

Meetings of Members Working in Shifts

By

Jonathan M. Jacobs, PRP, CP © 2002

Most meetings operate in such a way that any member who wants to attend can attend; of course, some members will have scheduling conflicts and some will choose not to attend. Meetings of societies, such as a labor union or a support group, based on the members' employment can be problematic when this employment is scheduled in shifts.

This is the basic problem. The set situation to be used, as an example is this: All or most members work for the employer. The employer has divided the workforce into three shifts. One shift, Shift A, works from 8:00 AM to 4:00 PM. The second shift, Shift B, works from 4:00 PM to Midnight. The third shift, Shift C, works from Midnight to 8:00 AM. The employer refuses to let the members leave for the meetings; the meetings are held monthly on the second Monday of each month.

The assembly sets its meetings for 9:00 AM. The members from Shifts B and C can attend, but no one on Shift A can attend. The meeting is set for 6:00 PM; Shifts A and C can attend, but not those from Shift B. The meeting is set for 4:00 AM; Shifts A and B could, but Shift C could not. Whenever the one singular meeting is held, one shift cannot be present.

The particular problem, how to hold meetings so as not to disenfranchise one shift, has confused more than one parliamentarian; it has been rumored to be considered unsolvable by some parliamentarians. There are solutions, but often times these "solutions" create problems themselves. The purpose of this article will be look at these "solutions" and the problems that each creates. These solutions are: 1. Variable meeting times; 2. Absentee voting and extra cameral motions; 3. Divided meetings; 4. Multi-cameral assemblies. The first two are examples where the assembly physically meets only once, while the later two are examples where assembly physically meets twice, though it might consist of just one legal meeting.

Variable Meeting Times

One potential solution is variable meeting times, which could either be set in the bylaws or by a standing rule under *Robert's Rules of Order Newly Revised*, 10th edition (RONR, p. 558). *The Standard Code of Parliamentary Procedure*, 4th edition (TSC) would also permit these times

to be set by a rule with notice (p. 106). If the no time provision set in the bylaws, a majority vote can set the rule.

Unless there is a bylaw provision specifies the time, a rule like this could be adopted:

“Meetings shall held at 1:00 PM in the months of January, April, July, and October, at 9:00 PM in the months February, May, August, and November, and at 5:00 AM in the months of March, June, September, and December.” Would such a rule work?

Yes, but its effect would be to prevent disenfranchisement of the members. At least one shift would still not be able to participate in any given meeting. Shift A could not attend the January, April, July, and October meetings; Shift B could not attend those meetings held in February, May, August, and October. This rule would only spread the disenfranchisement around, not end it.

Absentee Voting and Extra-Cameral Motions

There are methods for voting which permit members to cast votes outside of a meeting. It would also be possible for a main motion, be written by a member as the mover of a motion, signed by another member serving as a seconder, to come before the assembly. In some cases, nominating petitions for example, extra-cameral motions are envisioned in *RONR* (p. 424), though unknown in *TSC*.

Both *RONR* (pp. 408-9) and *TSC* (p. 145) require authorization in the bylaws for absentee voting. *TSC* even discusses absentee voting in the context of members “who work over different hours,” but indicates that this must be a choice between meeting participation and accommodating those members who cannot attend (p. 145). How could this be harmonized to permit members working one shift to vote at a meeting taking place during the same shift?

The bylaws could set up a polling period after the meeting and permit members not attending to vote as well as to make main motions. As an example, the meeting itself would be held at noon on the second Monday of the month; Shift A could not participate in the meeting due to the scheduling conflict. The bylaw provision for extra-cameral motions would read: “Members may submit a main motion in writing at least one day prior to the call of order; such motions may either be seconded in writing with submission or seconded by a member at the meeting.” For the

extra cameral voting aspect, the bylaws would read: “Any member not present a regular meeting shall be permitted to vote on any main motion on the day immediately following the meeting, at a polling place to be designated. The polls shall be open between 5:00 PM and 8:00 PM. Any main motion that is put to the meeting shall be submitted to the members in this manner. The total of votes cast during the meeting shall be added to the votes cast at the polling place for determining the result.” Would this work?

To an extent, yes, this would solve some problems. The members working when the meeting is held could make main motions. They could vote on main motions that are put at the meeting. Members who aren't able to attend the Monday regular meeting for other reasons could also vote.

There is a downside. The absent members cannot enter into debate. Voting is limited to main motions and there is a practical problem with permitting absent members to make or to vote on secondary motions. Members not present will have no idea what main motion will be made, much less what secondary motions will be applied to it. As there could be multiple secondary motions that could be made to each main motion, handling a simple motion with one primary amendment and one secondary motion would take three meetings to be decided. There would also be motions, such as the appeal of a decision of the chair, which would require a vote.

