

**DIXIE STATE COLLEGE OF UTAH
EXEMPT STAFF ASSOCIATION
CONSTITUTION AND BYLAWS**

ARTICLE I – Name

The name of the association shall be the Exempt Staff Association, hereafter referred to as ESA.

ARTICLE II – Purpose

- Section 1: ESA shall represent the exempt staff to Dixie State College of Utah, hereafter referred to as DSC, administration and provide a point of policy input between the DSC administration and the exempt staff.
- Section 2: ESA shall encourage the study of issues such as salary, benefits and workload, as well as any unmet needs of the exempt staff and college community.
- Section 3: ESA shall strive to improve the working conditions, benefits, salaries and professional status of its members as they help to fulfill the college mission. ESA shall foster good employee morale and work experiences for all its members.
- Section 4: ESA shall work to create meaningful communication and cooperation between ESA, Staff Association, Faculty Senate and all members of the college community.
- Section 5: ESA shall strive for excellence in service to the college community and is committed to assisting DSC in implementing and achieving its mission and goals.
- Section 6: ESA shall promote energetic and honest discussions among staff, faculty, and the College administration to bring to light issues of general concern.
- Section 7: ESA shall support and work to foster an environment with a creative and innovative atmosphere of respectful, open communication that is without fear of reprisal.
- Section 8: ESA shall encourage professional development and training opportunities for the exempt staff.

ARTICLE III – Membership

All exempt staff of DSC shall be eligible for membership in ESA with the exception of the DSC President, Vice Presidents and Associate Vice Presidents. All dues-paying members shall have voting rights. The right to hold office on the Executive Board is also reserved for dues-paying ESA members.

ARTICLE IV – Officers and Elections

- Section 1: **Officers:**
ESA shall be represented by an Executive Board. Board officers shall be dues-paying ESA members and shall consist of the following: President, Vice President, Past President, Secretary/Treasurer, Communications Officer and four (4) At-Large Officers. No member of the Executive Board shall hold more than one elected ESA position at a time.

Section 2: **Elections:**
Elections for Board officers shall be held annually and completed no later than April 30, with a minimum of two candidates per office being voted upon. All candidates shall submit a brief biography and platform to ESA members. These documents shall be posted on the ESA Website no later than two (2) weeks prior to the announced election. Newly elected Board officers shall take office July 1 (July 1 - June 30). Voting for officers shall be conducted by email or through the ESA Website, as instructed, and shall include all the necessary precautions to secure voter anonymity.

ARTICLE V – Duties and Committees

Duties of Executive Board officers and ESA committees shall be prescribed in the ESA Bylaws.

ARTICLE VI – Affiliations

ESA may associate with other organizations upon recommendation of the Executive Board, and with formal approval by the general membership, provided there is no conflict with the mission of DSC or the ESA Constitution and Bylaws. ESA shall encourage communication and cooperation with the Staff Association and Faculty Senate.

ARTICLE VII – Constitutional Amendments

Amendments to this Constitution shall be initiated by a majority vote of the Executive Board quorum or upon receipt by the Board of a petition signed by a minimum of ten (10) ESA members. Proposed amendments shall be presented to the Executive Board prior to being presented to the general membership. Amendments shall be submitted to the entire membership at least one (1) week prior to vote. Notification and voting shall be by email or through the ESA Website, as instructed. Amendments shall pass with a two-thirds (2/3) majority vote of all ESA members choosing to vote.

BYLAWS OF ESA

ARTICLE I – Utah Board of Regents Staff Association/Committee Policy

Section 1: **Release Time:**
“The institution shall allow the representatives of the faculty and staff associations or committees release time to attend institutional council meetings and shall otherwise facilitate such attendance. In addition, the officers of faculty and staff associations or committees shall be allowed appropriate release time on a monthly basis to meet and conduct business.” (R223-3 Policy)

Section 2: **Professional Representation:**
“...Each institution shall have a staff association or advisory committee comprised of broad-based representation of the professional and classified staff to provide the point of policy input to the institutional council from the staff.” (R223-3 Policy)

ARTICLE II – Dues

Section 1: **Purpose:**

Dues shall be used for purposes determined by the Executive Board, and may include professional development/training opportunities for members, travel for ESA business, research studies pertaining to ESA charges, DSC employee social functions and any other identified needs of the Association.

Section 2: Payment of Dues:

Dues in the amount of \$1.50 per paycheck, or \$3.00 per month, shall be deducted from ESA members' paychecks upon member authorization. The dues amount shall be re-evaluated annually. Any changes in the dues shall require a two-thirds (2/3) majority vote of the voting general membership.

ARTICLE III – Meetings

Section 1: Executive Board:

Executive Board meetings shall be scheduled monthly during customary working hours. Additional meetings may be called by the President, the President's designee or at the request of at least two Board members.

Section 2: General Membership:

The Executive Board shall schedule one meeting of the entire ESA membership each fall and spring and shall call other necessary meetings of the Association.

The spring general membership meeting shall include a recap and report on Association business by the Executive Board and President. Attendance at this meeting shall be restricted to ESA members. Exceptions may include invitations extended by the Executive Board or a majority of the ESA members.

