

DIVISION BY-LAWS  
and  
NATIONAL CONSTITUTION

FEDERATION OF PUBLIC EMPLOYEES  
AFL-CIO  
A Division of the  
NATIONAL FEDERATION OF  
PUBLIC AND PRIVATE EMPLOYEES  
AFL-CIO

an Affiliate of District 1-MEBA, AFL-CIO

FEDERATION OF PUBLIC EMPLOYEES,  
a Division of the  
NATIONAL FEDERATION OF PUBLIC AND PRIVATE EMPLOYEES,  
AFL-CIO

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## DIVISION BY-LAWS

### FEDERATION OF PUBLIC EMPLOYEES

a Division of the  
NATIONAL FEDERATION OF  
PUBLIC AND PRIVATE EMPLOYEES, AFL-CIO

## ARTICLE ONE

### Name, General Powers and Object

**Section 1.** This organization shall be known as the Federation of Public Employees, a Division of the National Federation of Public and Private Employees, AFL-CIO (hereinafter sometimes referred to as “FEDPUB” OR “Division”). Its powers shall be legislative, judicial and executive.

**Section 2.** A majority vote of the membership voting shall be authorization for any Division action consistent with the National Federation of Public and Private Employees, AFL-CIO (hereinafter sometimes referred to as “NFOPAPE” or “National”) Constitution, and these By-Laws.

**Section 3.** This Division is authorized and empowered to appear and act for each and all of its members and on their behalf before any Board, Court, Committee or other tribunal in any matter affecting their status as employees, or as members of the Division, and to act as agent of all members and bind each and all of them in the presentation, prosecution, and adjustment of any kind or character arising out of the employer-employee relationship as fully and to all intents and purposes as the member might or could do if personally present, said power to include but not to be limited to the prosecution, adjustment and settlement of grievances, complaints or disputes arising under any Division collective bargaining agreement and subject to the approval of the National Executive Committee.

**Section 4.** The object of this organization shall be to unite its members fraternally in a continuing effort to advance the economic security of the workers it represents through the realization of certain objectives:

- (a) To achieve a higher standard of living, working conditions, and job security;
  - (b) To secure respect for the dignity of the individual as a worker in his or her industry and as a citizen of his or her community;
  - (c) To secure within the full limits of the organization’s powers, legislation that promotes and advances the welfare and security of the entities, the industries and the workers this organization represents;
  - (d) To fully cooperate with the National Federation of Public and Private Employees, AFL-CIO, on all matters affecting our common welfare;
  - (e) To protect and preserve the democratic processes and the rights of the individual;
- and

- (f) To bring within its membership ranks any and all employees of employers within the scope of this organization's jurisdiction without regard to such individuals race, color, creed, national origin, sex, age or handicapping condition.

## **ARTICLE TWO**

### **Rights and Duties of Membership**

**Section 1.** Applicants for membership shall be admitted subject to and in accordance with the applicable provisions of the National Constitution, these By-Laws and such rules as are adopted from time to time by the Division Executive Committee.

**Section 2.** Applications for membership shall be made in writing on a form provided by the Division. If the application for membership is not accompanied by a Payroll Deduction Authorization for the employer of the employee who seeks membership, the application shall be accompanied by a check for the prescribed dues for the current quarter. Such application form shall contain an authorization and designation by the applicant indicating that in the event the application is accepted, the Division shall have the right to act as his or her sole collective bargaining agent to represent that member with regard to all terms and conditions of employment with his or her employer, and shall also contain an agreement by the applicant that upon becoming a member, he or she shall abide by and comply with this Division's By-Laws and National Constitution as they then exist or as may thereafter be amended. Such applications for membership in the Division shall then be referred to a Division Investigating Committee which shall have authority to approve applicants for membership and shall report thereon to the membership.

**Section 3.** The Division membership shall vote at Division membership meetings on the report of the Committee.

**Section 4.** When the applicants are voted on, a majority for or against, of the total vote cast, shall determine their election or rejection. If any applicant is rejected he or she cannot be balloted again until twelve months have elapsed, and he or she is not eligible for membership in any other Division of the National without the consent of the Division Executive Committee where rejected. Provided, however, that when any employee has made regular application to a Division and been rejected, he or she shall have the right of appeal to the National Executive Committee, and in the event of its finding that the rejection was without proper justification, it shall permit the applicant to reapply for membership in the Division.

**Section 5.**

- (a) Applicants shall pay with their application a uniform initiation fee of not less than Seventy-Five (\$75.00) Dollars; provided, however, that the Division Executive Committee shall have the authority to waive the application of the initiation fee in order to encourage the organization of new members or for any other reason which the Division Executive Committee deems proper, subject to approval by the National Executive Committee, and in case they are denied admission to

membership by the Division for any reason other than non-payment of initiation or service fees, the initiation fee shall be returned.

- (b) Where an applicant is permitted to deposit less than the full amount required for admission into membership with the obligation to complete payment thereafter, the payments he or she has made towards his or her initiation fee shall not be returned to him or her unless he or she has been affirmatively denied admission by the Division, other than for non-payment of initiation or service fees.
- (c) Applications for membership submitted by persons who have previously been dropped or expelled, and applications for reinstatement on the basis of withdrawal documents shall be handled in the same manner as original applications for membership and in accordance with the National Constitution.

**Section 6.** Members of the Division shall hold themselves duty bound to recognize every other member in good standing and shall not traduce or slander their character or willfully or maliciously injure them in any way on penalty of being fined, suspended or expelled from the Division. Members are expected to do all in their power to maintain the interest, the life and the usefulness of the Division. They shall comply with and observe all provisions of all outstanding collective bargaining agreements under which they may be employed.

**Section 7.** The members of the Division shall be entitled to all the rights and privileges of members, and shall be subject to such duties and responsibilities, including the payment of dues and other financial obligations as are required under these By-Laws and ARTICLE SIX of the National Constitution. No member shall be entitled to any benefits of the Division or be considered in good standing unless his or her dues are paid up for the full current calendar quarter or paid in accordance with any dues check off system under any applicable collective bargaining agreement.

## **ARTICLE THREE**

### **Officers and Representatives**

**Section 1.** The officers of the Division shall be elected, except as otherwise provided in these By-Laws. These officers shall be the Division President, the Division Secretary-Treasurer and such other Division Vice-President(s) as may be authorized and created by the Division Executive Committee, contingent upon receiving prior written approval from the National Executive Committee.

**Section 2.** All official meetings of this organization shall be recorded by minutes.

## **ARTICLE FOUR**

### **Duties of Officers and other Personnel**

**Section 1.** Division President:

- (a) The Division President shall be the chief executive officer of the Division and shall represent and act for and on behalf of the Division in all matters. He or she shall be a paid officer of the Division and he or she shall direct, manage and supervise the affairs of the Division between Conventions and between meetings of the Division Executive Committee.
- (b) He or she shall be a member of all Division Committees, except as otherwise herein expressly provided. Whenever there are time restrictions or other considerations affecting Division action, the Division President shall take appropriate action to insure observance thereof.
- (c) He or she shall be the Chair of the Division Executive Committee and may cast one vote with that body. He or she shall have one additional vote when necessary to break and decide all ties.
- (d) He or she shall be responsible for the signing of new contracts and contract enforcement.
- (e) He or she shall be responsible, within the limits of his or her powers, for the enforcement of these By-Laws, the policies of the Division and all rules and rulings duly adopted by the Division Executive Committee and those duly adopted by a majority vote of the membership. Within these limits, he or she shall strive to enhance the strength, the position and prestige of the Division.
- (f) The Division President may appoint representatives of the Division to carry out its affairs and to represent its membership. He or she may also employ such clerical and administrative help as he or she deems necessary, and is authorized to retain persons for legal, accounting and similar services. He or she shall be authorized to set the rate of compensation for all clerical and administrative help, for all representatives of the Division, and for all persons retained by the Division to perform professional or similar services. Compensation for all officers shall be determined by the Division President and approved by the Division Executive Committee.
- (g) The responsibilities of the Division President may not be delegated but he or she may delegate to a person or persons the execution of such of his or her duties as he or she in his or her discretion decide, subject to the limitations set forth in these By-Laws.
- (h) He or she shall have the authority to require any officer or representative of the Division to attend any meeting if in his or her opinion it is deemed necessary.
- (i) The Division President, in the event of incapacity on the part of any elected officer, shall, subject to the approval of the Division Executive Committee, designate a replacement provided he or she is qualified under the National Constitution and these By-Laws to fill the job.