Another negative factors are all votes on main motions, even those to approve the minutes for example, would require a counted vote; this would be needed to add the vote totals with those from the extra cameral vote. The secretary would have about a day to prepare the text of what is to be voted on during the polling period. Strong safeguards would have to be in place to keep a member from voting during the meeting and showing up to the polls.

The absentee voting and extra-cameral motions would solve some problems, but would not solve all problems and would be difficult to administrate.

Divided Meetings

The term “divided meeting” refers to gatherings of members to conduct business that are stopped and then continued at another point. This includes “sessions” and “adjourned meetings”

in *RONR* and “continued meetings” or a meeting that has been recessed in *TSC*. All of these assume that there will be more than one of these “meetings” per month.

The concept of a “session” as a series of connected meetings operating with as continuous meeting is covered in *RONR* (p. 80), though not clearly defined as such in *TSC* (p. 106)¹. In *RONR*, the meeting begins and follows the standard order of business and its agenda, but stops, adjourns, only to pick up where it left off. In this respect, an “adjourned meeting” under *RONR* is part of the same session (pp. 81-2). *TSC*, interestingly, permits meetings to be recessed and reconvened on a later day, this reconvened meeting being the same meeting (p. 76). Would it be possible for a meeting to be continued so that each shift would be able to get to part of the meeting?

Yes, it could be done by motion, i.e. by adjourning to a certain time under *RONR* or either by recessing the meeting or by making a motion to continue the meeting at a definite time under *TSC* (pp. 107-8). It would, however, be out of the control of the absent members and under the control of the people that are there. For example, if the meeting were scheduled for 9:00 AM, no one from Shift A would be at the meeting; the assembly could simply not vote to continue the meeting. Could this procedure be incorporated in the bylaws, in order to establish the continued meeting?

The bylaws could establish this method, stating that: “The meeting will be convened at 9:00 AM and when it adjourns, it will adjourn until 5:00 PM.” This would let Shift A participate in the meeting. It would not let Shift A fully participate. Motions could be adopted at either part of the meeting². A motion made at the 9:00 AM meeting could not be debated or voted on by the members on Shift A, while a motion made at the 5:00 PM meeting could not be debated or voted on by the members on Shift B. Shift C would get a chance to vote in each. This still is not the solution, at least without a major re-writing of the parliamentary authority used.

Multi-cameral Assemblies

It should be clear that for a member to fully participate in a meeting, the member **must** be in a meeting. Any method cited to this point fails to guarantee to the members working in the shift during the meeting the ability to participate in the meeting, especially the ability to make

subsidiary motions and to debate. It becomes the problem of being in two different places at the same time. The solution is to be in two different places at two **different** times. This necessitates two different meetings of the society, but both of these separate meetings acting together to determine the will of the society.

The very first thing that should be said is that to create multiple assemblies within the society would require a bylaw provision. Both *RONR* (pp. 558) and *TSC*, in its sample bylaws (p. 254), include sections on meetings in the bylaws. The bylaws could include these sample sections:

1. There shall be three regular meetings be month, designated as the Shift A Meeting, Shift B Meeting and Shift C Meeting³. No main motion or motion to give a committee the power to act shall be adopted unless it is adopted by all meetings, except as otherwise provided in these bylaws. The meetings shall be held at such a time when the members shall not be assigned to work⁴.
2. No member that attended a previous regular shift meeting held during the month shall be permitted to make motions, debate, or vote at any other regular shift held during the month.
3. Items of business, except when not requiring the action of the other meetings, once adopted, shall be sent to the other meetings and considered after committee reports⁵. Any adopted amendments to these items of business shall require the consent of all meetings.
4. Each meeting, without needing the approval of the other two:
 - A. Shall keep its own minutes.
 - B. Elect a chair pro tempore, in the absence of the regular officers with the duty to chair the meeting and, and a secretary pro tempore, in the absence of the secretary.

Other exceptions would be bylaw amendments and elections, but there are other options that would handle that. Either all members could vote by ballot at each meeting and have all the

ballots counted together or to have the non-ballot vote counted and the totals from each meeting added together; arranging for extra-cameral balloting would probably be a better option.

This solves three of the major problems initially discussed. All members that attend can vote, can propose secondary motions, and can debate. All of this could be done without re-writing the parliamentary authority⁶. What then are the drawbacks to this procedure?