Notification of the date, time and place shall be sent to all ESA members no less than one (1) week before the meeting.

A general membership meeting may be called upon receipt of a petition signed by a minimum of ten (10) ESA members.

Section 3:

Communication between the ESA Executive Board and general members, and the distribution of information, shall be conducted through email or posting on the ESA Website, when appropriate, in order to minimize time spent in meetings and maximize Board and ESA member information.

ARTICLE IV – Quorum

Section 1: A quorum shall consist of a majority of more than fifty (50) percent of the ESA membership present at any official meeting of the Association. Motions may be acted upon and passed by a majority of over fifty (50) percent of votes of those members who are present, unless otherwise stated in the Constitution or Bylaws.

Section 2: For issues affecting the general membership, a quorum is not necessary. A call for the vote will be communicated to all ESA members and the decision will be based on a majority of those choosing to vote.

Section 3: For issues affecting only the workings of the Executive Board, a quorum is necessary and is represented by a majority of over fifty (50) percent of the Executive Board.

ARTICLE V – Voting and Elections

- Section 1: The right to vote on all matters relating to the Association shall be vested in its members as previously set forth in the Constitution (Article IV, Section 2). The Executive Board shall notify by email all eligible voters one week prior to all elections. An open period of one week between announcement and closing of a vote shall be required for the voting process. Voting shall be conducted by email or through the ESA Website, as instructed.
- Section 2: When a vote by the general membership is not deemed necessary by the Executive Board, but input is advisable, the general membership shall be polled for suggestions and/or opinions via email.
- Section 3: The ad hoc Election Committee shall be selected by a majority vote of more than fifty (50) percent of the Executive Board. Board members shall not serve on this committee.
- Section 4: The ad hoc Election Committee shall accept nominations by the general membership through March 30 and shall screen the nominations to be sure the nominees are eligible, willing, and able to serve. Selection and posting of the names of candidates, biographies, and platforms on the ESA Website shall be completed no later than April 15. Biographical data and platforms shall be prepared by the candidates. Biographical data shall consist of no more than 200 words and platform data shall consist of no more than 500 words. Submitted data may be subject to editing by the Committee.
- Section 5: Candidates with the highest count in each category shall be declared the winners. In the event that two candidates receive the same amount of votes, the Election Committee shall employ a means of chance to select the winner. The Election Committee shall certify the election and shall announce the results: (1) at the next Executive Board meeting; (2) through the appropriate DSC publicity channels and (3) post election results on the ESA Website.

ARTICLE VI – Terms and Duties of Officers

- Section 1: **President:**
The President shall hold office for one year, beginning July 1 of the year after serving as Vice President.

The President shall: (1) direct the Executive Board and conduct the meetings, or provide a designee when needed, (2) set the date, time and place of Board meetings and any additional Association meetings needed, (3) act as chief ESA spokesman to the President of Dixie State College of Utah and other groups as requested or designate an alternate spokesperson, (4) act as the budget administrator of the Association account, (5) serve as a voting member of the College Council, (6) represent the Association before the public, either personally or through other delegates, and perform functions usually attributed to this office, (7) meet regularly with the DSC President and (8) present an annual President's written report to the general membership that shall be posted on the ESA Website.

The President shall receive a stipend from DSC equal to the amount awarded to the Faculty Senate President and the Staff Association President. This amount shall be

equivalent to the payment of an adjunct faculty member for six (6) undergraduate semester credits of teaching annually.

Section 2: **Vice President:**

The Vice President shall be elected for a three-year equally-divided term beginning July 1 of the year elected (in order of service: Vice President, President and Past President). The Vice President shall become President at the expiration of one year, or when the office becomes vacant. The Vice President shall: (1) perform the functions usually attributed to a vice president, (2) assist the President in the performance of duties, (3) perform all duties of the President in the absence of the President, (4) engage in every activity necessary to maintain continuity of Association business, (5) serve as a member of the Executive Board, (6) oversee the Election Committee and (7) serve as a non-voting member of the College Council.

Section 3: **Past President:**

The immediate Past President shall serve a one-year term. The immediate Past President shall: (1) act as advisor to the Executive Board and assist the President as requested, (2) serve as a member of the Executive Board, (3) serve as chair of the ad hoc ESA Salary and Benefits Committee and other committees as assigned and (4) serve as a member of the DSC Salary and Benefits Committee.

Section 4: **Secretary/Treasurer:**

The Secretary/Treasurer shall serve a one-year term. The Secretary/Treasurer shall: (1) keep a record of minutes for the Executive Board and other Association meetings, (2) conduct Association secretarial duties, (3) keep an accurate record of all funds, accounts and financial records, including any collection and disbursement of funds for the fiscal year (July 1-June 30) and (4) present an annual written financial report to the Executive Board. Approved minutes shall be made available on the ESA Website. The annual financial report shall be made available to dues-paying ESA members upon request.