**Section 2. Division Secretary-Treasurer:**

- (a) The Division Secretary-Treasurer shall be a paid officer of the division and shall perform any and all duties assigned him or her by the Division President or the Division Executive Committee.
- (b) He or she shall be a member of all Division committees, except as otherwise expressly provided.

- (c) All monies payable to the Division shall be turned over to the Division Secretary-Treasurer who shall give a proper receipt therefore.
- (d) He or she shall make and keep a proper record of all such monies received and deposit same in the name of the Division, in such banks or depositories as the Division Executive Committee shall determine.
- (e) He or she shall, at each regular membership meeting, make a written, categorical financial report of the monies received and disbursed since his or her last report to a membership meeting.
- (f) He or she shall, together with the Division President, sign all checks or orders for the payment of monies from the Division's accounts.
- (g) The Division Secretary-Treasurer shall submit his or her books to the auditors of the Division for inspection once every three months and to a certified public accountant when the Division has retained such accountant for the purpose of auditing the financial records of the Division, and to the National President or a deputy or representative appointed by the National President for such purpose, if so requested.
- (h) The Division Secretary-Treasurer, in addition to the monthly per capita fee corresponding to the monthly dues paid to the Division by its members, shall pay to the National each month, fifty (50%) percent of the initiation fees and readmission fees collected for those who have paid similar fees to the Division, giving the full names, addresses, dates of birth, and Social Security numbers of those to be initiated or readmitted. He or she shall also make payment, when due, of all other lawful payments and obligations due and owing to the National.
- (i) He or she shall pay the per capita fee due to the National for and on behalf of each member who has paid his or her dues to the Division, in the second month after such dues were payable but in no event later than twenty-five (25) days after the last day required for the payment of dues by the member.
- (j) The Division Secretary-Treasurer shall promptly report to the National Secretary-Treasurer all newly initiated and readmitted members, all transfers by members into or out of the Division; all members to be suspended for nonpayment of dues or otherwise; or expelled; all members deceased and the dates of death, and a report of members entering and returning from military service.
- (k) All minutes of meetings, property, books, papers, and records of all financial transactions within the Division shall be in the custody of the Division Secretary-Treasurer.

**Section 3. Division Vice-President(s):**

- (a) The Division Vice-President(s) shall be members of the Division Executive Committee and shall each be entitled to cast one vote in that body.
- (b) Division Vice-President(s) shall supervise and coordinate all the activities of the Division in the various geographical or jurisdictional areas to which they may be assigned by the Division President, including organizational and representational activities, under the direction and supervision of the Division President.

**Section 4. Business Representatives:**



- (a) The Business Representatives shall perform any and all duties assigned or delegated to each of them by the Division President or the Division Executive Committee.
- (b) They shall be responsible for implementing the directions of the Division President in their day-to-day functions, at the various geographical or jurisdictional areas to which they may be assigned.
- (c) They shall prepare and forward to the Division Secretary-Treasurer, a weekly financial report showing and documenting their expenses and complying with all other accounting directions issued by the Division Secretary-Treasurer.

**Section 5. Division Executive Committee:**

- (a) There shall be a Division Executive Committee (hereinafter sometimes referred to as “Executive Committee”) consisting of the Division President, the Division Secretary-Treasurer, and such other officer(s), if any, established pursuant to ARTICLE THREE, Section 1 of these By-laws.
- (b) The Division Executive Committee shall meet no less frequently than twice each year at such places as may be designated by the Division President or Executive Committee, and at such other times as the Division President may direct. The Division President, or in his or her absence, the Division Secretary-Treasurer, shall be the Chair of all Executive Committee meetings.
- (c) Each member of the Executive Committee, except as otherwise provided in these By-Laws, shall be entitled to cast one vote in that body. Its decisions shall be determined by majority vote of those voting, providing a majority of its members are present constituting a quorum. A quorum for meetings of the Executive Committee shall consist of not less than two (2) members. The Division President may designate an alternate to replace any of the aforesaid members unable to attend meetings of the Division Executive Committee for any reason.
- (d) It shall be the duty of the Executive Committee to develop policies, strategies and rules which shall advance and protect the interests and welfare of the Division and its members. The adoption of any such recommendation shall make the provisions thereof binding Division policy, provided such recommendation is not inconsistent with the governing documents of the Division.
- (e) The Division Secretary-Treasurer, or in his or her absence, an appointee of the Executive Committee, shall keep accurate minutes of all meetings of the Executive Committee.
- (f) The Executive Committee shall be responsible for all contract negotiations, the formulation of bargaining demands and the submission of proposed collective bargaining agreements to the membership for ratification.
- (g) The Executive Committee shall have such other powers, duties and authority conferred upon Division Executive Committees by the National Constitution.
- (h) Notwithstanding the foregoing, the Executive Committee may act without holding a formal meeting provided all members of the Executive Committee are sent notice of the proposed actions and the decision of each member voting is reflected by a document and the action is approved by a majority of those voting thereon.

- (i) The Division Executive Committee shall have the authority, whenever it may determine that it is in the best interest of the membership, to submit to a referendum vote among the membership any issue, policy or action. Any such referendum shall be conducted in accordance with the procedure outlined in these By-Laws for elections, except that the time and duration of the vote and all other pertinent details shall be set by the Executive Committee.
- (j) The Division Executive Committee shall have the authority, subject to the National Constitution, to set and adjust the compensation of the Division President, and to approve the compensation set by the Division President for all other elected officers of the Division.

**Section 6. Meeting Chair:**

- (a) The Division President shall preside at all Division membership meetings. If the Division President is unable to preside, the Division President shall designate the person who shall so preside. From time-to-time, when National Officer(s) are visiting the Division offices, they may attend Division meetings and shall be identified by name and title to the membership. They shall have voice, but no vote, at such membership meeting(s).
- (b) He or she shall keep order under rules of order as provided in the National Constitution and these By-Laws.
- (c) The Meeting Chair may cast a vote only in the event of a tie.

**Section 7. Committees:**

- (a) **Trial Committee.** The Trial Committee shall conduct trials of persons charged and shall submit findings and recommendations as prescribed in these By-Laws and the National Constitution.
- (b) **Negotiating Committees.** The Division President shall appoint one or more Negotiating Committees to represent the Division in all negotiations for collective bargaining agreements and changes to such agreements with applicable public sector entities, etc., wherein wages, hours, benefits, or other terms and conditions of employment of the members of this Division and organization are involved. The results of such negotiations shall be reported to and subject to ratification by the members of the respective collective bargaining units. Individual members of the Division shall not negotiate or engage in collective bargaining with management or agents thereof without prior and proper authority from the Division President or his or her designee.

**ARTICLE FIVE**

**Vacancies in Office or Position**

**Section 1.** In the event the Division President shall be unable to carry out his or her duties by reason of death, resignation or removal from office, or any other reason, the Division Secretary-Treasurer shall assume the office until the next Division election.

**Section 2.** In the event the Division Secretary-Treasurer has duly assumed the office of the Division President, thereby creating a vacancy in his or her office, the Executive Committee shall elect a successor from its own membership to fill the vacancy until the next Division election.

**Section 3.** In the event a vacancy shall occur simultaneously in the offices of Division President and Division Secretary-Treasurer, the Executive Committee by majority vote shall name successors from its own membership, who shall fill those vacancies until the next Division election.

**Section 4.** If a vacancy occurs in the office of any other elected officer of the Division and or Delegate position, the Executive Committee shall designate a successor, who must otherwise be qualified to fill said office or position, until the next Division election.

## **ARTICLE SIX**

### **Qualifications for Officers and Elective Positions**

**Section 1.** Eligibility requirements for all elective offices of this Division requiring a Division-wide vote of the membership shall be as provided in these By-Laws and the National Constitution for National officers.

**Section 2.** All candidates for and holders of elective offices and positions, whether elected or appointed in accordance with these By-Laws, shall maintain membership in good standing. Failure to do so shall result in ineligibility to hold such office or position and shall constitute an incapacity with regard to such office or position.

