



## APEA/AFT Constitution

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# **CONSTITUTION OF THE ALASKA PUBLIC EMPLOYEES ASSOCIATION AFT (AFL-CIO) LOCAL 8050**

***Ratified November 2010***

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**CONSTITUTION  
ALASKA PUBLIC EMPLOYEES ASSOCIATION/AFT  
STATE FEDERATION  
LOCAL 8050**

**PREAMBLE**

This organization shall be known as the Alaska Public Employees Association/American Federation of Teachers (AFL-CIO). Any conflict with the Constitution or Bylaws of the American Federation of Teachers and this document shall be resolved in favor of the Constitution or Bylaws of the American Federation of Teachers.

**SECTION I – DEFINITIONS**

- 1. Local:**  
An organizational group of employees within a designated bargaining unit. However, a Local may be a group of bargaining units.
- 2. Agency Fee Payer:**  
An employee in a collective bargaining unit who (1) does not choose to be a member of the APEA/AFT; (2) does not object to the use of his or her service fees for purposes unrelated to the collective bargaining, contract administration and grievance adjustment; and (3) does not object to paying an Agency Fee equal to regular APEA/AFT per capita. Agency Fee Payers are not entitled to the rights and responsibilities of a member as set out in Section II.
- 3. Association Shop:**  
All APEA/AFT contracts shall, at the first opportunity, contain a provision requiring all bargaining unit members to be members or fee payers of APEA/AFT.
- 4. Affiliation Costs:**  
Includes AFT National and State AFL-CIO Labor Council(s) per capita payments.
- 5. Class I Objecting Agency Fee payer:**  
An employee in a collective bargaining unit who (1) does not choose to be a member of the APEA/AFT; (2) objects to the use of his or her service fees for purposes unrelated to the collective bargaining, contract administration and grievance adjustment; and (3) accepts the amount of the reduced Agency Fee as determined by the State Federation for chargeable expenses. Class I Objecting Agency Fee Payers are not entitled to the rights and responsibilities of a member as set out in Section II.

- 6. Class II Objecting Agency Fee payer:**  
An employee in a collective bargaining unit who (1) does not choose to be a member of the APEA/AFT; (2) objects to the use of his or her service fees for uses unrelated to the collective bargaining, contract administration and grievance adjustment; and (3) objects to the amount of the reduced Agency Fee as determined by the State Federation for chargeable expenses. Class II Objecting Agency Fee Payers are not entitled to the rights and responsibilities of a member as set out in Section II.
- 7. Collective Bargaining Unit:**  
An employee segment recognized by APEA/AFT in which all members of the unit work for the same employer and are presently affected by the same collective bargaining agreement. An employee segment not currently covered by a collective bargaining agreement, but if it were, it could reasonably be expected to be affected by a single agreement.
- 8. Core Services shall be defined as:**

  - A. Providing a reservoir of professional resources, which are available to Local Officers responsible for administering the Local's collective bargaining agreement.
  - B. Providing Employee Representatives, Negotiations, Leadership Development, Communications, and other needed training to Local/Chapter activities.
  - C. Maintaining a statewide mailing list of AFT members.
  - D. Providing a mechanism to collect and keep track of the collection of dues for Locals and the State Federation.
  - E. Providing a reservoir of professional resources that are available to Local Officers responsible for negotiating the Local's collective bargaining agreement.
  - F. Providing statewide communications with activists and members on issues of importance of AFT members in Alaska.
  - G. Providing a governance structure that promotes cooperation and support among AFT Locals and members within Alaska.
  - H. Providing a mechanism to advance the State Federation's goals through political action and lobbying at all levels of government.
  - I. Providing an infrastructure and expertise in both internal and external organizing.
  - J. Providing a mechanism to promote cooperation and support among other labor organizations within Alaska.
  - K. Providing a mechanism to account for and disburse the funds of the organization.
  - L. Facilitating the development of professional issues in the various constituencies of the State Federation.
  - M. Providing Locals with assistance in analyzing the public budgets that affect them.

- N. Providing an infrastructure to support campaigning on statewide or national issues, such as Lessons for life, Quality Services and Breast Cancer.
  - O. Legal Defense Fund.
  - P. Core Services overhead.
- 9. Contract Administration Service shall include all “core services” and the following additional services:**
- A. Prosecuting grievances, arbitrations, unfair labor practices, lawsuits and taking other actions necessary to administer the collective bargaining agreements.
  - B. Negotiating the collective bargaining agreement.
  - C. Providing professional development training for members of the Local.
  - D. Communicating with members on Local issues.
  - E. Maintaining a Labor-Management interaction mechanism.
  - F. Contract Administration Services overhead.
- 10. Local Dues:**  
An amount collected from a member, by a local. Per capita paid to the State Federation is included in the Local Dues. Local Dues may also include an additional amount levied by the Local.
- 11. EPIC:**  
The Employee Political Information Committee is the independent political arm of APEA/AFT.
- 12. Executive Officers:**  
The President and Secretary-Treasurer are considered the Executive Officers of APEA/AFT.
- 13. Fiscal Year:**  
The business of the State Federation shall commence on July 1 and end on June 30 of the following calendar year.
- 14. Initiation Fees:**  
An amount collected from each new employee who becomes a bargaining unit member after June 30, 1987, regardless of member/agency fee designation is to be collected once in a member's lifetime.
- 15. Levels of Function:**  
Any member who holds an office or is an Employee Representative or a member of a committee for their Local or the State Federation.
- 16. Mail-out Ballot:**  
Ballots which are mailed to all eligible members at their last known address.

17. **Major Fraction:**  
An increment of 51 or greater.
18. **Management Staff:**  
All employees of APEA/AFT on personal services contracts.
19. **Staff:**  
All employees of APEA/AFT.
20. **Non-profit Status:**  
The Alaska Public Employees Association/AFT is a non-profit corporation.
21. **Per Capita:**  
An amount collected from a member to fund the operation of the State Federation. Per capita includes: core services; contract administration services; and, affiliation costs.
22. **Published:**  
To make generally known in print or electronic format.

## **SECTION II – MEMBER**

1. **Definitions:**  
A person who is paying per capitas to the APEA/AFT and who otherwise meets eligibility requirements. A member in good standing is one who is currently paying per capitas, who does not owe either the State Federation or Local any money and who meets all of the requirements set forth in Section II, 2 (A and B, or C). To be eligible to hold an APEA/AFT office, the individual must remain a member in good standing.
2. **Eligibility:**
  - A. All employees of the State of Alaska, political subdivisions of the State, public corporate authorities, private sector corporations, public and private school teachers, paraprofessionals and school-related personnel, higher education faculty and professionals, nurses, allied health professionals and other health care employees are eligible for membership except elected officials and executive heads of each State Department or political subdivision.
  - B. Permanent seasonal or laid off employees who are either paying per capitas or have paid per capitas within the preceding nine (9) months shall have the right to vote.

