.6 The Membership Committee is responsible for retention and recruitment of eligible members. This committee shall consist of a minimum of two (2) voting members including a chairperson.
- 10.7 The Meet and Confer Committee is responsible for identifying and communicating to the Board of Directors proposed changes in job classification or conditions of employment other than those covered by the Grievance and Arbitration Procedures or Discipline and Discharge Procedures contained in the Agreements governing SCMA represented employees. This committee shall consist of a minimum of five (5) voting members including a chairperson.
- 10.8 The Grievance/Discipline Committee shall consist of a minimum of five (5) voting members including a chairperson.
- 10.9 The Audit Committee shall audit the Treasurer's accounts at the close of the fiscal year and report back to the Board of Directors. The audit shall include, but not be limited to, a review of the Bylaws and meeting minutes in relation to the expenditures and the fulfillment of the Board of Directors' responsibilities. This committee shall consist of three (3) voting members and shall not include the Treasurer.

- 10.10 The chairperson of each committee shall be appointed and serve at the pleasure of the President. The chairperson has discretion to appoint or remove committee members. The chairperson and committee members shall be voting members of SCMA.
- 10.11 The term of office of the committee chairperson and the committee members expires at the end of each fiscal year during which they were appointed.
- 10.12 Each committee shall meet at such times and places as determined by the majority of committee members or the chairperson.
- 10.13 Each committee may fix rules for its own governance and course of proceedings consistent with the Bylaws and any special direction from the Board of Directors.
- 10.14 Each committee chairperson shall report to the Board of Directors as often as the Board of Directors deems necessary.
- 10.15 The Board of Directors shall be empowered to designate any special committees.
- 10.16 A list of the committees, chairpersons, and contact information shall be posted on the SCMA website.

SECTION 11 – GRIEVANCE/DISCIPLINE COMMITTEE

- 11.1 The Grievance/Discipline Committee shall have the responsibility of receiving, reviewing, and considering proposed grievances and disciplinary actions and, when appropriate, authorizing representation of a member or bargaining unit employee who desires to pursue a grievable dispute with the County or to challenge a disciplinary action taken against the employee, including an appeal of a discharge from employment for good cause. The Grievance/Discipline Committee shall make the decision as to whether SCMA is to submit the grievance or appeal a disciplinary action. The Grievance/Discipline Committee shall evaluate each case on its individual facts and circumstances and shall make a decision regarding representation based on the following criteria:
 - a. The merits of the grievance or appeal;
 - b. The reasonable likelihood of a favorable decision on the issues presented;
 - c. The impact, if any, on the membership as a whole in the event SCMA was to achieve a favorable or unfavorable decision on the issues presented; and,
 - d. The cost of pursuing the grievance or appeal.
- 11.2 All decisions of the Grievance/Discipline Committee are final. A decision by the Grievance/Discipline Committee not to represent an employee in arbitration or hearing regarding a proposed discipline of discharge for good cause shall not be made without consultation with the President and SCMA's legal counsel.
- 11.3 The Grievance/Discipline Committee shall also hear requests to initiate civil litigation on behalf of SCMA and/or employees represented by SCMA and determine appropriate action in consultation with the President and SCMA's legal counsel.

SECTION 12 – NEGOTIATING COMMITTEE

- 12.1 The Board of Directors is expressly authorized to designate a Negotiating Committee as needed. The committee shall consist of the President of SCMA at the time the

Negotiating Committee is formed, or his/her designee, and four (4) additional voting members. Of the five (5) committee members, at least one (1) member shall be from Bargaining Unit 033. The Board of Directors will ensure that members of the Negotiating Committee are selected at least six (6) months prior to expiration of the Agreements. If the Negotiating Committee reaches tentative agreements with the County on the Agreements, the final recommendation of the Negotiating Committee shall be submitted to voting members for contract ratification. Ratification shall require a simple majority of voting members casting ballots.

- 12.2 Members of a Negotiating Committee shall serve until such time as the Agreements are ratified by the membership, until such time as that committee member voluntary removes himself/herself from that position in writing, or until such time as that committee member is removed for cause as identified in Section 6.3 (a) through (o). Failure to maintain voting member status will result in automatic removal from the Negotiating Committee.
- 12.3 If replacement of a vacant position is deemed necessary by the Negotiating Committee, the Board of Directors may select a voting member to fill the vacancy with input from the Negotiating Committee.

SECTION 13 – AMENDMENTS

- 13.1 The Bylaws may be amended by a vote of two-thirds (2/3) of voting members casting ballots.
- 13.2 A copy of the proposed amended Bylaws must be distributed to each voting member no later than fifteen (15) calendar days prior to the amendment certification date.
- 13.3 Voting may be conducted at a regularly scheduled membership meeting, special membership meeting, by mail ballot, or by an online voting system.