## **ARTICLE SEVEN**

### **Elections for Division Officers, Delegates and other Positions**

**Section 1.** General Provisions:

- (a) Elections shall be held at regular three (3) year intervals, commencing in 1997. Such elections shall be held by referendum and all balloting shall be done by use of a secret ballot. Write-in votes shall not be permitted and any such vote for any office shall be void. Notwithstanding any provisions to the contrary in these By-Laws, the ballot envelope shall have on its face an official number assigned to each member. Lists of the names of the membership, together with the corresponding official numbers, shall be available to the Tallying Committee of the Division for the purpose of checking, at

the time of the count, the voting eligibility of the members whose ballots have been received. All ballots shall be returned to the depository predetermined by the Division President, to ensure the secrecy of the ballot, and held there until the time designated for the counting of such ballots.

- (b) Except as otherwise specifically provided herein, any challenge to the conduct of a Division election shall be made not later than thirty (30) days from the date of the count of the ballots; such challenge must be in writing, setting forth the specific conduct challenged and signed by the complaining member or members and shall be sent by certified or registered mail to the Division Executive Committee, which shall hold hearings thereon within thirty (30) days of receipt of the challenge and shall make its decision within thirty (30) days after the conclusion of the hearings.
- (c) The decision of the Executive Committee may be appealed to the Division membership at the first regularly scheduled membership meeting after receipt of the written notice of appeal. The written notice of appeal must be received within twenty (20) days after the date of mailing of notification of the decision of the Executive Committee to the challenging member. If the notice of appeal is received by the Division President less than five business days before the first such regular membership meeting, then the appeal shall be presented to the next regularly scheduled membership meeting. A majority of the members voting at such meeting shall control. Appeals may then be taken to the National Executive Committee and the National Convention as provided in the National Constitution. The action of the Division Executive Committee, respectively, on any such appeal, shall be deemed final pending appeal to the next higher body.

**Section 2. Pre-Balloting Report:** At the regular membership meeting of the Division held in the month immediately preceding the June qualifying period of each election year, the Division President shall, subject to the approval of the Division Executive Committee, submit to the membership of the Division a written pre-balloting report. In his or her report, the Division President shall designate: (1) the total number of delegates to be elected from the Division to be delegates at the National Convention(s), based upon the total number of members in good standing with the Division as of the last calendar day of the month preceding the membership meeting; (2) a listing of the officer(s) and or other position(s) that will be subject to election; and (3) the depository to which the ballots shall be mailed or delivered.

**Section 3. Delegate Representation:**

- (a) It shall be the policy of this Division to foster and promote delegate participation at the National Convention(s) that reflects as reasonably as possible a cross-section of delegates from each and every public sector represented by the Division. To that end, in voting for delegates to the National Convention(s), there shall be one delegate position to be voted upon per each public sector type of unit currently represented by the Division, along with other available delegate at-large positions, if any.
- (b) At the time a candidate submits his or her nomination petition for a delegate position, he or she must plainly indicate on the petition whether they are a candidate for a delegate position from the public sector type unit they are currently employed for (as described but not limited to those listed in subsection (e) below), or whether they are running for a

delegate at-large position. Candidates shall not be allowed to run for both type of delegate positions at the same time.

- (c) The voting for any and all available delegate positions shall be by a “vote of the membership”. In tallying the votes for each respective public sector unit delegate position, the individual receiving the largest number of votes cast shall be elected to that particular position. In tallying the votes for delegate at-large positions, if more than one person is to be elected for such position, the proper number of candidates receiving the successively highest number of votes shall be declared elected.
- (d) In the event of the non-candidacy of any individual for a specific public sector unit delegate position, then the Division Executive Committee shall appoint an individual from that specific public sector type unit to fill that delegate position, until the next election to fill such position.
- (e) In conjunction with the implementation of these By-Laws and or in the foreseeable future thereto, the Division anticipates that it will be representing employees in the following identifiable public sector type units: 1) Constitutional Officers; 2) Counties; 3) Municipalities; 4) School Boards; 5) Special Taxing Districts; 6) State; and 7) Federal.
- (f) Notwithstanding all of the foregoing as described in ARTICLE SEVEN, Section 3 above, the Division recognizes that its total number of delegates shall be in accordance and governed by the provisions contained in ARTICLE NINE, Section 3 (a) of the National Constitution.

**Section 4. Time of Election of Officers and Delegates:** Delegates to the National Convention shall be elected by the Division at the time of election of Division officers.

**Section 5. Eligibility of Delegates:** All members eligible for election to an officer position shall be eligible for election as delegates to the National Conventions. The Division officers shall be delegates to the National Convention(s), pursuant to ARTICLE NINE, Section 3 (a) of the National Constitution. At the election of officers of this Division it shall be stated that, in addition to being elected for the office of Division President, Division Secretary/Treasurer, or other Division officer, that they shall also become delegates to the National Convention(s) and they shall so become.

**Section 6. Nominations:**

- (a) Any eligible member may submit his or her name or the name of another for nomination for Division President, Division Secretary-Treasurer, or such other Division-wide officer position as may then exist, or Delegate to the National Conventions by delivery in person or sending by registered mail or certified mail, a nomination petition signed by at least one percent of the membership not to exceed fifty (50) members in good standing, whichever is less, addressed to the Credentials Committee in care of the Division President at the Division Headquarters address. Eligibility shall be defined as follows: Any member shall be eligible for nomination to and election as a Division officer provided: (1) he or she is at the time of nomination and election a member in good standing; (2) he or she has been a member of the NFOPAPE and the Division for one year immediately preceding the date of the closing of nominations; (3) he or she has had 180 days of employment with NFOPAPE represented entities or companies, or their

predecessors, in each of two out of the last three calendar years preceding the election year, provided that time spent by members holding office in the Division or NFOPAPE and engaged in official business shall be considered as employment time for the purpose of this subsection.

- (b) No member can accept nomination to or be a candidate for more than one office or position in any Division election.
- (c) The Division President is charged with the safekeeping of the nomination petitions and shall turn them over to the Credentials Committee upon its request.
- (d) The petition shall be dated and contain the following:
  - 1. The full name of the candidate and, if he or she wishes, any special name to appear on the ballot;
  - 2. The candidate's home address, mailing address and the last four digits of his or her social security number or such other identifying number as may be established by the National President;
  - 3. Proof of membership in good standing;
  - 4. The title of the Division office or other position for which he or she is a candidate;
  - 5. The date of joining the Division;
  - 6. The printed names, signatures and last four digits of the social security numbers of one percent of the membership, not to exceed fifty (50), whichever is less, of members in good standing;
  - 7. Evidence of qualifying employment time; and
  - 8. A certificate in the following form signed and dated by the proposed nominee:

"I hereby accept the nomination for the office or position of

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I certify that I am qualified pursuant to the Division By-Laws, National Constitution and all existing applicable laws, to serve in the office for which I have been nominated, and that, if elected, I will do everything within my power to abide by, foster and promote the scope and policies of the Division and the National organization."

- e. Printed forms shall be made available to the membership. It shall be the responsibility of the nominee to insure the good standing of at least one percent of the membership, not to exceed fifty (50) members, whichever is less, of members signing the petition.
- f. The petition must be received at Division Headquarters during the month of June of the election year before 5:00 p.m. on the last business day of the month. Petitions not received during this time will not be considered as valid nominations.