C. APEA/AFT management staff employees are eligible for membership, but shall not participate in APEA/AFT elections and are not entitled to representation in employment matters.

**3. Member Rights and Responsibilities:**

A. Members shall elect:

1. Local Officers
2. Directors of the Board
3. Delegates to the AFT Convention

B. Members shall vote to approve or reject:

1. Bargaining Unit Agreements
2. Local Dues
3. Per capita
4. Assessments
5. Initiation fees, amounts and exemptions
6. State Federation and Local Constitution, Bylaws and Articles of Incorporation
7. Changes of State Federation affiliation
8. Letters of agreement shall be subject to approval in accordance with the Local Bylaws or Constitution.

C. Members may remove by vote:

1. Local Officers
2. Delegates to the AFT Convention
3. Directors of the Board
4. Business Manager

D. Members may recommend contract objectives to negotiators.

E. A member may, at any time, resign from APEA/AFT and assume the status of agency fee payer by informing the Business Manager, in writing, of his/her intention to do so.

F. Members holding elected office are prohibited from supporting labor organizations whose goals compete or conflict with those of APEA/AFT. Active support of such labor organizations includes:

1. Holding an official position with a labor organization not affiliated with APEA/AFT.
2. Encouraging APEA/AFT members to sign interest cards distributed by other labor organizations attempting to represent APEA/AFT members.
3. Making media or other endorsements of other labor organizations seeking to represent APEA/AFT members.

- G. Members holding elected office are prohibited from actively supporting goals of an employer which clearly conflict with the best interest of the State Federation members, and which clearly fall outside what would be expected to appear in the individual's job description. Such active support includes:
1. Providing management with information concerning strike plans or negotiation strategy.
  2. Actively coercing State Federation members not to strike legally, honor picket lines, or otherwise violating their rights under collective bargaining.
  3. Crossing a State Federation sanctioned picket line, unless contractually required to do so.
- H. An elected official suspected of violation of Sub-section (F) and/or (G) will be brought to the attention of the Board of Directors. Charges against a member for violating these sections may be brought by any member in good standing and shall be filed in writing with the Business Manager. The charges shall specify the date(s) and location of the alleged violation. Charges under this subsection may not be brought against a member not authorized by law to strike who crosses a picket line in the performance of official duties. The Business Manager shall immediately send a copy of the charges to the accused member by certified mail. If the accused member does not respond to the charges to the Business Manager within ten (10) days of receiving them, or thirty (30) days of mailing, whichever is later, the accused member shall be deemed to have admitted to them. The Board of Directors shall convene as a judicial body to review the charges, the member's response or failure to respond. Any member found in violation of these responsibilities by the judicial body shall immediately have his or her status changed to that of an agency fee payer for a period of time to be determined by the judicial body. The decision of the judicial body may be appealed to the Delegates of the next Biennial Caucus.

### **SECTION III -- EMPLOYEE REPRESENTATIVES**

- 1. Definitions:**  
An Employee Representative is a member in good standing elected at the work site(s) by members of the same bargaining unit and/or appointed in accordance with Local Bylaws/Constitution.
- 2. Purpose:**  
To serve the members at work sites.
- 3. Selection Procedures:**  
Local Bylaws and/or Bargaining Unit Contract shall govern the selection, term of office and/or removal of Employee Representatives.

**4. Qualifications:**

An Employee Representative shall hold permanent status, be a member of the APEA/AFT in good standing and shall remain a member in good standing of the bargaining unit represented.

**5. Duties:**

- A. Shall be familiar with the terms of the bargaining unit agreement, State Federation and Local Bylaws,
- B. Assist members with job related disputes and grievances,
- C. Participate in Employee Representative training,
- D. Distribute State Federation information,
- E. Orient new employees to APEA/AFT,
- F. Conduct polls and surveys,
- G. Organize members for employee action,
- H. Solicit information for negotiators,
- I. Recommend candidates for bargaining unit Negotiator and Constituency Councils,
- J. Attend Local meetings,
- K. Work with professional staff and provide all information obtained in the investigation of a grievance or complaint,
- L. Employee representatives may submit to the Board of Directors a list of requested training programs for consideration.

**6. Removal for nonattendance:**

Local Bylaws may provide for the automatic removal of an Employee Representative who has missed a specific number of meetings.

**SECTION IV -- Local**

**1. Organization:**

The members of each Local shall elect at a minimum two (2) officers who shall perform the duties of, a President, Vice-President, Secretary and Treasurer, as set out in Section IV.10. Inclusion of all four offices in the Local structure is not required.

**2. Local Meetings:**

- A. Regular meetings may be held at such intervals as the Local may desire.
- B. Annual Local meetings may be held following the APEA/AFT Biennial Caucus and shall include any business requested by the Board of Directors.
- C. The annual Local meeting may include installation of officers and approval of the Local budget.
- D. An annual membership meeting shall be held at each Local in accordance with their Constitution/Bylaws.

E. A directory of officers and Employee Representatives shall be published following the annual Local meeting and distributed to Local members, the Board of Directors, and Headquarters.

**3. Special meetings:**

Special meetings may be called in accordance with the Bylaws and/or Constitution of the Local. Local Bylaws and/or Constitution shall define reasonable notice of special meetings.

**4. Committees:**

A. Locals may appoint committees to facilitate the business of the Local or State Federation.

B. The President shall appoint committee members unless the committee is being appointed to investigate misbehavior on the part of the Local President. In this case, the committee members shall be appointed by the Vice-President.

**5. Voting:**

Election and removal of officers shall be by secret ballot. All other voting procedures shall be outlined in the Local Bylaws.

**6. Quorum:**

Local Bylaws shall define a quorum.

**7. Authority:**

A. A quorum of the Local shall formulate policy in conformance to their Bylaws.

B. Define work site(s) for selection of Employee Representatives, in accordance with Local Bylaws.

**8. Qualifications:**

Local officers shall be members in good standing of the Local.

**9. Selection:**

Local Officers shall be elected in accordance with Local Bylaws.

**10. Duties of Local Officers:**

A. President:

Shall preside at all meetings of the Local, appoint all necessary committees, be present at the APEA/AFT Biennial Caucus, and perform such duties as required or permitted by the Constitution of APEA/AFT or the Local. The President or their designee shall be a delegate to the APEA/ AFT Biennial Caucus.

B. Vice-President:

Shall perform the duties of the President in the absence of, or upon the request of, the President.

**C. Secretary:**

Shall keep accurate records of all proceedings and shall be custodian of the records (except financial) for the Local. The Secretary shall give notice of meetings as directed by the President, shall prepare copies of the minutes of all meetings of the Local. All subsequent corrections or revisions to the minutes will be included with the minutes of the following meeting. The Secretary shall be responsible for such other duties as may be required by the Local President or the Constitution of the State Federation and the Local. A roll call attendance of all Employee Representatives and Local officers shall be recorded by the Secretary, along with the total number of members present and included with the report of the proceedings for all meetings.

