

DRAFT PEF 399 CONSTITUTION REVISIONS SEPTEMBER 2004

**NEW YORK STATE PUBLIC EMPLOYEES
FEDERATION AFL-CIO
DIVISION No. 399**

ARTICLE I. NAME

This Division shall be known as Division No. 399.

ARTICLE II. OBJECTIVES

This division shall be the formal local communicative and administrative body of the New York State Public Employees Federation. It shall exist to promote the welfare of its members in its constituency with respect to all terms and conditions of employment. *It shall engage in activities that serve its constituents and advance their professional and Union goals, interests and aspirations.*

ARTICLE III. MEMBERSHIP

(A) This Division's constituency shall include all PS&T employees for *DDD/OTDA and WTW/OTDA in PEF Region 5.*

(B) Any regular member of PEF in the Division constituency is a regular member of the Division.

ARTICLE IV. DIVISION COUNCIL

SECTION 1. The Division Council shall be composed of the stewards elected by their appropriate constituency and the officers elected by the division membership. All Council members shall be the official PEF representatives of the Division. The officers shall be known as: Council Leader/Steward, Assistant Council Leader/Steward, Division Secretary and Division Treasurer. The Council shall be the principle decision making body for the Division; *except where defined within the constitution.*

SECTION 2. The Council shall establish such committees as may be necessary for the functioning of this Division. The following committees must be established and maintained: Auditing, Budget, *Communications/Newsletter*, Grievance, Labor/Management and Membership. Except for the Grievance Committee, membership on a committee *is open to all PEF members within the Division.*

SECTION 3. The Division Council shall have the responsibility of preparing and *presenting* a budget within the funding provided by PEF via a per capita allotment *as well as funds raised by Division activities. The budget will be provided to the membership 10 business days prior to the general meeting. The budget shall be presented to the membership at a general meeting for review and comment and approval of the majority of those present voting.*

Council may transfer up to \$100 from the miscellaneous budget line for unforeseen/nonbudgeted expenses. Any amount greater than \$100 must be approved by the general membership, per budget approval process.

Members may raise additional funds for Division activities. All fund raising must be approved by council. Before the onset of fundraising activities council will notify the general membership of all fund raising activities. Council will post a notice of fund raising activities on the PEF Bulletin Boards, send flyers to each unit and review at the next General Membership meeting. Participation in fund raising shall be voluntary. All monies collected will be deposited in the division account. Council shall be required to approve any expenses varying from the amounts budgeted by line item up to \$100 per line item. Any change in line item above \$100 or any new line item must be approved by the general membership budget approval process. All checks drawn from Division funds must be signed by at least two members out of three designated by the Council. Either the Council Leader or the Treasurer must be one of the signatories.

SECTION 4. The Council shall summarize its Division activities, including a financial statement, on a quarterly basis. This report shall be submitted to the appropriate **PEF** Regional Coordinator(s) *and posted on the PEF Bulletin Boards.*

SECTION 5. The Division Council must hold at least six (6) meetings per year.

SECTION 6. A special meeting may be called by the Division Leader or by fifty (50) percent of the Council members.

SECTION 7. A quorum shall consist of at least fifty (50) percent of the Council members.

SECTION 8. Timely notification of all meetings shall be sent to the appropriate Regional Coordinator(s) and Departmental Executive Board Member(s).

SECTION 9. The Division Council Leader shall:

- Be the responsible and chief administrative officer of the Division.
- Preside and keep order at all meetings of the Council and the Division.
- Present an agenda for all meetings after consultation with the Council members.
- Insure that all Division officers, stewards and committees perform their duties as authorized by this Constitution and the Council.
- Make no agreements that are inconsistent with the policies of the Division.

- Perform other duties as deemed necessary.

SECTION 10. The Assistant Council Leader shall:

- Assist the Council Leader in her/his duties as requested by the Council Leader or the Division Council.
- Perform the duties of the Council Leader in her/his absence.
- Perform other duties as assigned by the Council.