**Section 7. Credentials Committee:**

- a. A Credentials Committee of three members and one alternate shall be appointed by the Division President on or before July 1<sup>st</sup> of the election year. No officer or candidate for office or position shall be eligible for appointment to the Credentials Committee.
- b. After its appointment, the Committee shall promptly go into session at Division Headquarters. It shall determine whether the person has submitted his or her nomination correctly and possesses the necessary qualifications. The Committee shall prepare a report listing each nominee under the office or job he or she is seeking. Each nominee shall be marked "qualified" or "disqualified" according to the findings of the Committee. Where a nominee has been marked "disqualified", the reason therefore must be stated in the report. The report shall be signed by all the Committee members, and be completed and submitted to the Division Executive Committee at Division Headquarters by no later than July 15<sup>th</sup>.
- c. When a nominee has been disqualified by the Credentials Committee, he or she shall be notified by registered or certified mail at the address listed by him or her in the nomination petition, sent on or before July 20<sup>th</sup> of the election year, and setting forth the reasons for such disqualification.
- d. A disqualified nominee shall have the right to take an appeal to the membership from the decision of the Committee. He or she shall forward copies of such appeal to the Division Executive Committee, where it must be received on or before the close of business of August 1 of the election year. If August 1 is a Saturday or a Sunday, such appeal must be received by the close of business on the following Monday. The Executive Committee shall determine the propriety of the appeal and whether or not the Credentials Committee erroneously disqualified the applicant. The decision of the Executive Committee shall be final and binding. A majority vote of the Executive Committee is sufficient to overcome any disqualification by the Credentials Committee and such vote may be taken by telephone poll or by written communication.
- e. Each member of the Committee shall be paid at a rate of pay and be reimbursed for legitimate out-of-pocket expenses as determined by the Division Executive Committee.

**Section 8. Balloting Procedure:**

- a. The Division President shall insure the proper and timely preparation of ballots without partiality as to candidates or offices. The names of the candidates for each separate office or position shall appear in alphabetical order. The names of all candidates shall be numbered in sequence commencing with the first name under the first office and ending with the last named candidate under the last office. The ballots may contain voting instructions not inconsistent with the provisions of these By-Laws.
- b. The ballots so prepared at the direction of the Division President shall be the only official ballots. No others may be used. A sufficient amount

shall be printed and distributed. A record of the ballots distributed shall be maintained by the Division President.

- c. Ballots must be cast by mail to a predetermined depository, as provided in ARTICLE SEVEN, Section 1(a) of these By-Laws, and secured and paid for by this Division. Secrecy of the ballots must be assured. No signature of any voter or other distinguishing mark shall appear on the ballot.
- d. No member's ballot shall be counted unless he or she is in good standing as of fifteen (15) days immediately preceding the closing of the balloting.
- e. Ballots shall be mailed to the membership on September 1<sup>st</sup> of the election year, and voting shall thereupon commence, and shall continue until September 30<sup>th</sup>, inclusive. If September 1<sup>st</sup> or September 30<sup>th</sup> falls on a holiday, or a Sunday, balloting shall commence or end, as the case may be, on the next succeeding business day. Ballots postmarked after September 30<sup>th</sup> shall be automatically disqualified.
- f. The Division President shall designate an Impartial Administrator to supervise the conduct of the election. The Duties of such Impartial Administrator shall include: the mailing of the ballots; assuring the secrecy of and non-accessibility to the depository during the election; the mailing of duplicate ballots on written requests from members; supervising the ballot collection and the tallying procedure with the Tallying Committee; and taking such other actions as may be necessary to secure a fair and impartial election.

**Section 9. Ballot Collection, Tallying Procedures, Protests and Special Votes:**

- a. The Division President shall appoint a Tallying Committee of three members in August of each election year. On the fifth business day after September 30<sup>th</sup>, the Tallying Committee and the Impartial Administrator shall proceed to the depository with an empty ballot box, remove all the ballots from the Depository and place them in the empty ballot box in the presence of the entire Committee, the Impartial Administrator and any member or candidate observers. The Committee and Impartial Administrator shall then seal the ballot box and return it to Division Headquarters, where it shall remain sealed and in the custody of the Tallying Committee and the Impartial Administrator until such time as the ballots are checked and counted.
- b. The Impartial Administrator and the Tallying Committee are charged with the tally of all the ballots and the preparation of a report setting forth in complete detail the results of the election, including a complete accounting of all ballots, and reconciliation of the same with rosters and verification lists of membership. The report shall clearly detail all discrepancies discovered and shall contain recommendations for the treatment of these discrepancies. The Impartial Administrator and all members of the Committee shall sign the report, without prejudice, however, to the right of any member thereof to submit a dissenting report as to the accuracy of the count and the validity of the ballots, with pertinent details. Each



candidate, as well as the other members of the Division, shall be entitled to be present as an observer at the tally of the ballots, provided that such observer must be a member of the Division in good standing.

- c. The Impartial Administrator and the Tallying Committee are also charged with the receipt and evaluation of written protests by any member who claims an illegal denial of the right to vote. If they find the protest invalid, they shall dismiss the protest and so inform the protesting member by telegram or other means of communication. If they find the protest valid, the Impartial Administrator and the Committee shall permit such member on such terms as may be practical to cast his or her vote. The reports of the Impartial Administrator and this Committee shall include a brief summary of each protest received, the name and social security number of the protesting member, and a summary of the disposition of said protest.
- d. The Impartial Administrator and the Tallying Committee shall commence their work on the day that the ballots are collected and shall complete their work as quickly as possible. The reports of the Impartial Administrator and the Tallying Committee shall be filed no later than 24 hours following the completion of the count.  
Each member of the committee and the Impartial Administrator shall be paid at a rate of pay and be reimbursed for legitimate out-of-pocket expenses as determined by the Division Executive Committee. The proceedings of the Committee and the Impartial Administrator, except for the actual preparation of the Report and dissents therefrom, if any, shall be open to any member of the Division in good standing.
- e. A majority of the membership, at the election report meeting, may order a recheck and recount where a dissenting report has been issued by one or more members of the Tallying Committee.
- f. In the event of a tie vote for any office, the Division President shall, within ten (10) days, direct a runoff election among the candidates receiving the tie vote. The candidate receiving the highest vote in such runoff shall be deemed elected.
- g. All reports of the Impartial Administrator, the Tallying Committee and the Division President under this Article shall be filed in the Division Headquarters office.

**Section 10. Installation:**

- a. The person elected shall be that person having the largest number of votes cast for the particular office or position involved. Where more than one person is to be elected for a particular office or position, the proper number of candidates receiving the successively highest number of votes shall be declared elected. It shall be the duty of the Division President to notify each duly elected candidate.
- b. The duly elected Division President, Division Secretary-Treasurer, Division Vice-President(s), and delegates to the National Conventions, shall take over their respective offices and positions, and assume the duties

thereof at midnight November 1. At that time, the terms of their predecessors shall expire.

- c. Before assuming office, every officer, delegate and position holder shall take the following oath:

“I, \_\_\_\_\_, do hereby sincerely pledge my honor to perform the duties of my office or position as prescribed by the National Constitution, and the By-Laws of this Division, and to uphold the principles of these instruments to the best of my ability. I will deliver to my successor in office all books, papers and other property of this Division that may be in my possession at the close of my official term.

All this I solemnly promise with the full knowledge that to violate this pledge, is to stamp me as a person devoid of principle and destitute of honor.”

- d. In the event a candidate for office who has received the highest number of votes dies before being installed, the office for which the candidate was running shall be decreed vacant and filled in accordance with the provisions of ARTICLE FIVE herein.

## **ARTICLE EIGHT**

### **Charges and Trials of Members**

**Section 1.** All alleged violations of the NFOPAPE Constitution, rules or regulations or policies of the NFOPAPE or the By-Laws of a Division, and the holding of a trial thereon, shall be governed by these By-Laws, subject to the provisions of the National Constitution.

### **Section 2. Sample Offenses:**

Members and officers may be fined, suspended, expelled or punished in some appropriate manner, if found guilty for any of the following, but not all inclusive, acts:

- a. Willful violation of this Division’s By-Laws, working agreements, rules or regulations.
- b. Making false statements or withholding material information when applying for membership.
- c. Disobeying or failing to comply with any lawful decision or order of the officer(s) of the Division.
- d. Misappropriating money or property of the organization.
- e. Taking court action or advocating or advising court action against this Division without first exhausting all remedies herein provided for appeal.
- f. Advocating or attempting to bring about the withdrawal from this organization of one or more members of the organization.
- g. Using the name of this Division without proper consent for the purpose of soliciting funds for political purposes or other gains or benefits.

- h. Refusing or neglecting to pay dues, assessments, fines or any other financial obligations to the Division.
- i. Causing a stoppage of work without authority or proper consent.
- j. Publishing or circulating false reports or misrepresentations concerning the organization.
- k. Intentionally defaming, slandering or maliciously injuring this Division, the National or any member thereof in any manner.
- l. Performing such other acts or omissions not described above which would be found to bring the Division(s) or the National into disrepute, ridicule and or tending to disrupt its proper functioning or having a negative impact on the Division(s) or organization's welfare.