**D. Treasurer:**

Shall be custodian of the property of the Local, shall keep accurate accounts of all receipts and disbursements and shall make an itemized report to the Local at each regular meeting. Local accounts shall be open at all times and shall be subject to an internal financial review or outside audit at least every two years. The Treasurer may be bonded at the expense of the Local in the amount fixed by the Local. With the aid of the Local officers, the Treasurer shall prepare an annual Local budget for the ensuing year to be approved in accordance with Local Bylaws or Constitution. Local finances shall be subject to audit by the State Federation Finance Committee. The Treasurer of each affiliated Local shall fill out and forward to the State Federation office, on or before the 15th day of each month, the report of active members in good standing and retiree members who have retired since the last reporting period.

**11. Charter:**

Each Local will apply for a Local Charter from the AFT, and fulfill all requirements as needed.

**12. Bylaws and/or Constitution:**

Each unit shall establish Bylaws and/or Constitution for the regulation of the Local. Local Bylaws shall not conflict with the provisions of the Restated Articles of Incorporation or Constitution of the State Federation. All Locals shall submit their Local Bylaws to the Business Manager for filing in Headquarters. Local Bylaws shall conform with both the State Federation and AFT Constitution and Bylaws.

**13. Local Membership:**

The membership shall be organized as provided in Article VII of the Restated Articles of Incorporation. All members of the State Federation not otherwise belonging to a Local may be assigned to the nearest appropriate Local for the purpose of voting, running for office, or participating in any other Local activity they may desire. The assignment shall be made by the Business Manager with the member's right to appeal to the Board of Directors.

**14. New Locals:**

The Board of Directors shall establish guidelines to evaluate groups desiring to become a Local of APEA/AFT. Those guidelines shall include the following:

- A. Expense of traveling between a Field Office and the location of potential Local.
- B. Availability and expense of training Employee Representatives.
- C. Cost of participation in Caucus.
- D. Cost of election of officers.
- E. Those factors which may be unique to the potential Local and its State Federation expense.
- F. Number of members.

The Board of Directors shall use these guidelines and other information to assess relevant costs and compare these with anticipated revenue. The final decision of accepting potential new Locals shall reside with the Board of Directors.

**SECTION V -- BOARD OF DIRECTORS**

**1. Definition:**

The Board of Directors are members in good standing of APEA/AFT elected to manage the affairs, activities and properties of the State Federation. They are the Vice-Presidents of APEA/AFT.

**2. Purpose:**

To conduct the general business of APEA/AFT.

**3. Board Members:**

The Board of Directors shall be composed of sixteen (16) voting and one (1) non-voting members (and Alternates), each elected by APEA/AFT members from each of the following regions and Locals:

- A. Northern Region one(1) seat elected by:
  - a. Fairbanks North Star Borough Employees Association
  - b. Nome Joint Utilities Employees Association
  - c. City of Nome Employees Association

B. Southcentral Region, five (5) seats:

1. Valdez Federation of Teachers & United Special Education Service Employees
2. TOTEM
3. TOTEM
4. Anchorage Council of Education & Anchorage Early Intervention Occupations Union.
5. Matanuska-Susitna Borough employees Association, Kenai Borough employees Association & City of Bethel Employees Association.

C. Southeast Region one (1) seat elected by:

- a. Juneau Education Support Staff
- b. Ketchikan Gateway Borough Employees Association
- c. Petersburg Municipality Employees Association
- d. Petersburg District Support Personnel
- e. Juneau Mental Health Professionals

D. Statewide, nine (9) seats.

1. Southeast Region Supervisory Unit
2. Southcentral Region Supervisory Unit
3. Northern Region Supervisory Unit
4. University of Alaska Federation of Teachers
5. United Academics
6. United Academics
7. United Academics-Adjuncts
8. Alaska Higher Education Crafts & Trades Employees & Alaska Housing Maintenance & Custodians
9. Confidential Employees Association.

E. Retired Public Employees Association (non-voting advisory seat)

**4. Board Seat Allocation for New Locals**

- A. Newly established Locals shall have a Local representative sit on the Board of Directors in an advisory capacity for one year.
- B. Any Local chartered after January 2009 that has an average annual membership over 450 shall receive a board seat in the appropriate region, one year after receiving their charter.
  1. A special election for a new board seat will be held in accordance with the election procedures outlined in Section 7.
- C. Any Local chartered after January 2009 that has an average annual membership of less than 451 shall be placed in the appropriate

region and board seat by the existing Board of Directors, one year after receiving their charter.

1. A special election will not be conducted, the new Local will be included in the next regularly scheduled election for their assigned board seat.

**5. Alternate Board Members and Vacancies**

- A. An Alternate Board Member shall possess the authority of the office only in the absence of the Board of Directors member.
- B. If a Board Member is unable to complete a term of office, the Alternate shall fill the vacancy and complete the remaining term of office.
- C. In filling a vacant Alternate Board Member position, the Executive Vice President shall require each Local President, of the division having the vacancy, to submit a recommendation for the Alternate Director.
- D. The President will then appoint, from the names received from the Local Presidents, the member to fill the vacant Alternate Director's position.

**6. Qualifications:**

- A. A person seeking to hold this office must be a member in good standing of the State Federation and his/her Local, and intends to remain a member in good standing of the Federation for the term of office.
- B. No Board Member shall be eligible to hold office as President or Secretary Treasurer. However, a Board Member may also hold the position of Employee Representative and/or Local officer.

**7. Selection:**

- A. Nominations for officers will be opened March 1. Nominations will close on May 1. Ballots shall be sent to the membership by June 1. The seating of newly elected officers will be effective on July 1 or at the completion of the balloting process.
- B. Write-in votes are only permitted in the absence of any qualified nominee for office.
- C. Each Director shall be elected by the membership of the areas represented, voting by mail-out ballot. The members voting will have thirty (30) days to return their ballots.

- D. To be elected, a candidate must receive a majority of all votes cast. If no candidate receives a majority, a runoff election between the two (2) candidates receiving the most votes will be held within seven (7) days.
- E. If a candidate is unopposed at the close of nominations, a mail ballot will not be required and the candidate shall assume office on July 1 or at the completion of the balloting process.
- F. State Federation-funded campaigning shall be limited to one 8 ½" by 11" typewritten resume per candidate, included with the mail-out ballot.
- G. No member shall be eligible to vote for more than one Board Member and Alternate in each division.
- H. The following Board Members and Alternates shall be elected to four (4) year terms beginning in 2009:
  - 1. Southeast Region Supervisor Unit
  - 2. Northern Region Seat; Fairbanks North Star Borough Employees Association, Nome Joint Utilities Employees Association & City of Nome Employees Association.
  - 3. Matanuska-Susitna Borough Employees Association, Kenai Borough Employees Association, & City of Bethel Employees Association.
  - 4. Anchorage Council of Education & Anchorage Early Intervention Occupations Union.
  - 5. TOTEM
  - 6. TOTEM
  - 7. Alaska Higher Education Crafts and Trades Employees & Alaska Housing Maintenance and Custodians
  - 8. United Academics
  - 9. United Academics
- I. The following Board Members and Alternates shall be elected to four (4) year terms beginning in 2010:
  - 1. Southeast Region Seat; Juneau Education Support Staff, Ketchikan Gateway Borough Employees Association, Petersburg Municipality Employees Association, Petersburg District Support Personnel, Juneau Mental Health Professionals.
  - 2. Northern Region Supervisory Seat
  - 3. Southcentral Region Supervisor Unit
  - 4. Valdez Federation of Teachers & United Special Education Service Employees.
  - 5. University of Alaska Federation of Teachers
  - 6. United Academics-Adjunct
  - 7. Confidential Employees Association.