SECTION 11. The duties of the Division Secretary shall be:

- To record and make available minutes of the proceedings of each Division and Council meeting.
- To present typewritten minutes of each meeting of the Division and Council for approval at the next meeting.
- To furnish the Treasurer a copy of all motions approved regarding the finances of the Division.
- To act as custodian of all records of the Division.
- To receive and appropriately distribute all official communication and correspondence of the Division.

SECTION 12: The duties of the Treasurer shall be:

- To account for the financial matters of the Division.
- To receive and record all monies paid to the Division.
- To disburse funds as directed by the Council.
- To pay and record all just bills and creditors in a timely manner, bearing in mind that two (2) signatures are necessary on each check.
- To maintain accurate records of all financial transactions of the Division.
- To have available at all times the financial records of the Division for inspection by any officer or PEF at their request.
- To submit all books, receipts and records to an audit to be performed at least once per year.
- *To participate in the Budget Committee.*
- To turn over all financial records to a successor.

SECTION 13. The duties of a steward shall include, but are not limited to:

- Completing as soon as possible after his/her initial election, the Steward Training Certification Program as prescribed by PEF.
- Communicating union news and policy to the membership at the site he/she represents and all information that comes to him/her from the union, and

conveying to the PEF leadership the concern, new developments and problems of the membership or the Division.

- Acting as the first-line liaison between management, the union leadership and membership for the resolution of problems and the handling of grievances.
- Have the ability to prepare a meeting agenda, conduct an effective meeting following that agenda; to familiarize himself/herself with PEF rules of Parliamentary procedure and Robert's Rules of Order and be able to comply with the same.
- Making himself/herself knowledgeable with the respective PEF collective bargaining agreement(s), the steward manuals, departmental/agency procedures and policies as well as the Civil Service Law, if applicable.
- Posting all information he/she receives from the union; and making every effort to fully understand the contents in order to be prepared for questions from the membership.
- Recruiting new members and seeing that new employees are given the proper orientation to both their work and their union. This orientation should encourage new employees to get involved in union activities.
- Interact knowledgeably and appropriately with management and his/her peers, keeping in mind that his/her physical appearance, promptness and courtesy help to make the task less of a challenge.
- Representing his/her constituency at divisional, regional and meetings of organized labor in the community.
- Developing personal skills and competencies to provide valuable contributions and sincere and dedicated service to the union and his/her constituents, demonstrating at all times the professional attitude this union exemplifies.
- Conducting his/her PEF activities with honesty and integrity.

SECTION 14. PEF Departmental Executive Board Members shall:

- Be a member of this Division Council, if he/she is a member of this constituency.
- Inform the Division constituency of all matters of concern before the PEF Executive Board.
- Relate all matters of concern as expressed by this Division constituency to the PEF Executive Board or appropriate representatives.
- Serve on the Labor/Management Committee.

SECTION 15. The Division Council, in consultation with appropriate Regional Coordinator(s) shall: Determine the appropriate steward constituencies, provided this apportionment does not exceed the number allowed for this Division. Unless changed by PEF, the intra-departmental steward allocation shall be based on one (1) steward per fifty (50) PS&T unit members.

SECTION 16. Upon succession, all elected representatives must turn over all records and documents in an orderly fashion to their replacements.

SECTION 17. All Council members must serve to enhance the well-being of the Division Constituency and respect all legitimate inquiries concerning the operation of this Division.

ARTICLE V ELECTIONS

SECTION 1. The Division Council, maintaining fair apportionment, shall select the Election Committee. No candidate for election shall serve on the Election Committee.

SECTION 2. The Election Committee shall coordinate all upcoming elections with the PEF Regional Coordinator, who shall insure fair elections.

SECTION 3. The Election Committee shall give reasonable opportunity to potential candidates to have their names submitted to the committee. Nominations for any elected position within the Division shall be made by petition signed by not less than ten (10%) percent of the members of the appropriate constituency and the names of such provided for such nominations and filed with the Chairman of the Election Committee.