**Section 3.** A charge shall not be considered timely if it is filed more than sixty (60) days after the act of misconduct in question is alleged to have occurred.

**Section 4.** When members are accused of an offense which, if proven, would subject them to a penalty, the following procedures shall be followed with respect to the filing and processing of charges:

- a. The charges shall be in writing and shall be signed by at least two (2) members in good standing.
- b. The charges shall clearly state the names of each charging member, and the name of the charged member. The acts of misconduct allegedly committed by the charged member shall be set forth in sufficient detail so as to inform the charged member of the nature of the offense, and shall include the date and place of the alleged misconduct and the manner in which it occurred. The charges shall also identify the specific Constitutional or By-Law provision, rule, regulation or policy which allegedly has been violated.
- c. The charges shall be filed in person or by registered or certified mail with the Division President.
- d. Upon the filing of charges, the Division President shall review the charges to insure that they have been timely filed and satisfy the requirements of subsections (b) and (c) of this section. In the event the Division President concludes that the charges are not in compliance with the requirements of this section, the charges shall be rejected and the member filing the charges shall be advised of the manner in which the charges are deficient and be given a reasonable opportunity prior to the next regular membership meeting to correct the deficiencies and re-file the charges.
- e. Charges which satisfy the requirements of this section shall be presented by the Division President at the next regular membership meeting of the Division following the date of filing of the charges, provided that such charges were filed at least five (5) days prior to the meeting. The substance of the charges shall be stated by the President at the meeting. Thereafter, the members in attendance at the meeting shall vote on whether to accept or reject the charges. If the charges are rejected by a majority of the members voting at the meeting, no further action shall be taken thereon.
- f. Following the membership meeting at which the charges were accepted, the Division President shall within ten (10) days thereafter, notify the charged member that charges have been filed against him by mailing him a copy of the charges and a copy of the National Constitution and Division By-Laws by registered or certified mail to the charged

member's last known address. The Division President shall thereafter appoint a Trial Committee consisting of three (3) members and one alternate to conduct a trial on said charges, which trial shall be held at the Division offices nearest the home of the accused. The accused shall receive notice of the time, place and date of the trial not less than twenty (20) days before such hearing, by registered or certified mail. The Trial Committee shall elect its own Chairperson. Two (2) members of the Trial Committee shall constitute a quorum.

**Section 5. Trial Committee Procedure:**

- a. In no event shall the Trial committee proceed with the hearing unless it is established that the charged member has been mailed a copy of the charges. Postponements may be granted by the Trial Committee for good cause, provided a request for a postponement is submitted at least three (3) days prior to the date of the hearing.
- b. The Trial Committee may proceed to hear the charge even though the charged member fails to appear for the hearing.
- c. The Committee may employ a reporter at the request of any party to the proceeding. The party or parties making such request shall pay all expenses associated with the reporter, and the Trial Committee shall be furnished a copy of the hearing transcript, to be paid for by the party making the request for the reporter.
- d. During the hearing, no persons shall be present except the members of the Trial Committee, the charging members, the charged member, and the summoned witnesses. The charged member may select any member in good standing who so agrees to assist in his or her defense at the hearing. The charged member shall also have the right to legal counsel, so long as said counsel is a member of the Division and or National in good standing.
- e. Each witness shall be examined separately and apart, unless ordered otherwise by the Trial Committee.
- f. In receiving evidence at the hearing, the Trial Committee shall not be bound by the Rules of Evidence followed by the courts of law. However, the Trial Committee may exclude evidence which it considers irrelevant or not pertinent to the subject matter of the hearing, or evidence which by its nature is not reliable. The charged member and a charging member may object to the admission of any evidence at the hearing. The Chairperson shall rule on all objections, subject to consultation with the other members of the Trial Committee.

**Section 6. Order of Trial:**

- a. The Chairperson shall read the charges to the charged member and ask whether the charged member pleads guilty or not guilty to the charges. A charged member may plead guilty and thereby waive any and all rights and privileges granted him or her under the National Constitution and Division By-Laws, and accept such penalty as may be recommended by the Trial Committee, subject to a vote of the Division membership. If the accused member pleads guilty to the charges, the Trial Committee shall immediately meet in private session to determine the appropriate recommended penalty to be imposed on the charged member.

- b. In the event the charged member pleads not guilty, the Chairperson shall direct the charging member to present evidence in support of the charges. The charged member and the members of the Trial Committee may cross-examine the charged member and any witnesses presented.
- c. The charged member may present evidence in defense of the charges. The charging member and the members of the Trial Committee may cross-examine the charged member and any witnesses testifying for the charged member.
- d. The charging members and the charged member may present brief oral summations to the Trial Committee at the close of the hearing.
- e. At the conclusion of the hearing, the Trial Committee shall deliberate in private session until it reaches a decision as to whether the charges have been proven. The charges shall be found proven only if the evidence supports such a finding. A majority of the Trial Committee shall render the decision. If there is a finding that the charges have been proven, a majority of the Trial Committee shall recommend the imposition of such penalty as is appropriate under the facts and circumstances of the case, and in accordance with the degrees of punishment set forth herein and consistent with the National Constitution.
- f. The decision of the Trial Committee shall be reduced in writing and shall contain the charges made; the date of the hearing, the name of the charged member, the charging members and all witnesses, a fair summary of the proceedings, and a statement of the Trial Committee as to guilt or innocence of the charged member, together with any recommended penalty.

**Section 7. Penalties:**

- a. If the charges are proven during the trial, the penalty imposed shall be enforced by the Division of which the charged member is a member, subject to the rights of appeal set forth in ARTICLE SIXTEEN, Section 3 of the National Constitution.
- b. If after exhaustion of the charged member's appeal rights as provided in these By-Laws and the National Constitution, the member is found guilty and either suspended or expelled from the Division for any period of time, such member shall be ineligible to serve as an officer of the Division or the Organization for a period of three (3) years from the expiration date of the suspension or expulsion.

**Section 8. Appeal Procedure:** A member found guilty of charges may appeal the decision in accordance with the appeal procedure set forth in ARTICLE SIXTEEN, Section 3 of the National Constitution.

**ARTICLE NINE**

**Income and Finances**

**Section 1. Income:**

- a. The income of this Division shall include receipts from dues, initiation fees, assessments, contributions, loans, fines, interest, dividends as well as income derived from any business operation or other legitimate source.
- b. All dues, initiation fees, assessments, service fees and other charges shall be established by each Division, subject to approval by the National Executive Committee.

**Section 2. Dues and Revenues to FEDPUB:** Effective on the first day of the third month following the adoption of this Constitution, the minimum monthly periodic dues for members of this Division shall be not less than Fifteen (\$15.00) Dollars per month; applicants shall pay with their application a uniform initiation fee of no more than Fifteen Dollars (\$15.00) or such amounts as may be prescribed by applicable Florida Statutes; and provided, however, that the Division Executive Committee shall have the authority to waive the application of the initiation fee or to fix a lower rate of periodic membership dues in order to encourage the organization of new members or for any other reason which the Division Executive Committee deems proper, subject to approval by the National Executive Committee. All members shall pay dues at the rate of .0150 (equivalent to \$1.50 per \$100.00) of their base earnings per payroll period.

**Section 3.** An official Division receipt, properly filled out, shall be given to anyone paying money to the Division or to any person authorized by the Division to receive money. It shall be the duty of every person affiliated with the Division who makes such payments to demand such receipts.

**Section 4.** No assessments shall be levied except after a membership referendum ballot conducted under such general rules as may be decided upon by the Division Executive Committee, provided that:

- a. The ballot must be secret; and
- b. The assessment must be approved by a majority of the valid ballots cast.

**Section 5.** Except as otherwise provided by law, all payments by members or other affiliates of this Division shall be applied successively to the monetary obligations owed to the National commencing with the oldest in point of time, as measured from the date of accrual of such obligation. The period of arrears shall be calculated accordingly.

## **ARTICLE TEN**

### **Quorums**

**Section 1.** Unless otherwise specifically set forth herein, the quorum for a special meeting of the Division shall be five (5) members.

