

Seward Public Employees Association  
APEA/AFT  
AFL-CIO

CONSTITUTION /BYLAWS  
Ratified by the membership on March 11, 2019

**ARTICLE I**  
**Name**

This organization shall be known as the Seward Public Employees Association Employees Association, Local 6585, APEA/AFT/AFL-CIO, hereafter referred to as the “Association.” Any conflict with the Constitution of the Alaska Public Employees Association/ American Federation of Teachers and this document shall be resolved in favor of the Constitution of the APEA/AFT.

**ARTICLE II**  
**Objectives**

The purpose of this organization will be:

- Section 1. To organize those people who are employed by the City of Seward, Alaska, who have similar interest, terms, and conditions in their working environment and to attempt to bring about cooperation and education among these employees which will better enhance their skills.
- Section 2. To improve the quality of service to Seward, Alaska residents by increasing the efficiency of the service and the morale of the Seward Public Employees Association employees.
- Section 3. To secure and maintain harmonious employer-employee relationships between the City of Seward and its employees.
- Section 4. To secure improved wages, hours, working conditions, and other economic advantages through collective bargaining utilizing lawful methods.
- Section 5. To seek and secure professional development opportunities for employees.

**ARTICLE III**  
**MEMBERSHIP**

- Section 1. Membership Eligibility: The membership of this Association shall extend to all regular employees of the City of Seward as described in the current or last collective bargaining agreement. No person is eligible for membership who is employed as an exempt city employee as defined by the City of Seward.
- Section 2. Membership Requirement: Membership in the SPEA is voluntary.
- Section 3. Classes of Membership: There will be two (2) classes of member: Members is Good Standing and Voluntary Fair Share Fee Payers.
  - A. A Member in Good Standing is a member who signed a membership card with SPEA and is a dues paying member to the SPEA for period of three (3) consecutive months and has remained a member subsequently.

- B. A Voluntary Fair Share Fee Payer is an employee who chooses not to be a member of SPEA. A Voluntary Fair Share Fee Payer pays service fees to support the administration of the collective bargaining process. A Voluntary Fair Share Fee Payer is not entitled to the rights and responsibilities of a member in good standing, including the right to vote on contracts and SPEA issues.

Section 4. No person shall be denied membership on the basis of race, creed, gender, national origin, religious or political belief, social status or economic status.

#### **ARTICLE IV OFFICERS**

Section 1. The elected officers of SPEA are the President, Vice President, and Secretary/Treasurer.

Section 2. To be eligible for office a person must be a member in good standing for a period of not less than three (3) months and remain a member subsequently.

Section 3. President.

Length of term: Two (2) years (elected even years)

Election: As per Article VI, SPEA Constitution/Bylaws

The duties of the President:

- A. Preside at all meetings of the Association and enforce order.
- B. Enforce the provisions of the Constitution.
- C. Be an ex-officio member of all standing committees, except the elections committee.
- D. Be one of the responsible financial officers of the Association.
- E. Be authorized to prepare and co-sign financial instruments and make regular and usual disbursements of funds.
- F. Appoint special or standing committees confirmed by vote of the Executive Board. Members of special or standing committees may be appointed by the President and confirmed by a majority vote of the Executive Board.
- G. Call special meetings when such meetings are necessary for the good of the Association.
- H. Otherwise perform those functions of the executive officer of the Association, including employment of nonmember professionals to assist the Association in fulfilling its purposes.

- I. Serve as chair of the Executive Board.
- J. Perform such duties as required or permitted by the Constitution of the APEA/AFT and this Constitution.
- K. Be a delegate to the APEA/AFT Biennial Caucus, the AFT Convention and the AFL-CIO.
- L. Be the authorized signer of the negotiated agreement.
- M. Be a member of the classification committee.
- N. Receive, report, and respond to correspondence of the organization.
- O. Represent the Association before the public, community organizations, and the news media.
- P. Represent the Association before bodies of the employer, executive and legislative officials.
- Q. Be able to delegate the responsibilities of the office except where otherwise specified by the Constitution.

Section 4. Vice President.