**8. Quorum:**

A simple majority of the voting President and Secretary-Treasurer and voting Board of Directors shall constitute quorum.

**9. Meetings:**

The Board of Directors shall schedule meetings as necessary and appropriate, but in no case fewer than three (3) times per year, one of which shall be in conjunction with the APEA/AFT Biennial Caucus. Board minutes and agendas will be distributed to Local Presidents prior to Board meetings. Unscheduled meetings, including teleconferences, may be held within budgetary limits.

**10. Responsibilities:**

A. The Board of Directors shall elect a Chairperson from among themselves.

1. The Chairperson shall be known as the Executive Vice President.
2. The chair shall be director of all State Federation elections.
3. The chair shall schedule and preside over meetings, only in the absence or at the direction of the President.

B. The Board of Directors shall have the authority to supervise the business of the State Federation in accordance with the policies and procedures of the State Federation.

C. The Board of Directors shall:

1. Establish and administer an annual budget.
2. Cause to be published for distribution to:
  - a. All members: A newsletter, the first month of each quarter, containing information such as, Board of Directors report, EPIC/lobbying report, grievance reports, contract updates, and other matters of interest to members.
  - b. All levels of function: Copies of the minutes of the Board of Directors and minutes of the APEA/AFT Biennial Caucus shall be sent within thirty (30) days of the meetings.
3. Accept or reject proposed bargaining agreements and personal service agreements negotiated by the Business Manager and President with State Federation staff.
4. Review staff policies, procedures and job descriptions.
5. Ensure the mandatory training of Employee Representatives, at least biennially.
6. Assign members to a Local in accordance with provisions in the Constitution and Articles of Incorporation.
7. Select, evaluate, discipline, or dismiss the Business Manager. The Business Manager shall be evaluated in writing after the APEA/AFT Biennial Caucus.

8. Propose changes of affiliation with national or private sector organizations. A ballot shall be distributed or mailed to all members for ratification.
9. Make final resolution of violations and interpretations of State Federation Constitution, the State Federation restated Articles of Incorporation and Local Bylaws and impose sanctions up to and including dissolution of the Local.
10. Establish, appoint and/or dissolve constituency councils.
11. Initiate surveys.
12. Review and approve all legislation proposed by APEA/AFT prior to submission.
13. Ensure the collection of per capita, Local dues, and have the authority to co-sign checks and vouchers.
14. Ensure maintenance of accurate membership rosters.
15. Implement the goals and priorities of the State Federation's members.
16. Solicit nominations and conduct the election for the State Federation President and Secretary/Treasurer.
17. Employ an independent certified public accountant to perform a comprehensive annual audit of the accounts of the Organization and provide a management letter for evaluation. No firm may conduct more than 4 consecutive audits.
18. Propose the amount of per capita. Changes in the per capita can be proposed by the Board of Directors no more than two (2) times each year.
19. Establish initiation fees, assessments, amounts and exemptions with ratification by the membership.
20. Appoint a temporary President or Secretary/Treasurer until an election can be held.
21. Have the authority to enter into contracts.
22. Act as an appeal board for contested staff terminations.
23. Appoint regional grievance committee members and the committees of the Caucus.
24. Have the authority to submit a proposed bylaw change to the membership for a vote at any time.
25. Appoint a temporary Business Manager if the Business Manager is incapacitated for a period of time exceeding five (5) days.
26. Have authority to adopt procedures to elect or appoint members to AFL-CIO labor councils.
27. Have the authority to enter into agreements with existing associations, which wish to affiliate with APEA/AFT. Under extenuating circumstances, these agreements may allow for a phasing in of per capita.
28. Take any other actions which the Board feels are necessary to conduct the general business of the State Federation.

29. Establish the amount of core services, based upon an average determined by an audit to be conducted every three years, of the previous three year's records.

**11. Proxies:**

A Director or the designated Alternate Director may assign, by a written and signed proxy, his/ her vote to another Director, Alternate Director, or the President. If it is intended to be limited to specific issues, the proxy must specify the specific issues, motions or resolutions covered by the proxy and may specify how the issue, motion or resolution will be voted on his/her behalf. A proxy must be verified by the Secretary/Treasurer and placed into the record at the time it is presented to the Board.

**SECTION VI -- PRESIDENT OF THE STATE FEDERATION**

**1. Authority:**

The State Federation President shall:

- A. Schedule and preside over the meetings of the APEA/AFT Biennial Caucus and the Board of Directors with a vote in case of a tie.
- B. Set the agenda for Board meetings and send out meeting notices at least fifteen (15) days prior to scheduled meetings.
- C. Upon election, hold no other office within the State Federation.
- D. The State Federation President shall be the chief spokesperson and representative for the State Federation.
- E. With the Business Manager, negotiate bargaining agreements with State Federation staff.
- F. Have the authority to co-sign checks and vouchers.

**2. Qualifications:**

A person seeking office as President shall have been a member in good standing of APEA/AFT or AFT/AFPE for a minimum of two (2) years immediately prior to the date of their nomination and maintain that status throughout their term. The President may not be from the same Local as the Secretary-Treasurer.

**3. Selection:**

- A. The President shall be elected by the Delegates to the APEA/AFT Biennial Caucus.
- B. Ninety (90) days prior to the APEA/AFT Biennial Caucus nominations for President will be opened, and shall close the end of the second day of Caucus. Names of candidates received prior to Caucus shall be made available to Locals and their Delegates as soon as possible.
- C. To be elected, a candidate must receive a simple majority of all Delegate votes cast. If no candidate receives a majority, run-off elections will be held between the two (2) candidates receiving the most votes until one receives a simple majority of the votes cast.

**4. Term of Office:**

The President shall assume the duties of office immediately upon election. The term of office shall be two (2) years. The President shall not serve more than four (4) consecutive terms.

**5. Vacancies:**

Should a vacancy occur, it shall be filled by temporary appointment from the Board of Directors. If the vacancy occurs more than six (6) months prior to the next Caucus, a special election shall be held to elect a president to fill the remainder of the term. The election shall be conducted by the voting delegates of the previous Biennial Caucus.