**Section 2.** The quorum for a regular meeting of the Division shall be seven (7) members.

**Section 3.** Unless otherwise specifically set forth herein, the quorum for any committee shall be the majority of those duly elected or appointed thereto.

**Section 4.** Unless otherwise specifically set forth herein, the decisions, reports, recommendations or other functions of any segment of the Division requiring a quorum to act officially, shall be that of the majority of the quorum, and shall not be official or effective unless the quorum requirements are met.

**Section 5.** In determining whether the quorum requirements have been met for any regular or special meeting of the Division membership, attendance by proxy shall not be counted and voting at such meetings on any and all business shall be done in person and not by proxy.

## **ARTICLE ELEVEN**

### **Membership Meetings**

**Section 1.** Regular membership meetings shall be held during the months of January, March, May, July, September, and November of each year.

**Section 2.** A special meeting of the Division may be called at the direction of the Division President or the Executive Committee. Notice of such meeting shall be posted at least forty-eight (48) hours in advance on the Division bulletin board.

**Section 3.** Notwithstanding anything to the contrary, all regular and special meetings shall be governed by the following: the National Constitution, these By-Laws and Robert's Rules of Order where applicable.

**Section 4.** Order of Business: The presiding officer at membership meetings shall conduct business in the following order.

1. Call to Order and Salute to the Flag.
2. Determination of Quorum.
3. Roll Call of Officers.
4. Reading of Minutes of the previous meeting.
5. Reports and Resolutions of the President.
6. Report of the Secretary-Treasurer.
7. Communications and Bills.
8. Unfinished Business.
9. New Business.
10. Good and Welfare.
11. Adjournment.

## **ARTICLE TWELVE**

### **Indemnification of Officers and Bonds**

**Section 1.** When any claim is asserted against any person by reason of his or her being or having been an officer, director or authorized agent or representative of this union, the National Executive Committee may on behalf of the Organization, provide or authorize indemnification, reimbursement, in whole or in part, or other recompense from Organization funds and may employ or authorize the employment of such counsel and engage other assistance to secure to such person's defense or protection the ability to contest such claims, with the costs or expense therefore, to be borne by the Organization. The exercise of the aforesaid authorization shall be within the National Executive Committee's discretion and shall not be deemed to be mandatory.

**Section 2.** The officers of this Division may be bonded in an amount predetermined by the National Executive Committee, with the premium to be paid from the funds of the Division.

## **ARTICLE THIRTEEN**

### **Definitions and Miscellaneous Provisions**

**Section 1.** When applicable to the Division Executive Committee "majority vote" or "majority vote of the Division Executive Committee" shall mean a majority of the votes actually cast.

**Section 2.** The term "vote of the membership" shall mean the valid votes cast by all members of the Division voting.

**Section 3.** Where the title of any office or position, or the holder thereof, is set forth in these By-Laws, all references thereto and the provisions concerned therewith shall be deemed to be equally applicable to whomever is duly acting in such office or position.

**Section 4.** The term "member in good standing" shall mean a member not in arrears or under suspension or sentence of expulsion. Unless otherwise expressly indicated, the term "member" shall mean a member in good standing.

**Section 5.** The term "membership card" shall mean the official membership card issued by the Division as evidence of union membership.

**Section 6.** The term "Headquarters" shall mean the Division office in Broward County, Florida or such other location as designated by the Division Executive Committee.

**Section 7.** The term "National Constitution" shall mean the National Constitution of the National Federation of Public and Private Employees, AFL-CIO.

**Section 8.** The terms "National" and "Organization" shall mean the National Federation of Public and Private Employees, AFL-CIO.

**Section 9.** The term "By-Laws" shall mean the By-Laws of this Division.



**Section 10.** Division Stewards and or Division On-Site Representatives will be appointed and removed at the pleasure of the Division President of the Division. Elections may be held in the appropriate areas of jurisdiction between the members in good standing, which results may be presented as a recommendation to the President for consideration in making his or her appointment of a Steward and or On-Site Representative. They shall be responsible for implementing the directions of the Division President in the on-site servicing of collective bargaining agreements with various employer entities. Division Stewards and or On-Site Representatives are not officers of the Division and do not have final binding authority to act on behalf of the Division.

## **ARTICLE FOURTEEN**

### **Amendments**

**Section 1.** These By-Laws may be amended by the Division Executive Committee submitting to the membership proposed amendments which, if approved by a majority vote of the membership voting, shall be deemed adopted. Any amendment proposed by a member must be presented to the Division Executive Committee in writing.

## **ARTICLE FIFTEEN**

### **Effective Date**

These By-Laws shall be deemed to be adopted and effective as of the 30<sup>th</sup> day of April, 1994, by unanimous approval of the founding members of this Division.

## NATIONAL CONSTITUTION

### NATIONAL FEDERATION OF PUBLIC AND PRIVATE EMPLOYEES, AFL-CIO

#### ARTICLE ONE

##### Name

**Section 1.** This labor organization shall be known by the name and title of National Federation of Public and Private Employees, AFL-CIO, (hereinafter sometimes referred to as “NFOPAPE” or “Organization”).

#### ARTICLE TWO

##### Object

**Section 1.** The object of this Organization shall be to unite its members fraternally, to improve, maintain, promote and protect the standard of the diverse crafts, to regulate the business matters of members of the Organization within its jurisdiction, pertaining to the affairs of the Organization and its Divisions, and when it may determine, to render succor to its needy, sick and distressed members.

**Section 2.** This Organization, in conjunction with its Divisions, shall be the exclusive representative for each and all of its members for the purpose of collective bargaining in respect to rates of pay, wages, hours of employment, and other terms and conditions of employment, and for the negotiation and execution of contracts.

#### ARTICLE THREE

##### System of Organization

This Organization, its Divisions, and the officers, agents and members thereof, shall be governed, in the following order by:

- a. The NFOPAPE Constitution;
- b. The NFOPAPE Convention (hereinafter sometimes referred to as the “National Convention”);
- c. The NFOPAPE Executive Committee (hereinafter sometimes referred to as the “National Executive Committee”);
- d. The majority vote of the NFOPAPE membership;
- e. The applicable Division By-Laws;
- f. The applicable Division Executive Committee; and

- g. The majority vote of the applicable Division membership.

## **ARTICLE FOUR**

### **Composition**

**Section 1.** There is hereby established within NFOPAPE;

- a. A Public Sector Division to be known as the Federation of Public Employees;
- b. A Private Sector Division to be known as the Federation of Private Employees; and
- c. Any other Division accepted by the National Executive Committee, subject to such rules, conditions and representation rights as may be determined by the National Executive Committee.

**Section 2.** Each Division shall have the authority to promulgate and amend from time-to-time its By-Laws and the administration of its affairs and activities which shall not be in conflict or inconsistent with the provisions of the NFOPAPE Constitution. Such By-Laws shall set forth the specific offices which shall be filled by election on a Division-wide basis, the manner in which said elections shall be conducted and the respective duties of such offices.

**Section 3.** Each Division shall be governed by a Division Executive Committee, which shall include the President and Secretary-Treasurer of the Division. The number of additional members of the Division Executive Committee and their terms of office shall be as set forth in the Division's By-Laws as approved by the NFOPAPE. The President and Secretary-Treasurer of the Division shall be elected for a three-year term. All elections for these Division officers shall be by secret-ballot.

**Section 4.** The principal function of each Division shall be, in addition to such other powers and duties which it may exercise under and pursuant to the NFOPAPE Constitution, the adoption of policies in the matter of contract enforcement, and the negotiation, execution, enforcement and administration of all collective bargaining agreements covering the Division or any portion thereof as directed by the NFOPAPE.

**Section 5.** A member may maintain membership in any and all Divisions at any time; provided, however, that the member who is a member of only one division may transfer from the Division to another Division upon approval by the Division Executive Committee of each Division or the National Executive Committee. A member who is or has been a member of only one Division cannot be transferred or admitted as a member of another Division without first producing a regular withdrawal document from such Division certifying his or her good standing and that all his or her indebtedness to the former Division and to NFOPAPE has been paid.

## **ARTICLE FIVE**

### **Headquarters and Offices**

The location of the Organization Headquarters, and other offices shall be determined by the National Executive Committee.