Section 5: **Communications Officer:**

The Communications Officer shall serve a one-year term. The Communications Officer shall: (1) keep the ESA Website current, including all approved minutes published, (2) proofread communications distributed by ESA as needed and (3) maintain the ESA email list.

Section 6: **At-Large Officers:**

Four At-Large Officers will be elected by the general membership and shall serve two (2) year terms--except for the initial organizing first term where two officers will serve one (1) year terms and two officers will serve two (2) year terms. The At-Large Officers shall be divided into two offsetting terms. The At-Large Officers shall: (1) serve as members of the Executive Board and (2) act under the direction of the President. At-large Officers may serve as chairs of ad hoc committees, at the request of the Executive Board.

Section 7: **Vacancies:**

If the office of President becomes vacant, it shall be filled by the Vice President. If the remaining term of the office exceeds one-half year, it shall be considered a full term; if less than one-half year, it shall not be counted as the term of office.

If the office of Vice President becomes vacant, it shall be filled by a vote of the ESA membership in a special election held no more than sixty (60) days after the vacancy occurs. If the office of either Secretary/Treasurer or Communications Officer

becomes vacant, it shall be filled until the next election with an appointment issued by the Executive Board.

Section 8: Neglect of Duty:

Any member of the Executive Board may be removed from office if the member exhibits gross neglect of duty as determined by a due process resolution of the Executive Board. Removal from office shall require a two-thirds (2/3) majority vote of the Board. In the event of such removal from office, vacancies shall be filled by a special election of ESA members.

ARTICLE VII – Powers and Duties of Executive Board

Section 1: The Executive Board shall: (1) manage the Association, (2) carry out points of policy and (3) report its transactions to ESA members.

Section 2: The Executive Board shall represent the ESA in the negotiation of personnel policies, with direction and input from ESA members.

Section 3: The Executive Board shall appoint members of ESA committees and task forces.

ARTICLE VIII – Committees

Section 1: There shall be no designated standing committees.

Section 2: Ad hoc committees shall be created and dissolved as needed by a majority vote of over fifty (50) percent of the Executive Board. Ad hoc committees may include: salary and benefits, equity and workload, membership, election, social and others as needed.

Section 3: The ad hoc committee chair shall serve for one year, or until the committee is dissolved.

Section 4: Each committee chair shall submit a written report of committee activities to the President either when the committee is dissolved or prior to the President's annual report, whichever comes first.

ARTICLE IX – Parliamentary Authority

The rules contained in the current edition of Robert's Rules of Order shall govern ESA in all applicable cases except where otherwise stated in this document.

ARTICLE X – Amendment of the Constitution and Bylaws

Amendments to these Bylaws may be proposed by a majority vote of an Executive Board quorum or upon receipt by the Board of a petition signed by a minimum of ten (10) ESA members. Proposed amendments to the Bylaws shall be presented to the Executive Board before being presented to the general membership. These Bylaws may be amended by two-thirds (2/3) majority of the votes cast by ESA members choosing to vote, and shall be adopted and become effective immediately. An open period of one week between announcement and closing of a vote shall be required for the voting process. Voting shall be conducted by email or through the ESA Website, as instructed.

ARTICLE XI – Adoption

This Constitution and Bylaws shall become effective when passed by a two-thirds (2/3) majority of voting exempt staff members.

Equity Addendum to ESA Bylaws

State and Internal Appropriations not earmarked specifically for equity:

1. The ESA portion of this money would be distributed as follows:
 - a. 3-1/2% across the board as a cost of living increase if funding permits.
 - b. Any balance would be applied to market equity adjustments until all exempt staff employees reach 95% of market equity (based on national salary studies.) This money would be distributed to whatever “float line*” the money would bring the group to. Any staff member whose salary is above that “float line” would not participate in equity adjustments.
 - c. If all exempt staff employees reached 95% of market equity, the balance remaining would revert back into the cost of living pot to be distributed across the board based as a percentage of salary.

State and Internal Appropriations specifically earmarked for equity:

1. State and Internal Appropriations specifically earmarked for equity: The ESA portion of this money would be distributed to whatever “float line” the money would bring the group to. Any staff member whose salary is above that “float line” would not participate in equity adjustments. If ESA ever reaches the point of having every exempt staff member at 100% of market equity and there is still equity money unused, this money would be transferred to classified staff to address market equity issues that group may have. The reverse would also be true. If classified staff ever reached the point of having everyone at 100% of market equity, any remaining equity funds in that pot would be transferred to the exempt staff pot of money to address market equity issues there. This is because monies earmarked for equity must be used for equity, never cost of living increases.

ESA reserves the right to adjust this process on an annual basis by a majority vote of ESA members choosing to vote.

* The float line concept can be likened to a glass being filled with water. All salaries below the float line would be brought to a float line percentage of market equity with available equity money. An example might be that we have enough money to bring everyone to 80% of market equity. A person currently at 68% of market equity would get a big increase to 80%, and a person at 75% of market equity would receive a nice, but smaller, raise to 80%. This ensures that no one is left drastically out of equity compared to other exempt employees. Employees above that float line percentage of market equity do not receive equity adjustments that year.