Forming a tricameral assembly does have some drawbacks. First, the time that it takes to pass a motion is longer, considering that one of these shift meetings could postpone its consideration of that motion until the next meeting. This however could even happen in a unicameral assembly. Second, it makes it harder to adopt a main motion. Again, it has been established that even in a unicameral assembly it is far easier to defeat a main motion than to adopt it⁷. Perhaps the biggest problem would be one of these shift meeting could block a motion approved by large majorities in both other shift meetings. The concept of majority rule can be thwarted by this arrangement.

Additional bylaw provisions could mollify the “majority rule problem.” For example, a bylaw provision could read, “Any motion adopted by two meetings may be sent for a vote to the membership as a whole if at least one meeting adopts a motion, by a two-thirds vote, to do so. Any such motion adopted by the membership shall be considered the action of the society.” Another possibility would be to have the board of directors, presumably elected by the membership as whole and having a broader view of the society, to permit an extra-cameral ballot to be used when there is a disagreement between shift meetings. It would **not** solve the “majority rule problem” in all cases, but either (or both) would solve it in all but few very close cases.

There is a useful model to base this tricameral arrangement on, the United States Congress and forty-nine state legislatures that operate as bicameral bodies. It would be likely each shift would have similar views to the other, i.e. Shift A is very likely to represent the same ideological makeup as Shift B. Many of the cleavages found in legislative bodies may exist, but it is unlikely that one shift would hold views that were opposed to the other, e.g. it would be unlikely that all the conservatives would be on Shift A, while all the liberals would be on Shift B.

It would be possible, using a multi-cameral approach to meetings, to give members the right to vote, make motions, and debate business before the assembly, while still preserving the concept of majority rule. This approach is the better solution for societies where the membership works in shifts.

End Notes

¹ The third edition of *TSC* contained the statement “Because of this confusion [between single session meetings and a series of meetings], the term ‘session’ is not used in this book (p. 101).”

² The motion adopted during the first part of the meeting could potentially be reconsidered in the second part of the meeting, but at least one shift would not be there to vote on it. The first part could not reconsider something done in the second part.

³ It would be possible to have two meetings, one that would include the members of the two shifts that are not working. This would make this a bicameral assembly. It may be easier from a practical standpoint to have two, instead of three, meetings. This however could disenfranchise someone working a “swing shift.”

⁴ For example, a standing rule could be adopted that states that Shift B would meet at 1:00 AM, on the second Monday, Shift B would meet at 9:00 AM on the first Monday, and Shift A would meet at 5:00 PM on the first Monday.

⁵ Under *RONR*, it would be easier to designate items sent over from one meeting to another as special orders.

⁶ One motion that could be prohibited is *RONR*'s “reconsider and enter into the minutes.” That motion is designed to prevent a motion from being adopted by temporary majority (pp. 323-4). The other two meetings would serve that function.

⁷ For examples of this effect, see the grimly titled “To Murder a Motion,” *National Parliamentarian*, Second Quarter, 1995, pp. 36-39.

Works Cited

Robert, Henry M., Robert's Rules of Order Newly Revised, 10th Edition. Eds. Henry M. Robert, III, William J. Evans, Daniel H. Honemann, Thomas J. Balch, Cambridge, Massachusetts: Perseus Publishing, 2000.

Sturgis, Alice. The Standard Code of Parliamentary Procedure. 3th ed. New York: McGraw-Hill, 1988.

Sturgis, Alice. The Standard Code of Parliamentary Procedure. 4th ed. New York: McGraw-Hill, 2001.

Biographic Sketch

Jonathan M. Jacobs, of Philadelphia, PA, based this article on a set of real bylaws prepared for a client. He's had a busy year.

Publication History:

Published in Volume LXIV, No. 3, July 2003 of the *Parliamentary Journal*, page 83-90.

Copyright Notice

The *Parliamentary Journal* is copyrighted by the American Institute of Parliamentarians; all rights reserved. Brief portions of material in this publication may be copied and quoted without further permission, with the understanding that appropriate indication of the source of the excerpt will be included in such copying. Single copies of the material in this publication for the use of scholars in their scholarly research, and a reasonable number of copies for classroom use by teachers within a few days after copying, may be made without further permission if (a) such work is not for profit and does not involve republication of the material in another work, (b) appropriate credit is given to the author or authors of the material and to this publication, and (c) appropriate notice of copyright is included on the copies. Copying within these bounds is considered "fair use," but for any copying beyond fair use, permission must be obtained from the Executive Director of the American Institute of Parliamentarians and, in appropriate cases, from the individual author or authors of the materials in question.