## **ARTICLE SIX**

### **Rights and Duties of Membership**

**Section 1.** Any person duly qualified as prescribed in the NFOPAPE Constitution may become a member of this Organization upon payment of the required initiation or reinstatement fee and penalties, if any, and three month's dues for the period covering the quarter in which the member signs his or her application, into the treasury of the Organization and being duly accepted according to the provisions of this Constitution and the By-Laws of the appropriate Division(s).

**Section 2.** At the time of initiation, members shall be required to acquaint themselves with the Constitution of the NFOPAPE, the By-Laws of the applicable Division(s) and with their duties to the Organization, their Division(s) and fellow members.

**Section 3.** No person shall be a member of more than one affiliate organization at the same time, unless he or she is a member in good standing of each such affiliate organization.

#### **Section 4. General Rights:**

- a. All members in good standing are entitled to all the rights, benefits and privileges of membership set forth in this and other articles of this Constitution and in the governing documents of the respective Divisions including the right to nominate candidates, to vote in elections or referendums, to attend membership meetings and to participate in the deliberations and voting upon the business of such meetings subject to reasonable rules and regulations, to meet and assemble freely with other members to express any views, arguments, and opinions and to express, at meetings, their views upon candidates in any election, or upon any business properly before the meeting, subject to the Organization's established and reasonable rules pertaining to the conduct of meetings; provided that nothing herein set forth shall be constituted to impair the right of the Organization to adopt and enforce reasonable rules as to the responsibility of every member toward the Organization as an institution, and to his or her refraining from conduct that would interfere with its performance of its legal or contractual obligations. The voice and vote of members may be limited to such questions in which they are directly affected.
- b. All members visiting Divisions shall satisfy the Division which they visit that they are in good standing. Visiting members granted such courtesy are advised that a Division meeting in session has the inherent right to exclude anyone other than officers and members in good standing of said Division during such meeting. Visiting members shall be granted voice, but no vote, at membership meetings.

#### **Section 5. General Duties:**

- a. All members are expected to do all in their power to maintain the interest, the life and usefulness of the Organization. Every member shall comply with and observe all provisions of all outstanding collective bargaining agreements of the Organization, or of any Division, under which they may be employed. Every member shall be obligated to perform such duties as may be necessary when requested by an appropriate NFOPAPE or Division official, when the Organization or any Division thereof is engaged in a dispute of any kind. Members are obligated and expected to do everything within their power to support the Organization and its Divisions and to perform such duties and engage in such activity as may be assigned to them by an appropriate official. No member shall traduce, slander, or willfully or maliciously injure the Organization, any Division, or any member thereof in any manner.
- b. Members charged with violations of this section shall be tried by the Division where the alleged offense was committed in accordance with the procedures provided in this Constitution and the By-Laws of the applicable Division.

**Section 6. Good Standing, Payment of Dues:** No member shall be deemed in good standing unless his or her dues are fully paid. Any member who shall be in arrears on his or her dues for a period of (3) three months from the date due, as set forth in this Constitution or the governing documents of the respective Divisions, shall be dropped from membership unless otherwise ordered by the Organization, A member who is in a voluntary unpaid leave status shall be required to continue dues payments. Payments shall be self-paid monthly or quarterly in the amount of the minimum monthly dues of \$15 per month. A member who is in an involuntary unpaid leave status shall be required to pay the minimum monthly dues payments in the same fashion provided; however, if he or she receives a back pay award and/or settlement amount due to the efforts of the Union he or she shall be required to pay the difference between the minimum dues payment and the regular dues at the rate of .0150 (equivalent of \$1.50 per \$100.00) of their base earnings for any back pay award and/or settlement.

**Section 7. Membership Status, Fines and Assessments:** Any member who is in arrears for fines, assessments or other indebtedness to the Organization or Division, and who does not pay same within one month, except for dues may be dropped from the roll of membership without notice.

**Section 8. Reinstatement:** Any member of a Division who has been dropped or expelled from membership in accordance with the provisions of this Constitution, can only apply for reinstatement to the Division from which he or she was dropped or expelled. Any member falsifying his or her application in this respect shall be subject to charges and, if after a due hearing as provided in this Constitution, such fact is proven, he or she shall forfeit all monies paid on the falsified application and be expelled from membership and the National Secretary-Treasurer notified of such fact. The reinstatement fee and procedures for members dropped or expelled shall be determined by the Division.

**Section 9.** The Organization may provide for associate or contributing members, to be selected from citizens who desire to aid in the Organization's objectives, however, these memberships may only be honorary or social and impart no membership rights to affect the policies, politics or finances of the Organization and its Divisions. Associate members shall pay the monthly minimum dues of \$15 per month, payable either monthly or quarterly. Associate members shall

be entitled to life insurance benefits so long as same are provided to members and to such other benefits as may be specifically provided for by the Organization.

**Section 10.** The Organization may provide for honorary members, to be selected from citizens who desire to aid in the Organization's objectives, however, these memberships may only be honorary or social and impart no membership rights to affect the policies, politics or finances of the Organization and its Divisions. Honorary members shall pay no dues and shall not be entitled to participate in the life insurance benefits or other benefits of the Organization.

**Section 11.** The Organization may provide for Founding Member Emeritus status for those members who attended the Organization's founding convention and were signatory to the original charter issued in 1994 and who became members and remained so continuously until retirement. Founding Member Emeritus status shall allow the member to continue as a member without the obligation of paying dues and shall entitle said member to available life insurance benefits however shall not entitle the member to a vote nor the right to affect the policies, politics or finances of the Organization and its Divisions.

## **ARTICLE SEVEN**

### **Income and Finances**

#### **Section 1. Income:**

- a. The income of this Organization shall include receipts from dues, initiation fees, assessments, contributions, loans, fines, interest, per capita fee, dividends as well as income derived from any business operation or other legitimate source.
- b. All dues, initiation fees, assessments, service fees and other charges shall be established by each Division, subject to approval by the National Executive Committee. NFOPAPE may also levy assessments in accordance with procedures established by the National Executive Committee or the National Convention.

#### **Section 2. Dues and Revenues to NFOPAPE:**

- a. Effective on the first day of third month following the adoption of this Constitution, the minimum monthly periodic dues for members of this Organization shall be not less than Fifteen (\$15.00) Dollars per month and the uniform initiation fee shall be not less than One Hundred Fifty (\$150.00) Dollars, provided however that initiation fees for applicant for membership of the Federation of Public Employees shall be not less than Fifteen (\$15.00) Dollars.
- b. For each member in good standing as of the adoption of this Constitution, and for each member not more than six months in arrears as per ARTICLE SIX, Section 6, each Division shall pay to the NFOPAPE at the beginning of each calendar quarter a per capita fee of \$9.00 per month per member thereof, at the time of its quarterly report to the NFOPAPE Secretary-Treasurer (hereinafter referred to as "National Secretary-Treasurer").
- c. The monthly per capita fee shall be fixed by the National Executive Committee and may be increased by action of the National Executive Committee when deemed necessary.

- d. The National Executive Committee may, in its discretion for cause shown by any Division, waive or decrease the monthly per capita fee for any group of members for any fixed period.

**Section 3. Revisions of Dues, Fines, and Assessments by National Conventions:**

The National Convention shall have the power by majority vote to regulate, modify and otherwise control the initiation fees, dues, fines and assessments levied by the Divisions, or any of them whenever in the judgment of the National Convention such action is necessary in the best interests of the NFOPAPE or its Division(s).

## **ARTICLE EIGHT**

### **Contracts, Funds and Property of Divisions**

**Section 1. Contracts.** Collective bargaining agreements shall be held in the name of the Organization and the respective Division, and shall be administered by the applicable Division, subject to assistance by the Organization as may be deemed necessary by the National President.

**Section 2. Funds and Property:** All money, property and other assets and interests acquired by a Division, shall be held by such Division in its own name and right or by the appropriate officers of such Division, for its benefit. In the event a Division ceases to exist because of changes in the structure of the Organization, or for any other reason whatsoever, the Division's money, property, and other assets and interests shall revert to and become the property of the Organization for the benefit of all of its members. Indebtedness to the Organization shall be a prior claim on the holdings of any Division.

## **ARTICLE NINE**

### **Conventions**

**Section 1. Duties:** The NFOPAPE convention shall be the governing body of this Organization and may also be known as the National Convention.