**SECTION VII -- SECRETARY-TREASURER OF THE STATE FEDERATION**

**1. Authority:**

The State Federation Secretary-Treasurer shall:

- A. Attend Board meetings, with a vote.
- B. Be responsible for the recording and publication of all minutes of the State Federation.
- C. Coordinate the meetings and supervise the Finance Committee of the State Federation.
- D. Be responsible for presenting Finance Committee Reports to Board.
- E. With the Business Manager, oversee the implementation of Board direction with regards to Finance Committee reports.
- F. Have authority to co-sign checks and vouchers.
- G. Assist the Executive Vice President in overseeing all State Federation elections.
- H. Assist the Business Manager in planning and controlling the State Federation's cash position.
- I. Serve as Chair of the Legal Defense Fund Committee.

**2. Qualification:**

A person seeking office as Secretary-Treasurer shall have been a member in good standing of APEA/AFT or AFT/AFPE for a minimum of one year immediately prior to the date of nomination and maintain that status throughout their term. The Secretary-Treasurer may not be from the same Local as the President.

**3. Selection:**

- A. The Secretary-Treasurer shall be elected by the Delegates to the APEA/AFT Biennial Caucus.
- B. Ninety (90) days prior to the APEA/AFT Biennial Caucus, nominations for Secretary-Treasurer will be opened, and shall close the end of the second day of Caucus. Names of candidates received prior to Caucus

shall be made available to Locals and their Delegates as soon as possible.

- C. To be elected, a candidate must receive a simple majority of all Delegate votes cast. If no candidate receives a majority, runoff elections will be held between the two (2) candidates receiving the most votes until one receives a simple majority of the votes cast.

**4. Term of Office:**

The Secretary-Treasurer shall assume the duties of office immediately upon election. The term of office shall be two (2) years.

**5. Vacancies:**

Should a vacancy occur, it shall be filled by temporary appointment from the Board of Directors. If the vacancy occurs more than six (6) months prior to the next election, a special election shall be held to fill the remainder of the term. The election shall be conducted by the voting delegates of the previous Biennial Caucus.

## **SECTION VIII -- BUSINESS MANAGER**

**1. Definition:**

The Business Manager shall be responsible for the day-to-day operation of the State Federation.

**2. Authority:**

Under the authority of the Board of Directors, the Business Manager shall:

- A. Hire and dismiss paid staff of the State Federation, and maintain their job descriptions and annual performance evaluation. All employees shall be under the supervision of the Business Manager.
- B. Maintain up-to-date records of all grievances in which the staff participates.
- C. Be the custodian of all records. These records shall include, but are not limited to, financial, personnel, minutes and current membership mailing list.
- D. Be responsible for the general order of business.
- E. Attend all Board of Director meetings and present a report on staff activities.
- F. Be bonded at State Federation expense in an amount specified by the Board of Directors.
- G. Perform other duties as directed by the Board of Directors.
- H. Prepare a proposed budget for submission to the Board of Directors.
- I. Report annually on the status of any goals and priorities established at the previous Caucus.
- J. Have the authority to co-sign checks and vouchers.
- K. Serve as a voting member of the Legal Defense Fund Committee.

**3. Evaluation:**

The Business Manager will be evaluated annually by the Board of Directors. The Board of Directors shall consider input from the APEA/AFT Biennial Caucus.

**SECTION IX -- APEA/AFT BIENNIAL CAUCUS**

**1. Definition:**

The APEA/AFT Biennial Caucus is a Statewide meeting of Delegates and/or Alternates.

**2. Purpose:**

Locals shall send Delegate(s) to Caucus to address regional and statewide concerns, and provide input to the Board of Directors.

The business of the Caucus shall include but not be limited to:

- A. Staff performance.
- B. Recommend resolutions and changes to the Constitution and Articles of Incorporation.
- C. Establish goals and priorities.
- D. Adopt resolutions concerning APEA/AFT administrative and legislative matters.
- E. Regional caucus and other caucuses.

**3. Date:**

- A. The APEA/AFT Biennial Caucus shall convene at least biennially.
- B. It will be held sometime after the State Primary Election, and before the State General Election, unless the Board of Directors determines that it would not be in the best interest of the State Federation to do so.

**4. Voting:**

Voting by proxy will be permitted only to the extent that the member in good standing of APEA/AFT may take the place of the Delegate in their absence. The proxy may specify the specific motion or resolution covered by the proxy and may specify how the issue, motion, resolution will be voted on his/her behalf. A proxy must be verified by the Secretary/Treasurer and placed into the record at the time it is presented at caucus prior to any vote(s) to be conducted.

5. **Quorum:**  
A quorum shall be two-thirds (2/3) of all the Delegates registered at the Caucus.
  
6. **Allocation of Delegates:**
  - A. Locals that are chartered as AFT Locals which have membership of twenty-five (25) or less shall receive one (1) Delegate. For each 100 members or agency fee payers, or major fraction thereof, they shall be entitled to one additional Delegate. The Local's Bylaws shall provide for the selection of Delegate(s), provided they are consistent with the requirements of the AFT Constitution.
  - B. For the purposes of this Article, membership shall mean the average number on which the per capita has been paid for the first twenty-four (24) months of the twenty-six (26) month period immediately preceding the month in which the biennial convention meets, provided:
    1. that no Local in arrears for two (2) months at the time of the convention shall be entitled to representation; and,
    2. that, in the case of Locals that have been chartered during the two (2) years preceding the Biennial Caucus, the average shall be computed on the basis of the number of months of affiliation, the minimum for such computation to be two (2).
  - C. The Local's Bylaws shall provide for the selection of Delegate(s). The Locals shall notify APEA/AFT, not less than thirty (30) days prior to the start of Caucus, with the names of their delegates to the Caucus.

## **SECTION X -- AFT CONVENTION**

1. **Selection of Delegates:**  
Delegates to the AFT Convention shall be elected by secret ballot from among all members of the State Federation 8050, who are not members of a specific Local. All Locals shall have provisions in their Constitutions or Bylaws which provide for the selection of Delegates in accordance with the AFT Constitution.
  
2. **Nomination of Delegates:**  
Members must be given suitable opportunity to nominate candidates for the office of Delegate and Alternate. Notice of the nomination and election procedures shall be included in the APEA/AFT website. Nominations shall be closed on April 1.
  
3. **Election Procedure:**  
A ballot for AFT Convention Delegates will be mailed out as soon as possible after nominations for delegates are closed to all members of Local 8050 that are not members of a specific Local. Those nominees receiving the highest number of votes corresponding to the number of

positions to be filled shall be Delegates. After all Delegate positions are allocated, the nominees receiving the next highest number of votes corresponding to the number of Alternate positions to be filled shall be Alternate Delegates.

**4. Election Results:**

The results of the election will be published on the State Federation's website.

**5. Attendance:**

The Board of Directors shall determine the number of Delegates the State Federation will fund to attend the Convention. Delegates and Alternates not eligible for funding may attend at their Local's expense if approved by the Local, or their own expense.

