

NOME JOINT UTILITIES EMPLOYEES ASSOCIATION, LOCAL 6138
ALASKA PUBLIC EMPLOYEES ASSOCIATION/AFT (AFL-CIO)
CONSTITUTION

**ARTICLE I
NAME**

The name of this organization shall be the Nome Joint Utilities Employees Association, Local 6141, Alaska Public Employees Association/American Federation of Teachers (AFL-CIO), hereafter referred to as the Association or NJUEA.

**ARTICLE II
PURPOSE**

It shall be the Association's purpose to advocate the best interests of the Nome Joint Utilities Employees Association membership.

**ARTICLE III
MEMBERSHIP**

Section 1 **Membership Eligibility**
Membership in the Association will be open to all bargaining unit members employed at the Nome Joint Utility System and/or as described by the Alaska Labor Relations Agency.

Section 2 **Membership Requirement**
Membership in the Association will be voluntary, unless otherwise specified by a negotiated contractual agreement.

Section 3 **Classes of Membership**
There will be two classes of members: Member in Good Standing and Agency Fee Payer.

- A. MEMBER IN GOOD STANDING:
 - i. Member in Good Standing is a member who signed a membership card with the Association; and
 - ii. Is current on all monthly dues and other local assessments.
- B. AGENCY FEE PAYER:
 - i. An Agency Fee Payer is an employee who chooses not to be a member of the Association;
 - ii. An Agency Fee Payer pays service fees that are used for purposes related only to collective bargaining, contract administration and grievance administration; and

- iii. An Agency Fee Payer is not entitled to the rights and responsibilities of a Member in Good Standing, including the right to vote on contracts, participate at meeting, sit on committees, or act on Association issues.

Section 4 **Non-Discrimination**

No person will be denied membership on the basis of race, creed, gender, sexual preference, national origin, religious or political belief, social status, or economic status.

**ARTICLE IV
EXECUTIVE BOARD**

Section 1 **Administrative Body**

The Executive Board shall be the administrative body of the Association, and shall consist of the President, Vice-President, and Secretary/Treasurer.

Section 2 **Purpose**

The Executive Board shall:

- A. Be responsible for interpretation, adherence to and enforcement of the Constitution of the Association; and
- B. Be apprised of the status of the Association, and develop strategic plans for the Association.

Section 3 **Executive Board Meetings**

The Executive Board may hold meetings as needed, but will hold no fewer than four meetings in a calendar year.

**ARTICLE V
OFFICERS AND EMPLOYEE REPRESENTATIVES**

Section 1 **Association Officers**

The Association shall elect a President, Vice President, and Secretary/Treasurer. These three (3) persons shall be the Officers of the Association.

Section 2 **Eligibility**

To be eligible for office a person must be a Member in Good Standing for at least two (2) months and remain in good standing through the term of office.

Section 3 **Duties of Officers**

The duties of Association Officers shall be:

- A. PRESIDENT:
 - i. It shall be the duty of the Association President to preside at all meetings of the Association;
 - ii. Be an Ex Officio member on all Committees, except the Nomination and

- Election Committee;
 - iii. Perform other duties as may be required or permitted by the Constitution of the Association;
 - iv. By office, a delegate to the American Federation of Teachers
 - v. By office, a delegate to the Alaska Public Employees Association/AFT; and
 - vi. By office, the delegate to Alaska State AFL-CIO.
- B. VICE-PRESIDENT:
- i. It shall be the duty of the Association Vice-President to perform the duties of the President in the absence of, or at the request of the President;
 - ii. The Vice-President shall take the place of the President should the President's office be vacated until the general membership can vote for a new President;
 - iii. By office, an alternate delegate to the American Federation of Teachers;
 - iv. By office, an alternate delegate to the Alaska Public Employees Association/AFT; and
 - v. By office, an alternate delegate to the Alaska State AFL-CIO;
- C. SECRETARY/TREASURER:
- i. The Association Secretary/Treasurer shall keep accurate records of all proceedings and shall be custodian of the records of the Association;
 - ii. Shall give notice of meetings as directed by the Association President;
 - iii. Shall be responsible for such other duties as required by the President or by the Constitution of the Association
 - iv. Shall prepare copies of the minutes of all meetings of the Association; and
 - v. Shall be custodian of a sign-in sheet to document attendance of all present at each meeting. The sign-in sheet shall be attached to the minutes of the meeting.