Length of term: Two (2) years (elected odd years)  
 Election: As per Article VI, SPEA Constitution/Bylaws

The duties of the Vice President:

- A. Shall assume the office of the President in the event of absence, illness, termination or death of the President.
- B. Enforce the provisions of the Constitution/Bylaws.
- C. Perform other duties as delegated by the President or assigned by the Executive Board.
- D. The Vice President shall activate the nominations and election committees within a timely manner to fulfill the duties of the committees according to adopted rules and procedures.
- E. Be a delegate or alternate delegate to the APEA/AFT Biennial Caucus, the AFT Convention and the AFL-CIO.

Section 5. Secretary/Treasurer

Length of term: Two (2) years (elected even years)  
Election: As per Article VI, SPEA Constitution/Bylaws

The duties of the Secretary/Treasurer:

- A. Keep and maintain accurate non-financial records and files of the Association and give notice of meetings as directed by the President.
- B. Record and keep minutes of all Association meetings.
- C. Perform the duties of the President in the absence of the President and Vice President.
- D. Keep and maintain an accurate list of all Association members, their addresses and phone numbers, and issue membership cards.
- E. Prepare and present to the Executive Board written complaints against members who fail to pay initiation fees and/or dues.
- F. Be the custodian of the seal and charter of the Association.
- G. Be one of the responsible financial officers of the Association.
- H. Be authorized to prepare and co-sign financial instruments and make regular and usual disbursements of funds.
- I. Assist the President in handling the correspondence of the Association.
- J. Oversee the work of, and receive and certify the reports of, the elections committee.
- K. Perform other duties as delegated by the President or assigned by the Executive Board.
- L. Be a delegate or alternate delegate to the APEA/AFT Biennial Caucus, the AFT Convention and the AFL-CIO.
- M. Keep and maintain an accurate and proper accounting procedure of the collection and disbursement of all Association monies.
- N. File appropriate forms and documents with the Internal Revenue Service and state of Alaska to maintain the Association's nonprofit status.
- O. Keep and maintain an accurate list of all monies which the Association members have paid into the Association.

- P. Be custodian of the financial accounts authorized by the Executive Board.
- Q. Prepare and submit an annual budget for the following fiscal year for approval by the Executive Board.
- R. Have accounts reviewed annually.
- S. Perform other duties as delegated by the President or assigned by the Executive Board.
- T. Be a delegate or alternate delegate to the APEA/AFT Biennial Caucus, the AFT Convention and the AFL-CIO.

Section 6. Member at Large

Length of term: Two (2) years (elected odd years)  
 Election: As per Article VI, SPEA Constitution/Bylaws

The duties of the Member at Large:

- A. The Member at Large will assume the duties of any Board member, except the President in the event of their absence and will perform other duties as delegated by the President or assigned by the Executive Board.
- B. Shall be responsible for communications to and from the membership.
- C. Be a delegate or alternate delegate to the APEA/AFT Biennial Caucus, the AFT Convention and the AFL-CIO.

Section 7. Executive Officers will not serve more than three (3) consecutive terms in any one position on the Executive board.

**ARTICLE V  
 STANDING COMMITTEES**

Section 1. Standing Committees. The President will, subject to approval of the Executive Board, appoint such standing and special committees as are deemed necessary.

Section 2. The President may be an ex-officio member of all committees, except the Nomination/Election Committee, and will have all the privileges of membership.

Section 3. Each committee will send a written report to the Executive Board. Committees will not take action until a report has been made and approved by the Executive board.

Section 4. The Nominating/Election Committee will seek members in good standing for elective office and will conduct and supervise all elections and balloting of the SPEA.

## **ARTICLE VI ELECTION OF EXECUTIVE BOARD**

Section 1. Elections shall be by secret ballot and shall be overseen by the Nominating/Election committee. Ballots shall be prepared in such a manner as to ensure their secrecy.

Section 2. The candidates for office receiving a plurality of votes cast shall be declared elected and shall assume office immediately following the annual meeting held during the month of April of each year.

Section 3. With the exception of the President, or in case of a recall, all vacancies shall be filled by a majority vote of the Executive Board.

Section 4. A petition signed by 30 percent of the membership and stating specific grounds shall be sufficient to require the Nominating/Election Committee to conduct a recall election on any officer specified in the petition under the procedure in Article VI, Section 6 below. If an officer is recalled, the Nominating/Election Committee shall hold a special election.

Section 5. Procedure of Elections. The Nominating/Election Committee will conduct all general and special elections for SPEA.