SECTION 14 – SCMA MEMBERSHIP STATUS/DISCIPLINE

- 14.1 Discipline of a SCMA member may consist of reprimand, fine, suspension or expulsion.
- 14.2 The Board of Directors or any member may file charges against any member for acts or omissions as hereinafter described in this section, including, but not limited to, the acts or omissions of such individual while a member of SCMA or while an officer, director or employee of SCMA. Any member shall be subject to discipline if any of the following occur, and each of the following shall constitute the basis for the filing of charges:
 - a. Violation of any provision of these Bylaws;
 - b. Misappropriation, embezzlement or improper or illegal use of SCMA funds;
 - c. Any action by any officer, director, employee or member of SCMA which results in expenditure of funds without proper authorization;
 - d. Any activity which assists or is intended to assist a competing organization within the jurisdiction of SCMA;
 - e. Refusal or deliberate failure to carry out a legally authorized decision of the Board of Directors, or the President of SCMA;
 - f. Instituting or urging others to institute legal action outside SCMA, before any forum whatsoever, against SCMA, or any officer, director, employee or member, without first exhausting all internal remedies within SCMA, provided that the foregoing shall not apply where action was instituted in order to prevent the loss of rights under an

- applicable statute of limitations and the member has diligently pursued his or her internal remedies;
- g. Using the name or assets (including mailing lists) or good will of SCMA in an unauthorized manner or for an unauthorized purpose;
 - h. Deliberately interfering with any voting member of SCMA in the discharge of his/her SCMA authorized duties;
 - i. Conviction of a crime, the nature of which may bring SCMA as an organization into disrepute;
 - j. Knowingly submitting any false financial report or statement to SCMA; or,
 - k. Disrupting SCMA meetings or disrupting SCMA in its official business.

14.3 Filing Charges

- a. The charge(s) shall be in writing and shall be signed by the member or members bringing the charge(s);
- b. The charge(s) shall be specific, citing in detail the nature, the date, and the circumstances of the alleged offense(s) and, where appropriate, citation to the portion of SCMA Bylaws that is alleged to have been violated;
- c. The charge(s) shall be filed with the President of SCMA or, if he/she is a directly interested party, the Vice President of SCMA, or if both are charged, the Secretary of SCMA; and,
- d. Such officer shall forward such charge(s) to members of the Hearing Committee within ten (10) calendar days of receipt.

14.4 The Hearing Committee shall be composed of the same individuals as are appointed to serve as the Grievance/Discipline Committee as set forth in Sections 10.8 and 11.1, above. Members of the Hearing Committee may also be members of the Board of Directors of SCMA, but any such member of the Hearing Committee shall not participate whatsoever in proceedings involving appeal to the Board of Directors, as hereafter described, concerning any hearing in which they have participated.

14.5 Hearing Procedure

- a. The Hearing Committee shall receive a copy of the charge(s) filed against member(s), director(s), officer(s) or employee(s) of SCMA from the President, Vice President, or Secretary of SCMA;
- b. Without holding a hearing, the Hearing Committee, by meeting or conference call, may determine by unanimous vote that the charge(s) have no merit and shall notify the parties involved and the SCMA Board of this unanimous decision. Such decision and notification shall be made within twenty (20) calendar days of receipt of the charges by the Hearing Committee;
- c. If the Hearing Committee determines that the charges may have merit, the Hearing Committee shall serve a copy of the charge(s) on the accused by personal service or by registered or certified mail, return receipt requested, to his/her last known address on the books of SCMA, within twenty (20) calendar days after the charges are received from the SCMA officer;
- d. The Hearing Committee shall serve on the parties involved by personal service or by registered or certified mail, return receipt requested, a notice of the date, time and place of hearing on the charge(s) no less than fifteen (15) calendar days before the scheduled hearing date;
- e. The hearing may be scheduled no less than sixty (60) calendar days and no more than one hundred and twenty (120) calendar days after the receipt of the charges by

- the accused except with mutual consent of the parties for an earlier date or extension(s), and approval by the Hearing Committee;
- f. The Hearing Committee may set forth rules and regulations as to the procedures for a hearing not inconsistent with the SCMA Bylaws; and,
 - g. With approval of the officer with whom the charge(s) were filed, the Hearing Committee may utilize SCMA's legal counsel, as an ex-officio member, to advise on procedural matters and to represent the interests of SCMA membership.

14.6 The Charging Party

- a. The charging party or his/her chosen representative shall present the charges at the scheduled hearing(s);
- b. The charging party has the burden to prove the charges by a preponderance of evidence;
- c. The charging party has the right to select a person of his/her own choosing, who is a member or officer of SCMA, to present the case. The representative may not receive payment for his/her services; and,
- d. The charging party has the right to present testimony and documents/evidence in support of the allegations, and to cross-examine any witness who testifies for the accused, including the accused if he/she testifies.