Section 4

Election of Officers

Association Officers shall be elected in odd years by the Members in Good Standing at the Annual Association Meeting. Association Officers shall serve for a term of two (2) years. Association Officers will take office upon the written certification of the election by the Nomination and Election Committee.

Section 5

Officer Vacancies

A. PRESIDENT:

Should the President permanently vacate his or her position voluntarily, be removed for just cause, or be unable to perform his or her duties, the Vice-President shall assume the role of the President of the Association.

B. OTHER OFFICERS:

- i. Should an officer, other than the President of the Association permanently vacate his or her position, be removed for just cause, or be unable to perform his or her duties the Association President shall appoint a

- replacement, with approval of the remaining officer; or
- ii. If the unexpired term of a vacant office is six (6) months or greater, the Nomination and Election Committee shall call for an election when the officer vacates the position; and
- iii. The new elected officer shall serve for the remainder of the term of the officer being replaced.

Section 6 **Employee Representatives**

Employee Representatives shall:

- A. Be appointed by the Association President and be confirmed by the membership at the next Membership meeting;
- B. Attend each Membership and Annual Association meeting;
- C. Be familiar with the terms of their collective bargaining agreement, NJUEA and APEA/AFT Constitutions;
- D. Assist members with job related disputes and grievances;
- E. Participate in Employee Representative training;
- F. Distribute Association information as needed;
- G. Orient new employees to NJUEA and APEA/AFT; and
- H. Work with APEA/AFT professional staff and provide all information obtained in the investigation of a grievance or complaint.

**ARTICLE VI
ASSOCIATION COMMITTEES**

Section 1 **Committee Appointments**

The Association President shall appoint the Chairs of all Association Committees, except the Nomination and Election Committee, and the Negotiation Committee, within fifteen (15) days of the Annual Association Meeting.

Section 2 **Committee Membership**

All Committees shall be made up of a minimum of two (2) members, but at maximum half the total number of Members in Good Standing, and shall be open to all Members in Good Standing. Neither the Association President nor any Members in Good Standing seeking office may be members of the Nomination and Election Committee.

Section 3 **Standing Committees**

The Constitution Committee, Nomination and Election Committee, and Negotiation Committee shall be standing committees. All other committees shall be established on an ad hoc basis.

Section 4 **Constitution Committee**

- A. The Constitution Committee shall review and recommend any constitutional changes;
- B. All proposed Association Constitutional changes shall be submitted to the

Constitution Committee in writing no later than thirty (30) days before the Annual Association Meeting;

- C. The Constitution Committee shall vote on the proposed constitutional changes and if approved by the committee shall present those proposed constitutional changes to the membership at the Association's Annual Membership meeting; and
- D. The proposed Constitutional changes shall be posted in writing to the membership for a minimum of two (2) weeks before the Annual Membership Meeting.

Section 5 **Nomination and Election Committee**

- A. The Nomination and Election Committee shall provide for the nomination, election and certification of Association Officers and Negotiation Committee Members, and shall be custodians of all association elections;
- B. Shall obtain membership lists from APEA/AFT for the election to certify membership;
- C. The Committee shall certify the election results in writing to the Association President within three (3) days of the election.

Section 6 **Negotiation Committee**

- A. The Association shall elect (2) members of the negotiating team, one (1) of which will be primary and another which will be an alternate. These elected members of the Negotiation Committee shall serve on the committee for the life of the contract in which they participated in negotiating;
- B. The Negotiation Committee is authorized by the Association to prepare and distribute to all Association Members in Good Standing within the bargaining unit a survey requesting input and guidance for any upcoming negotiations;
- C. Modify the contract proposal during negotiations by directing the APEA/AFT spokesperson;
- D. Reach tentative agreement on a contract proposal;
- E. After ratification of a tentative agreement sign such agreement;
- F. Declare impasse and call for a strike vote authorization;
- G. Communicate with the Association membership concerning contract negotiations in accordance with negotiation ground rules; and
- H. Approve Letters of Agreement during the life of the negotiated contract.