SECTION 4. The term of office for all positions shall be two (2) years and shall commence on May 1st. Any vacancy which occurs shall be filled by a special election to be held within sixty (60) days of the vacancies occurrence. This vacancy will occur when notification is given to the Council Secretary.

SECTION 5. All regular members of the Division shall have the opportunity to vote by written secret ballot for representatives from their constituency. The balloting will be conducted in the manner prescribed in this constitution and will guarantee the right of each member to vote. The Election Committee shall provide at least ten (10) days notice before the election.

SECTION 6. All ballots should provide adequate space for a write-in vote and clearly state the date upon which the ballots must be received. The distribution of the ballots and the return of the completed ballots shall be accomplished in such a manner as to guarantee each member an opportunity to cast his/her ballot without the necessity of physical presence at the polling place. The Election Committee and the appropriate Regional Coordinator(s) shall be responsible for the custody and counting of ballots.

SECTION 7. Election balloting may be on-site, by mail, or a combination of the two. The election results shall be promptly announced after the close of the balloting.

SECTION 8. Upon showing just cause, a member who is unable to cast his ballot personally may be permitted to cast his ballot by mail.

ARTICLE VI STRUCTURE

SECTION A. Parliamentary procedures shall be in accordance with Robert's Rules of Order, newly revised, insofar as they do not conflict with the Constitution of this Division, or the Constitution and By-Laws of P.E.F.

SECTION B. Regular Divisions meetings will be held as necessary. Meetings will be called by a majority vote of the Division Council or by a petition signed by 10% of the Division constituency. Five (5) days notice will be given.

SECTION C. A quorum for divisional meetings shall be five (5%) percent of the divisional constituency and a majority of the Division Council.

SECTION D. The fiscal year of the division shall be concurrent with the fiscal year of PEF, which is presently April 1 to March 31.

SECTION E. Nothing herein shall be construed to prohibit a Division from charging additional dues except that a failure to pay such shall not be used to deny the right to vote in division elections or fully participate in division business.

ARTICLE VII RECALL

A petition, signed by sixty (60) percent of the regular membership in any appropriate division constituency, which requests the removal of that constituency representative, shall remove that person from office for gross incompetence. A special election shall be held within two (2) months following the removal.

ARTICLE VIII AMENDMENTS

A) Amendments may be proposed by the Division Constitution Committee or a petition signed by twenty (20%) percent of the Division constituency.

B) This constitution may be amended in whole or in part by:

- (1) A 2/3 vote of the Division Council followed by a majority vote of the division constituency or,
- (2) A petition signed by sixty (60%) percent of the Division constituency.

(C) Notification:

(1) Any proposed amendment must be submitted in writing to the Division Constitution Committee, which will forward it to the PEF Executive Board. *The PEF Executive Board will review amendments to assure constitutional soundness and consistency with PEF's Constitution and By- Laws.*

(2) The Division Constitution Committee must submit the proposed amendment in writing to the division constituency at least one month prior to any vote for approval.

ARTICLE IX BILL OF RIGHTS FOR DIVISION MEMBERS

SECTION 1. No person, otherwise eligible for membership shall be denied membership on the basis of race, color, sex, age, creed, national origin, prior union membership, sexual preference or political persuasion.

SECTION 2. Membership shall have the right to receive accurate information relating to the affairs of the Division.

SECTION 3. An annual financial report will be printed in the Division publication.

SECTION 4. Members shall not be restricted in the exercise of their right of freedom of speech concerning the operation of this Division or any other. Active and open discussion of Division affairs and the expression and/or publication of views of Division members shall be protected within this Division.

SECTION 5. Members shall be encouraged to participate in the affairs, management, and administration of this Division.

SECTION 6. Membership service shall be a primary goal of this Division.

SECTION 7. Communication to the membership shall on all matters be timely and accurate.

SECTION 8. When acting in their official capacity, all Council members shall act only in the best interest of PEF, this Division, and its members.