14.7 The Accused

- a. The accused is presumed innocent unless the charges are proved by a preponderance of evidence;
- b. The accused shall have the right to choose either an open or a closed hearing;
- c. The accused has the right to be represented by a person of his/her own choosing who is a member or officer of SCMA. The representative may not receive payment for his/her services;
- d. The accused shall have the right to present a written answer to the charge(s) no later than the date scheduled for hearing; and,
- e. The accused shall have the right to present testimony and documents/evidence in support of his/her position; and to cross-examine the witnesses against him/her.

14.8 Witnesses

Any party planning to call witnesses shall make arrangements for the witnesses to be available at the hearing and shall pay all associated costs.

14.9 Hearing Committee Decision

- a. All decisions shall be rendered by the Hearing Committee and transmitted to the parties within thirty (30) calendar days following completion of the hearing except by mutual consent of the charging party and the accused; and,
- b. The Hearing Committee decision shall be in writing and shall be served personally, or by registered or certified mail, return receipt requested, on the charging party and the accused.

14.10 Appeals

- a. The appeal body shall be the Board of Directors of SCMA, excluding any of its members who served on the Hearing Committee in the matter from which an appeal is taken or who is a directly interested party;

- b. Either party, within thirty (30) calendar days following receipt of the decision, may file an appeal of the decision and/or issues raised in the hearing.
 - 1. The appeal shall be filed and served on the Board of Directors and the opposing party simultaneously;
 - 2. The appeal shall be in writing and shall be accompanied by a copy of the original charge and of the decision which is being appealed;
 - 3. The appeal shall set forth in substance the appellant's reasons for believing the Hearing Committee was in error and the nature of the error;
 - 4. The appeal shall be served by personal service or by registered or certified mail, return receipt requested, upon the Secretary and the opposing party. If the Secretary is a directly interested party, the appeal shall be served upon the Treasurer and the opposing party; and,
 - 5. The opposing party shall have thirty (30) calendar days in which to respond to the appeal.
- c. The appeal body shall determine the matter, if reasonably possible and after allowing for the time frames for a response from the opposing party, at the next scheduled meeting of the Board of Directors. Except in the case of an emergency expulsion or suspension, the Board of Directors can, in its discretion, stay the discipline imposed until the appellate process is exhausted or waived. The Hearing Committee must label a suspension or expulsion as an emergency, as well as state the facts constituting the emergency, if such suspension or expulsion is not to be stayed pending an appeal;
- d. The appeal body may, in its discretion, hold an entirely new hearing on the matter, if it does not wish to determine the appeal based on the record before it;
- e. The appeal body may set forth rules and regulations as to the procedures of a hearing and/or appeal not inconsistent with the SCMA Bylaws;
- f. The appeal body may choose to utilize SCMA's legal counsel to advise on procedural matters and to represent the interests of SCMA membership regardless of whether SCMA's legal counsel was used in such capacity in the initial hearing held by the Hearing Committee. No such use will be deemed a conflict of interest unless the Board of Directors, in its sole discretion, determines that a conflict exists.
- g. The appeal body shall render its decision in writing and transmit such decision to both parties within thirty (30) calendar days following the completion of the appeal hearing except by mutual consent of the parties involved. Such decision shall be in writing and shall be served personally, or by registered or certified mail, return receipt requested, to both appellant and respondent; and,
- h. Appeal decisions are final.

14.11 Exhaustion of Remedies

- a. No officer or member of SCMA shall resort to judicial proceedings of any kind, before any forum, with regard to any matter pertaining to SCMA, until all remedies provided for within the SCMA Bylaws have been fully exhausted, provided the foregoing shall not apply where the action was initiated to prevent the loss of rights under an applicable statute of limitations and the member or officer has diligently pursued his/her internal remedies.
- b. Filing charges outside of SCMA without exhausting all SCMA remedies may result in disciplinary action, as determined by the Board of Directors.

SECTION 15 – DISSOLUTION

- 15.1 SCMA shall be dissolved and its affairs concluded by a two-thirds (2/3) vote of SCMA's voting members.

15.2 Voting may be conducted at a regularly scheduled membership meeting, special membership meeting, by mail ballot, or written notice directing voting members to an online voting system.

SECTION 16 – VESTED INTEREST

No individual member of SCMA or individual bargaining unit has a vested interest in monies or other assets of SCMA. If either bargaining unit 032 Management or 033 Civil Attorney withdraws from SCMA, all assets contributed by that bargaining unit shall remain the property of SCMA. If SCMA is dissolved, all assets will be contributed to one or more 501(c)(3) not-for-profit organization(s) as designated by a majority vote of the Board of Directors within thirty (30) calendar days of dissolution.

Adopted 10/2000
Adopted 04/2006
Adopted 11/2009
Adopted 01/13/2011
Adopted 03/29/2012