Section 7 **Other Committees**

Other Committees may be created by the Executive Board.

**ARTICLE VII
MEETINGS**

Section 1 **Membership Meetings**

- A. Membership meetings of the Association shall be held on a quarterly basis at a time designated by the Association President;
- B. Members in Good Standing shall be given at least one (1) week's written notice of the meeting's date, time, and place; and
- C. Written notice may be made by workplace bulletin board located in a universally accessible non-work area.

Section 2 Annual Association Meetings

- A. The Annual Association Meeting shall be held in June;
- B. Members in Good Standing shall be given at least one (1) week's written notice of the meeting's date, time, and place; and
- C. Written notice may be made by workplace bulletin board located in a universally accessible non-work area.

Section 3 Special Meetings

- A. Special Meetings may be held as needed. Special Meetings will be convened by the Association President or by written petition from at least three (3) Members in Good Standing;
- B. There will be a two (2) day written notice of the topic meeting, as well as date, time, and place; and
- C. Written notice may be made by workplace bulletin board located in a universally accessible non-work area.

**ARTICLE VIII
QUORUM**

A quorum at all Membership, Annual, and Special Meetings shall require the presence of at least one-half (1/2) of all Members in Good Standing, and the Association President or Vice-President.

**ARTICLE IX
ELECTIONS****Section 1 Initiation of Elections**

The Nomination and Election Committee shall set a date for an election at least thirty-one (31) days before the date of the election.

Section 2 Notification of Election Date

- A. The Nomination and Election Committee shall notify members in writing that they are accepting nominations for a particular office at least thirty (30) days before the election; and
- B. The notice shall contain as a minimum: title of position; date, time and place of election; and rules for the election.
- C. Written notice may be made by workplace bulletin board located in a universally accessible non-work area.

Section 3 Solicitation of Nominations

- A. Nominations will be opened thirty (30) days prior to an election of Association officers or negotiators and will need to be submitted in writing to the Chair of the Nomination and Election Committee or APEA/AFT Staff, who shall then deliver them to the Nomination and Election Committee;
- B. Nominations will close fifteen (15) days prior to the election; and
- C. If a candidate is unopposed at the close of nominations, a ballot will not be required

and the candidate shall assume office once the election has been certified.

Section 4 **Preparation and Distribution of Ballots**

- A. Ballots will be prepared and distributed to all Members in Good Standing present at the Annual Association meeting; and
- B. Ballots will be prepared in such a manner as to insure their secrecy.

Section 5 **Collection of Ballots**

- A. A Ballot collection box will be available for Members in Good Standing to cast their ballot at the Annual Association meeting;
- C. The ballot collection box will be overseen by the Nomination and Election committee; and
- D. Members will have the length of the Annual Association Meeting, but not less than one-half (1/2) hour to cast their ballot.

Section 6 **Counting of Ballots**

- A. At least two Nomination and Election Committee members will be present when any ballots are counted; and
- B. Write-in votes are only permitted in the absence of any qualified nominee for office.

Section 7 **Certification of Election**

- A. The Nomination and Election Committee shall certify in writing that the election was conducted in accordance with the Association Constitution and the Labor Management Reporting and Disclosure Act;
- B. The written certification shall be sent to APEA/AFT and held by the Secretary/Treasurer; and
- C. APEA/AFT representatives present at elections will sign the written certification as an observer.