**SECTION XI -- FINANCE COMMITTEE**

**1. Definition:**

The Finance Committee shall consist of four (4) members in good standing appointed by the Board of Directors and the Secretary-Treasurer, who shall serve as the Chairperson. The Board of Directors shall appoint an alternate who will serve when a Committee Member is unable to attend. The Committee must have four (4) members present to conduct business.

**2. Qualifications:**

Finance Committee members shall be members in good standing of the State Federation and shall have knowledge of accounting, budget management and/or auditing procedures. The Board of Directors and the President are directed by this subsection to ensure that the Finance Committee as a whole has adequate knowledge of both accounting and auditing procedure. The Board of Directors shall make every effort to appoint a certified public accountant as one (1) member of the Finance Committee. Finance Committee members may be removed by the Board of Directors.

**3. Term of Office:**

Finance Committee member's term of office is two (2) years. Two seats will be appointed in even numbered years and two seats in odd numbered years.

**4. Duties:**

A. The Finance Committee shall review the financial records of the State Federation and shall make a deficiency report to the Business Manager, Board of Directors, and President after each review. Such reports shall become an addendum to the annual audit.

- B. The Finance Committee shall meet to act as consultants to the President and Board of Directors regarding financial matters of the State Federation.
- C. Vacancies of the Finance Committee will be filled within thirty (30) days of such vacancies in accordance with the above.

## **SECTION XII -- REGIONAL GRIEVANCE COMMITTEE**

### **1. Authority:**

- A. May direct State Federation staff to pursue a grievance up to and including arbitration or take other actions deemed necessary.
- B. Direct State Federation staff to seek court enforcement of an arbitrator's decision, or force the employer to arbitrate. In either case the Business Manager shall have the opportunity for comment prior to entering such an order. In such an event, the time limit for Committee decision is extended fifteen (15) days.
- C. May submit recommendations to the negotiators.
- D. May conduct hearings in accordance with the guidelines set out in Appendix of this Constitution.

### **2. Appointment, Qualifications, Term of Service:**

- A. Regional Grievance Committee members will be appointed by the Board of Directors following the APEA/AFT Biennial Caucus. Each Regional Committee shall be composed of three (3) members and three (3) alternates.
- B. Each Regional Committee shall elect a Chair from among themselves.
- C. Committee members shall serve a two (2) year term.
- D. All members of the Regional Grievance Committee shall be members in good standing of the State Federation not holding a position on the Board of Directors or as President of the State Federation.
- E. A quorum shall be two (2) members of each Regional Grievance Committee.

### **3. Duties:**

- A. Each Regional Grievance Committee shall submit a report on its activities and make recommendations to the APEA/AFT Biennial Caucus.
- B. If State Federation staff decides that a grievance of an employee working under the jurisdiction of the State Federation should not be pursued, the member may appeal that decision to the Regional Grievance Committee. Appeals shall be made to the Chairperson of the Regional Grievance Committee within seven (7) calendar days of receipt of notice of the staff position.
- C. The appealing employee may appear before the Committee in person, or by teleconference, whichever is more economical. The appealing employee may submit arguments in writing to the Committee. State

Federation staff shall comply with all procedural time limits affecting the employee's appeal pending the Committee's decision.

- D. The employee and State Federation staff shall provide the Committee with all information needed to make its decision. The Committee shall reach a decision within five (5) working days of the time it received all information needed to make its decision. The Committee shall then notify State Federation staff of its decision and send written notice thereof within fifteen (15) calendar days to the employee and State Federation staff.

## **SECTION XIII – CONSTITUTION**

### **1. Constitution Committee:**

Definition: A six (6) member standing Committee appointed by the Board of Directors to make recommendations on all proposed changes to the Constitution.

### **2. Appointment, Qualifications, Term of Service:**

- A. The Constitution Committee members will be appointed by the Board of Directors prior to the APEA/AFT Biennial Caucus. The Constitution Committee will be composed of six (6) members, two (2) from each Region.
- B. The Constitution Committee shall elect a chair from among themselves.
- C. Committee members shall serve a two (2) year term.
- D. All members of the Constitution Committee shall be members in good standing of the State Federation. The President of the State Federation and the Board of Directors may not be on the Constitution Committee. Alternate Board members may be on the Constitution Committee.
- E. A quorum shall be four (4) members of the Committee.

### **3. Amendments:**

- A. Any proposed amendment by members shall be submitted in proper format to the Constitution Committee no later than thirty (30) days prior to the Constitution Committee meeting at the APEA/AFT Biennial Caucus.
- B. The Constitution Committee may propose amendments for consideration by the Delegates of the Caucus.
- C. All properly proposed amendments will be sent to the APEA/AFT Biennial Caucus by the Committee with a recommendation of "DO PASS" or "DO NOT PASS" for discussion and resolution.
- D. If the bylaw received a "DO PASS" by the APEA/AFT Biennial Caucus, it will be sent to the membership for ratification.
- E. Amendments to this Constitution shall be made by the members if approved by two thirds (2/3) of the all votes cast.

- F. A copy of amended Constitution shall be sent to the membership within twenty (20) days of ratification.
- G. Upon petition by thirty (30) percent of the State Federation membership, a proposed amendment to the Constitution shall be referred to the Board of Directors within seven (7) days of verification of the membership status of the signers. The Board shall submit the proposed amendment to the membership for ratification with a recommendation of "Do Pass" or "Do Not Pass."
- H. If a proposed amendment increases a budget line item, the amendment justification must include a statement about the source of funding for the amendment and the total yearly costs.

**4. Amendment Format:**

Amendments will be submitted typed, identifying Constitution section, paragraph, subparagraph, etc. It will state how the portion to be amended currently reads, how it is proposed to read when amended, the justification for the change, the identification of the submitter, a statement of the pros and cons of the amendment submitted and the financial impact of the amendments, if any.

**SECTION XIV -- CONSTITUENCY COUNCILS**

**1. Definition:**

A council established to act as consultants to address special interests and needs of a constituent group.

**2. Purpose:**

Provide advice and recommendations to the Board of Directors or negotiators of specialized interest needs such as, but not limited to:

- A. Teachers
- B. Classified School District Employees
- C. Supervisors
- D. Public Safety Employees
- E. Local Government
- F. Higher Education Faculty
- G. Higher Education Classified
- H. Health Care Employees
- I. Non-Profit Employees

**3. Selection Procedure:**

Councils shall be established by the Board of Directors. The members of the Councils may be appointed by the President of the participating Locals.

**4. Qualifications:**

The Constituency Council members shall be members in good standing.

**5. Duties:**

- A. Carry out assignments by the Board of Directors.
- B. Provide input to the Board of Directors regarding special interest issues.
- C. Accept input from members to be conveyed to the Board of Directors.
- D. Develop strategies and contingencies to resolve issues unique to members of the Constituency Council.