- A. Sixty (60) days prior to the date of the regular Annual Meeting the committee will notify all members of nomination for office.
- B. Nominations shall be received by the committee thirty (30) days prior to the Annual Membership Meeting.
- C. A ballot shall be prepared by the committee and mailed to each member in good standing no later than fifteen (15) days prior to the Annual Membership Meeting. The ballots shall be returned to the election committee no later than fifteen (15) days from the date originally sent to the member.
- D. The ballots will be tallied at the Annual Membership Meeting and submitted to the Executive Board. The President will then announce the elected officers.

Section 6. If a candidate is unopposed after the Associating has provided reasonable opportunity for nominations, a ballot for that position will not be required and the candidate shall assume office immediately following the annual meeting held during the month of April of each year. If nominees for all offices up for election are unopposed under these circumstances, no election is necessary.

- Section 7. Write-in votes are only permitted in the absence of any qualified nominee for the position.
- Section 8. Upon termination of employment, death, removal or resignation of the President, he/she shall be succeeded by the Vice President, who shall serve the unexpired term of the President. Upon termination of employment, death, removal, resignation or succession of the Vice President, the Secretary/Treasurer shall be appointed by the remainder of the board to serve the unexpired term.
- Section 9. Special/Recall Election Procedures. The Nomination/Election Committee shall open nominations for the office for fifteen (15) days. Upon the closing of nominations, a ballot will be prepared and mailed to members in good standing. The ballots shall be returned to the committee no later than fifteen (15) days from the date of the original mailing.
- A. If an officer is recalled, the Nomination/Elections Committee shall open nominations for the office for fifteen (15). Upon the closing of nominations, a ballot will be prepared and mailed to members in good standing. The ballots shall be returned to the committee no later than fifteen (15) days from the date of the original mailing.
- B. The ballots will be tallied at a special meeting and the elected officers will be announced by the chairperson of the Nominating/Elections committee.

## **ARTICLE VII EXECUTIVE BOARD**

- Section 1. How Constituted. The Executive Board shall be the administrative body of the SPEA, and shall consist of the President, the Vice President, the Secretary/Treasurer.
- Section 2. The Local President shall serve as chairperson of the Executive Board.
- Section 3. The Executive Board may meet monthly, but no less than ten times a year, or at the call of the Local President for the purpose of initiating, overseeing, or revising the policies of the SPEA and to conduct other business of the SPEA that is within its authority.
- Section 4. The Executive Board shall appoint committees as it deems necessary, not inconsistent with this Constitution/Bylaws.
- Section 5. The Executive Board shall prepare and present an annual budget at the annual membership meeting.



Section 6. The Executive Board shall be responsible for the adherence to and enforcement of the Constitution/Bylaw of the SPEA.

**ARTICLE VIII  
EMPLOYEE REPRESENTATIVES**

Section 1. Employee Representatives shall be a member in good standing and appointed by the Executive Board.

Section 2. Duties:

- A. Shall assist in surveys, communication and serve as a liaison between the Executive Board and all employees in the collective bargaining unit at the worksites.
- B. Shall attend Executive Board and Membership meetings.
- C. Shall represent all employees in the collective bargaining unit at investigatory meetings, evaluations and other meetings as may be necessary to resolve member issues.
- D. Shall assist APEA/AFT staff in preparing for grievances.
- E. Shall attend Employee Representative meetings and trainings.
- F. Shall meet new members and assist members at the worksite.

**ARTICLE IX  
MEETINGS**

Section 1. General Membership meeting of SPEA shall be held not less than four times yearly. One such meeting, the Annual Membership Meeting, shall be held in April of each year.

Section 2. The Executive Board shall determine the time and place and give a minimum 15 days' notice of the general membership meetings.

Section 3. Special Meetings of the SPEA membership may be called at any time by the Executive Board. Forty-eight-hour notice shall be given the membership for any special meeting. Upon petition of twenty five percent of the members in good standing, the Executive Board shall call a special meeting.

Section 4. The proceedings of all meetings shall be governed by Robert's Rules of Order when not in conflict with the Constitution.

Section 5. Quorum. A majority of the Executive Board shall constitute a quorum for all meetings of the Executive Board. Those members of the general membership of the Association that are present at either a regular or special meeting shall constitute a quorum for the conduct of business.

Section 6. Voting. Only those present, who are members, during a regular or special meeting will be entitled to vote on general questions not mandated to be voted on by the entire membership.