ARTICLE X

RECALL AND REMOVAL OF ASSOCIATION OFFICERS COMMITTEE MEMBERS AND EMPLOYEE REPRESENTATIVES

Section 1 **Officers and Committee Members**

An officer or committee member may be expelled from office or position for just cause provided:

- A. The Officer or committee member must be served with written specific charges;
- B. The Officer or committee member must be given notice of time and place of the Special meeting proceedings where he or she may address the charges;
- C. The Officer or committee member must be given thirty (30) days' time to prepare his or her defense, gather evidence and witnesses;
- D. The Officer or committee member must be afforded a full and fair hearing at the

Special meeting;

- E. The Officer or committee member may be removed through a vote of two-thirds (2/3) of the Members in Good Standing at the Special meeting; and
- F. Just cause shall include any acts or omissions which the Association deems injurious to the Association and its good name as well as for false charges against their Officers or members; injurious acts or omissions shall include three (3) consecutive unexcused absences.

Section 2

Employee Representatives

- A. Employees Representatives may be removed by the President with a consenting vote from the membership at a Membership, Special, or Annual Association meeting; and
- B. The President will provide the Employee Representative in writing the good cause reason for the request for removal; or
- C. The Membership can remove an Employee Representative, through written petition of two-thirds (2/3) of the current Members in Good Standing at a Membership, Special, or Annual Association meeting.

**ARTICLE XI
VOTING**

Section 1

Voting

- A. The vote on all Association business, unless otherwise stated in this Constitution, may be taken verbally or by a show of hands.
- B. At the request of three (3) Members in Good Standing present, the vote shall be by secret ballot; and
- C. Votes on all Association business, unless otherwise stated in this Constitution, shall require a simple majority vote.

Section 2

Proxy Votes

Proxy votes are not allowed.

**ARTICLE XII
RULES OF ORDER**

The proceedings of all meetings of the Association or its committees shall be governed by Robert's Rules of Order.

**ARTICLE XIII
RATIFICATION OF COLLECTIVE BARGAINING AGREEMENTS OR STRIKE AUTHORIZATION**

Section 1

Responsibilities of the Negotiation Committee

- A. Within fourteen (14) days of reaching a tentative agreement or impasse for a collective bargaining agreement the Negotiation Committee shall provide all Association Members in Good Standing a copy of the tentative agreement or the employer's final offer;
- B. Association Members in Good Standing will also be provided a comparison of old

contract language and all proposed changes, and a written opinion specifying the pros and cons of the agreement;

- C. The Negotiation Committee will conduct a ratification vote of Association members at a Membership or Annual Association meeting;
- D. The vote to ratify or not ratify tentative agreements shall be by secret ballot and shall be decided by the majority of votes cast; and
- E. If the Negotiation Committee has declared impasse and have motioned for a Strike Authorization Vote all Members in Good Standing who are strike Eligible in accordance with the Alaska Public Employment Relations Act shall vote by secret ballot at a Membership or Annual Association meeting and the motion shall be decided by the majority of votes cast.

ARTICLE XIV ASSOCIATION AFFILIATION

- Section 1 **Affiliation with APEA/AFT, and State and Local AFL-CIO Bodies**
The Association shall be affiliated and remain in good standing with:
- A. The Alaska Public Employees Association/AFT;
 - B. The American Federation of Teachers;
 - C. The Alaska State AFL-CIO; and
 - D. Any local Labor Councils in the Nome area.

- Section 2 **Exclusive Representation**
The Association recognizes APEA/AFT as its exclusive representative for the purpose of administration of a collective bargaining agreement. The Association shall control the content of contract proposals and shall direct APEA/AFT as to concerns over the content of the collective bargaining agreement during negotiations.

- Section 3 **Conflicts of Constitutions**
In the event that the NJUEA Constitution language conflicts with the APEA/AFT or the AFT Constitution the APEA/AFT Constitution and AFT Constitution shall prevail.

ARTICLE XV CONSTITUTIONAL AMENDMENTS

Constitutional Amendments shall require a two-thirds (2/3) majority vote of the Members in Good Standing at the Association Annual meeting.

ARTICLE XV CONSTITUTIONAL TRANSITION ELECTIONS

Upon seven (7) days from the ratification of this Constitution the Nomination and Election Committee will begin the process of holding a special election for officers. The term of office for these Officers will be until the 2013 election.