**SECTION XV -- PER CAPITAS AND ASSESSMENTS**

**1. Per capitas:**

- A. The Board of Directors shall propose the amount of per capitas. A vote to ratify per capitas changes shall be taken by the entire membership of the State Federation. If a simple majority of those voting ratify the proposed per capitas, they will become effective immediately. If a simple majority of those voting reject the proposed per capitas, they will remain at the amount charged prior to the proposal.
- B. All permanent, temporary and non-permanent part-time employees represented by APEA/AFT shall pay per capitas at the following rate schedule:
  - 1. Those who work or are on paid leave at one-half ( $\frac{1}{2}$ ) time or 41 to 80 hours per month or full time members whose gross monthly salary is less than \$1500 shall pay at the rate of fifty percent (50%) of the regular per capitas to APEA/AFT plus the applicable national AFT per capita fee.
  - 2. Those who work or are on paid leave at one-quarter ( $\frac{1}{4}$ ) time or 40 hours or less per month or full time members whose gross monthly salary is less than \$1100 shall pay per capitas at the rate of twenty five percent (25%) of the regular per capitas to APEA/AFT plus the applicable national AFT per capita fee.
  - 3. Effective September 1, 2011, this income threshold shall be increased on a yearly basis by a percentage equal to the public sector Employment Cost Index published by the U.S. Department of Labor, as republished by AFT.
- C. All members of a bargaining unit which has voted for representation by APEA/AFT, shall pay per capitas at the regular rate commencing on the effective date of the approval of the vote for that bargaining unit. Such members shall not be required to pay an initiation fee. Bargaining unit members who join the bargaining unit after the

effective date of the Collective Bargaining Agreement will be subject to initiation fees as specified in Sub-Section 2.

D. Per capitas shall be paid as follows:

1. If arrangements can be made with the employer, all per capitas shall be paid on a monthly basis by payroll deduction. If an employee declines to pay by payroll deduction, per capitas shall be paid in advance on a calendar year basis, commencing within thirty (30) days after the date of hire; the date the employee withdraws their payroll deduction authorization; or, prior to the beginning of the calendar year.
2. If payroll deduction arrangements cannot be made with the employer, per capitas shall be paid in advance on an annual calendar year basis, or on a monthly basis commencing within thirty (30) days after the date of hire.

E. APEA per capitas shall increase by the amount of any increase in the AFT per capita payments.

F. Local Rebate on Temporary Employees

1. A Local made up predominately of permanent/regular employees will receive by written request from the Local President, State Federation per capita payments of temporary and/or non-permanent employees within the Local.
2. Adjunct employees are excluded from this provision.

G. Those members who are on leave without pay (LWOP) from their employer, may choose to pay a per capita tax in the amount of \$1.00 per month. Such members shall be entitled to receive full benefits of membership. However:

1. he/she may not run for a Local or Statewide office not currently held; and,
2. he/she will not be allowed to run for reelection while on LWOP.

**2. Initiation Fees:**

The Board of Directors shall propose the amount of initiation fees. A vote to ratify an initiation fee change shall be taken by the entire membership of the State Federation. If a simple majority of those voting ratify the proposed initiation fee, it will become effective immediately. If a simple majority of those voting reject the proposed initiation fee, it will remain at the amount charged prior to the proposal. Any temporary or nonpermanent employee hired for one hundred and twenty (120) days or less in any calendar year shall be exempt from paying any initiation fee. Those bargaining unit members that have never paid an initiation fee and who terminate employment and who subsequently resume employment in any APEA/AFT bargaining unit will pay the initiation fee.

**3. Agency Fee:**

The fee that an employee in the bargaining unit who does not become a member of the APEA/AFT is required to pay APEA/AFT for union representation.

**4. Assessment:**

An amount collected from each member on a one (1) time basis and for a specific purpose. Any assessments must be proposed by the Board of Directors for ratification by a simple majority of those voting in the Collective Bargaining Unit(s) to which the assessment applies.

**5. Local Dues:**

Locals may elect to have dues that are higher than the APEA/AFT per capita, provided that any such increase shall be ratified by the Local's members by secret ballot.

**6. Political Activity:**

Per capita and fees collected by the APEA/AFT may not be expended for activities or causes that are primarily political in nature except seventy five cents (\$0.75) shall be collected from each member and agency fee payer each month as part of the monthly per capita and fees set by the members. This amount shall be transferred as it is received to the political action arm of the APEA/AFT, the Employees Political Information Committee. Any member or agency fee payer shall have the right to object to the expenditure of per capita or fees for activities or causes that are primarily political in nature. Objections must be delivered to an APEA Office in writing by the person making the objection. Refunds shall be granted in accordance with the EPIC Bylaws and policies.

**SECTION XVI -- RULES OF ORDER**

The proceedings of all meetings of the State Federation shall be governed by Robert's Rules of Order when not in conflict with the restated Articles of Incorporation or Constitution of the State Federation.

**SECTION XVII -- HANDLING OF FUNDS**

All cash receipts shall be promptly deposited. Funds shall be disbursed only by check signed by any two (2) of the following: the Business Manager, the President, the Secretary-Treasurer, the Chairperson of the Board of Directors or any member of the Board of Directors designated by the President to sign checks on the President's behalf. All expenditures shall be approved by the Board of Directors.

**1. Per capita Receipts:**

All per capita and initiation fees from payroll deduction shall be transmitted directly to the APEA/AFT headquarters. Names, position control numbers, job titles, salary, addresses and other pertinent information shall be transmitted to Headquarters.

**2. Indemnification of Officials and Staff:**

If a State Federation official or a member of the staff is sued based on their duties on behalf of APEA/AFT, the APEA/AFT will defend the official or staff member and will indemnify them if a judgment is entered against them. This provision does not apply if the conduct giving rise to the lawsuit was outside the scope of the official's or staff member's duties, or constituted intentional misconduct or gross negligence.

**3. Strike Fund:**

The Board of Directors may establish a Strike Fund.

A. Ten percent (10%) of the annual interest earned on the Strike Fund will be returned to it, the remaining ninety percent (90%) of the annual interest earned may be used by the Board of Directors for the operation of the State Federation.

B. Principal of the Strike Fund may not be used for other than the expenses incurred during a strike without the approval of the membership by a written vote.

**SECTION XVIII -- RETIREES' LOCAL**

1. The Retirees' Local consists of those public employees who are retired under Public Employees Retirement System or the Teacher's Retirement System.
2. Duties of the Retirees Advisory Seat: The primary function is to advise the Board of issues and concerns affecting the members of the Retirees Local.
3. Expenses incurred by the Retirees Advisory Board member, shall be the responsibility of the Retirees Local.

**SECTION XIX – MEETINGS**

All meetings shall be open meetings, unless closed to nonvoting persons by a two thirds (2/3) vote of those voting members present, and for a definitely stated purpose to protect the State Federation or individuals or confidential information. Such closed session may address only the stated matters. Such people as deemed necessary by the body may be included in the meeting by a two thirds (2/3) vote.

**SECTION XX – BALLOTING**

When balloting is used in an election, at least 95% of the members eligible to vote shall have ballots mailed to them at their last known address, or delivered to them. Any members not receiving a ballot must notify the director of elections not later than seven (7) days before the ballots are due to be received or the ballots may be assumed to have been delivered.