A. Election of the Executive Board will be conducted by secret ballot only, according to the election procedures.

B.. For issues other than the election of officers that are of a sensitive nature needing less time for resolution, the Executive Board may direct an immediate ballot be prepared and distributed with a short-term receiving date and tally of said ballot.

## **ARTICLE X POLICIES AND PROCEDURES**

The day-to-day operation policies and procedures shall be established by the Executive Board.

## **ARTICLE XI INDEMNIFICATION AND DEFENSE**

Section 1. The Association shall indemnify and defend the Executive Board members and Association members against administrative and legal actions resulting from the lawful actions of said person(s) as long as the action was in the performance of the business of the Association at, or in accordance with, the direction of the Association Executive Board, Constitution and Collective Bargaining Agreement or other duly authorized policies or procedures of the Association.

Section 2. The Association shall indemnify, hold harmless and defend any member against administrative or legal action resulting from errors or omissions committed in the lawful execution of the business of the Association except when errors or omissions were committed due to gross negligence, willful misconduct, malfeasance, fraud, or intent to unlawfully deprive any other party of their legal rights.

## **ARTICLE XII DUES/FEES**

Local Dues. Local dues/fees may be assessed by the Association above and beyond the dues/fees assessed by the APEA/AFT. Local dues/fees and the amount shall be established by a plurality vote of the.

## **ARTICLE XIII NEGOTIATIONS**

- Section 1. Only SPEA members shall determine the content of the Association's proposal and final contract.
- Section 2. At least three (3) months prior to the expiration of the contract, notification shall be sent to all employees requesting nominations for the team. At least two (2) months prior to the expiration of the contract an election will be held to elect the members of the negotiating team.
- Section 3. Selection of the Negotiating Team: The team shall consist of six (6) positions: three (3) to be elected from the membership at large and three (3) to be appointed by and the Executive Board.
- Section 4.
- A. Term of Team: The team's elected term shall run concurrent with the agreement negotiated.
  - B. Vacancies on the Team: A vacancy on the team shall be filled by appointment from the Executive Board, with concurrence with the balance of the negotiating team.
  - C. Authority and Responsibilities of the Team:
    - 1. Only the team shall prepare and distribute to all SPEA members a survey requesting input and guidance for the upcoming negotiations.
    - 2. Only the team shall modify contract proposals during negotiations.
    - 3. Only the team shall reach a tentative agreement on a contract proposal.
    - 4. After ratification the negotiating team and President shall sign the agreement.
    - 5. Only the team may declare impasse, call for strike vote, or send to the members the employer's final offer without recommendation.
    - 6. When a tentative agreement or decision to send the employer's final offer without recommendation to the members has been made, the team shall:
      - a. Within fourteen (14) working days, provide SPEA members with a copy of the tentative agreement in suitable form, to show comparison of old and new contract language, with all proposed changes, and a written opinion specifying the pros and cons of the agreement.

- b. Call meetings to answer any questions the membership may have about the agreement.
  - c. Conduct a ratification vote of SPEA members.
  - d. Communicate with SPEA members regarding the status of negotiations.
7. During the negotiation process, the team shall inform the Executive Board, at least monthly, of the progress and development of negotiations.
  8. During the term of the contract, the team will be responsible for addressing, making, or recommending any changes to the original negotiated contract.
  9. Role of the team and the affiliate representative: Determine the roles they and the affiliate representative shall occupy in the negotiation process.

#### **ARTICLE XIV RATIFICATION**

All collective bargaining agreements between the Association and the Seward Public Employees Association shall be ratified by the membership by a majority of those members voting.

#### **ARTICLE XV AMENDMENTS**

The Association and its membership reserve the right to amend, alter, change, or repeal any provisions in this Constitution using the accepted election procedures. Revisions of the Constitution shall become effective upon ratification. This Constitution shall supersede the previous Constitution and bylaws and all amendments to same.

- A. Amendment Proposal - Amendments to this Constitution may be proposed in any one of the following ways:
  1. Recommendation by the Constitution Committee,
  2. by majority vote of the Executive Board; or
  3. upon petition of 20 percent of membership;
- B. Ratification Procedure - This Constitution may be amended by a two-thirds vote, of those present at a meeting established for that purpose, provided copies of the amendment have been mailed to all members at least 30 days prior to the meeting.