## **SECTION XXI -- MEMBERS-AT-LARGE**

- 1. Definition:**

Any member residing outside of the jurisdiction of an established Local may be accepted as a Member-At-Large of the State Federation, APEA/AFT Local 8050.
- 2. Members rights and responsibilities:**
  - A. Members-At-Large shall elect only:
    1. Delegates to the AFT Convention
  - B. Members-At-Large shall vote to approve or reject:
    1. State Federation Constitution and Articles of Incorporation
    2. Changes in State Federation affiliation
  - C. Members-At-Large may remove by vote:
    1. Delegates to the AFT Convention
- 3. Affiliation Fees:**
  - A. The Board of Directors shall establish and adjust the affiliation fees as necessary.
  - B. Payment shall be subject to Section XV.1.D of this Constitution.
  - C. Initiation fees do not apply to Members-At-Large.
- 4. Representation:**
  - A. The President shall represent the Members-At-Large membership for the purposes of APEA/AFT business.
  - B. For the purposes of the APEA/AFT Biennial Caucus, Members-At-Large shall receive delegate representation as determined by Section IX.6.A of this Constitution.
  - C. For the purposes of the AFT Convention, Members-At-Large may elect one delegate for a membership of twenty-five (25) or less. For each one hundred (100) members or major fraction thereof, one (1) additional delegate may be elected.

## **SECTION XXII -- REMOVAL PROCEDURES**

- 1.** An elected officer accused of malfeasance, misconduct, dereliction of duties or failure to carry out objectives and policies of the State Federation

and the office held, will upon petition by thirty (30) percent of the members empowered to elect, be subject to a vote to remove. A Business Manager accused of malfeasance, misconduct, dereliction of duties or failure to carry out objectives and policies of the State Federation and the office held, will upon petition by thirty (30) percent of the entire membership be subject to a vote to remove. The narrative of the petition shall include the charges and their documentation.

2. Within fifteen (15) days of receipt of the petition, membership status of the petition signers must be verified by staff. Upon verification, a copy of the petition shall be immediately provided to the accused elected officer or Business Manager.
3. Within fifteen (15) days of verification of the petition for election, a ballot shall be sent out to the members eligible to vote for office in question. Included with the ballot shall be the written accusation and a written rebuttal by the accused if submitted. Members voting will have fifteen (15) days to return their ballots.
4. In the case of the President of the State Federation, the petition shall be submitted to the Chairperson of the Board of Directors who shall be responsible for verification of the petition, conducting the election and notifying the accused of the results.
5. In the case of a Board Member, or the Secretary-Treasurer of the State Federation, or the Business Manager, the petition shall be submitted to the President of the State Federation, who shall be responsible for verification of the petition, conducting the election, and notifying the accused of the results.
6. A Board Member will forfeit their office if:
  - 1) they have more than three (3) unexcused absences from meetings scheduled by the President or the Board, or
  - 2) they have missed more than 50% of the meetings scheduled by the President or the Board during any six (6) month period. Excused absences shall be any absence that:
    - A. has been reported to the President in advance of the meeting, or
    - B. in the case of injury or illness of the Board Member or a member of the family.
    - C. they do not remain a member in good standing.
7. In the case of a Local Officer, the Local President shall be responsible for verification of the petition, conducting the election and notifying the accused of the results. If the President is the accused, a neutral third party shall be appointed by the Vice President of the Local.

8. Retention or removal of the elected officer will be decided by a simple majority of votes cast. Within five (5) days of the voting deadline, the election results will be announced and take effect immediately.
9. Nothing in this section shall preclude the Board of Directors from removing the Business Manager for cause.

### **SECTION XXIII -- AUTONOMOUS LOCALS PER CAPITA PAYMENTS**

APEA/AFT is the State Federation in Alaska for the American Federation of Teachers. All Locals shall pay one per capita fee to the State Federation. The amount of core services and contract services will be set by the Board of Directors per Section V. Both service amounts set by the Board will remain in effect for a three (3) year period. Any change in either service amount will be based on the prior three (3) year average of audited figures in a manner consistent with the AFT investigation audit, so that the cost of each service area is clear. In payment of State Federation per capita, Locals that choose to pay for only Core Services will remit only that part of the per capita and will be responsible for paying their own affiliation costs.

## **APPENDIX A**

### **GUIDELINES FOR GRIEVANCE COMMITTEE HEARINGS**

The following guidelines have been developed for the staff and the Committee members. Copies of these guidelines are sent to each grievant referred to the Committee.

1. If the grievant appeals to the regional Grievance Committee, the Committee Chairperson will notify the Field Representative handling the case by telephone and in writing.
2. The grievant and the Regional Grievance Committee Chairperson will schedule the grievant to appear before a quorum of at least two (2) Committee members, and preferably, if they are reasonably available, all three (3) members.
3. The grievant or his/her private representative may appear before the Committee in person or the appealing grievant may waive his/her right. Teleconferencing is an acceptable alternative.
4. The grievant may present relevant oral testimony or documentary evidence. The grievant may call expert witnesses at his/her own expense.
5. The Field Representative and other staff members will be accorded an opportunity to present information forming the basis of the staff recommendation.
6. Before or after a Committee decision resulting from a hearing is rendered, either the grievant or the staff member responsible for the original recommendation may ask for the hearing to be reopened or the decision to be reconsidered, provided the contractual time limits for advancing the grievance have not expired. The basis for such requests will be limited to (a) newly discovered information (b) fraud or misrepresentation subsequently discovered.
7. The Regional Grievance Committee Chairperson will chair hearings, or appoint a Committee member to do so in his/her absence.
8. Not less than five (5) work days before a hearing commences, a grievant may, for cause, request disqualification of a Committee member. The Chairperson will rule on such requests. If a substitute member is needed to assure a quorum, the Board of Director Member of the Region will appoint the substitute. Should the grievant request disqualification of the Chairperson for cause, the request will be directed to the Regional Board of Director Member, who will rule on the request. If the request is granted, the Regional Board of Director Member shall appoint a Committee member as acting Chairperson "pro tem." Substitutes will be appointed by the Regional Board of Directors as required to assure a quorum and full and fair consideration of all the facts and circumstances.
9. Committee Members may question participants in the hearing.
10. The Committee may request additional information from the grievant and/or the staff member.

11. The Committee shall consider the competing claims in closed session. The Committee may seek information, guidance or assistance from the Business Manager. The Committee may rule at the end of the hearing, or may take the matter under advisement and rule later. Five (5) working days are allowed the Committee to decide or to request more information.
  12. The Committee Chairperson shall notify the Field Representative concerned by phone of any decision reached after post-hearing consideration, and send prompt written notice thereof within fifteen (15) calendar days of the decision to the Field Representative. The Field Representative shall forward a copy of the notification to the staff member assigned responsibility for review of grievance processing.
  13. The Committee will perform other duties as required by the APEA/AFT Constitution.
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