**Section 2. Time and Place:** The National Convention shall be held during the month of July, commencing in 1998 and during the same month every two years thereafter. The NFOPAPE Executive Committee shall determine the date and place of the National Convention.

**Section 3. Representation:**

- a. The total delegate vote at the National Convention shall be divided among the Divisions on the basis of their total membership as of March 31 in the calendar year next preceding the National Convention, one delegate per every 500 members in good standing or any fraction thereof, provided that no bargaining unit shall have more than two delegates; and in addition, one delegate vote per officer of each Division and the Organization. The election of said delegates shall be determined by the By-Laws

- of the Division(s) and subject to approval by the NFOPAPE and Division(s) Executive Committees. A Division which sends only one delegate shall have such delegate cast the entire vote of the Division. Any Division which sends more than one delegate to the Convention may empower one delegate to cast the entire vote of the Division or divide the votes equally among its delegates who are present at the National Convention.
- b. Whenever a vacancy occurs in the position of delegate to the National Convention, and there is more than one delegate from any Division, the remaining delegates of that Division shall have the right to cast the votes of the delegates whose positions have become vacant. The remaining delegates of that Division shall each cast a proportionate share of the total vote of that Division, or exercise the option as described in ARTICLE NINE, Section 3(a) above.
  - c. A vacancy shall exist in the position of delegate to the NFOPAPE Convention whenever a duly elected delegate is absent from the Convention, dies, is incapacitated, resigns, is in arrears in his or her dues, is dropped from membership or is expelled from the union with no further right to appeal in accordance with the provisions of the NFOPAPE Constitution.

**Section 4. Eligibility of Delegates:** All members eligible for election to office in a Division shall be eligible for election as delegates to the NFOPAPE Convention. Qualified delegates to the NFOPAPE Convention must be elected in the same manner as prescribed in the By-Laws of their Division for the election of officers.

**Section 5. Quorum:** The presence at the National Convention of delegates collectively entitled to cast sixty percent of the votes shall constitute a quorum.

**Section 6.** All proceedings of the National Conventions shall be available in an unabridged form, when so ordered by the National Convention. All proceedings shall be reported by a Court Reporting Service.

**Section 7. Amendments to the Constitution and Referendums:**

- a. This Constitution may be amended in any National Convention by delegates casting not less than sixty percent (60%) affirmative votes. Proposed amendments must be submitted by resolution in accordance with the rules governing the proceedings of the National Convention.
- b. Resolutions properly submitted to a National Convention, which propose amendments to this Constitution, may specify therein that the subject matter shall be submitted to a referendum vote among the members of the NFOPAPE. In such case, if the resolution is approved by delegates casting not less than sixty percent (60%) affirmative votes at the National Convention, it shall be submitted to a referendum vote and, if approved by 60 percent of the members voting, shall go into effect.
- c. A referendum among the membership of the NFOPAPE on any matter which does not amend this Constitution may be authorized by delegates casting not less than 51 percent affirmative votes at a National Convention or a majority vote of the NFOPAPE Executive Committee. The matter submitted shall go into effect if approved by a majority vote of the members voting.



**Section 8. Rules of Order:**

RULE 1: The NFOPAPE President (hereinafter “National President”) or presiding officer will state plainly every question coming before the National Convention, and before putting it to vote, shall ask, “Are you ready for the question?” and should no delegate rise to speak on the question, the presiding officer shall request the vote, and after the vote has been requested no member shall be allowed to speak on it unless by consent of the National President, who shall announce his or her decision on all votes and on all subjects. The presiding officer’s decisions on questions of order shall be without debate, but may be appealed to the delegates of the National Convention and decided by a two-thirds vote.

RULE 2: When a delegate speaks, he or she shall rise and address the National President, confining him or herself strictly to the merits of the question at issue. When two or more delegates arise at once, the presiding officer shall decide who is entitled to the floor.

RULE 3: All Resolutions shall be presented in writing to the NFOPAPE Headquarters ten (10) days prior to the convening of the National Convention. A copy of each Resolution shall be available for the members of the appropriate Committee at its initial meeting. Additional Resolutions may be presented at the National Convention if permitted by sixty (60%) percent affirmative delegate votes.

RULE 4: A motion to reconsider any former resolution or vote can only be made and seconded by delegates who voted in the majority and must be made prior to the next order of business.

RULE 5: No business shall be taken up, except in the order prescribed, unless upon motion that the regular order of business be suspended for the transaction of the business set forth, and such motion shall be approved by a majority vote.

RULE 6. All NFOPAPE officers and delegates shall keep their respective seats during the continuance of the meeting, except by the permission of the National President.

RULE 7. No NFOPAPE officer or delegate to the National Convention shall read any report that takes more than thirty (30) minutes in the reading thereof. All reports shall be referred to the Committee on Distribution.

RULE 8. The National President is authorized to order the removal from sessions of the National Convention, of those persons or delegates who are disorderly or disruptive or who prevent the normal conduct of the business of the National Convention.

**Section 9: Order of Business:**

1. Calling the National Convention to order.
2. Appointing Committee on Credentials.
3. Report of Committee on Credentials.
4. Appointing officers to fill vacancies and for the session(s).
5. Opening the National Convention in ritualistic form.
6. Calling for motion or resolution covering sessions and proceedings; welcoming addresses, etc.
7. Approval of Standing or Special Committees.
8. Report of National Officers.
9. Reports of the Divisions.
10. Call for the introduction of new business.
11. Reports of Committees.
12. Final Closing.

**Section 10. Committees:** All Committees of the National Convention shall be appointed by the National Executive Committee, subject to the approval of the National Convention, and shall perform such duties as are assigned by the National Executive Committee.

**Section 11. Special Conventions:** The National Executive Committee may, in its discretion, whenever it shall deem it necessary in the interest of the Organization, convene a Special Convention. Any such Special Convention shall have all of the powers of any regular National Convention and be governed by the rules and regulations applicable to National Conventions, except as modified or altered by the National Executive Committee in its call for the Special Convention. The delegates to such Special Convention shall have the same voting power as the delegates from the same Division(s) had in the immediately preceding regular National Convention.

## **ARTICLE TEN**

### **Nomination and Election of Delegates to NFOPAPE Conventions**

**Section 1. Time of Election:** Delegates to the National Convention shall be elected by each Division at the time of election of Division officers.

**Section 2. Eligibility of Delegates:** All members eligible for election to office in a Division shall be eligible for election as delegates to the NFOPAPE Conventions. Qualified delegates to any NFOPAPE Convention must be elected in a manner as prescribed in the By-Laws of their Division for the election of officers. The Division officers shall be delegates to the National Conventions.

## **ARTICLE ELEVEN**

### **National Officers**

**Section 1.** The officers of the NFOPAPE shall consist of a National President, a National Secretary-Treasurer and such other National Vice President(s) as may be authorized and created by the National Executive Committee pursuant to ARTICLE FOURTEEN, Section 1(a) of this Constitution.

**Section 2.** There is hereby established the Honorary Title of National President Emeritus. Such title may only be conferred by the National Convention when in session or by the National Executive Committee and only upon an official who has served not less than five years in the position of National President.

The National President Emeritus shall have a voice but no vote in the Convention and all meetings of the National Executive Committee and shall perform the duties of consultant to the Organization and further may be delegated such other duties as the National President, with the advice and consent of the National Executive Committee, may from time to time determine. He or she shall be compensated in the amount of one-half (1/2) the salary of the National President. He or she shall be reimbursed for all traveling expense and per diem allowances incurred in the performance of his or her duties.

## **ARTICLE TWELVE**

### **Nomination and Election of National Officers**

**Section 1.** The National officers shall be elected every four years commencing with the election in 1998. The election shall be conducted at the National Convention.

**Section 2.** The National officers shall be elected by majority vote of the delegates at the National Convention.

**Section 3.**

- a. Any member shall be eligible for nomination to and election as a National officer provided: (1) he or she is at the time of nomination and election a member in good standing; (2) he or she has been a member of the NFOPAPE and the appropriate Division(s) for one year immediately preceding the date of the closing of nominations; (3) he or she has had 180 days of employment with NFOPAPE represented entities or companies, or their predecessors, in each of two out of the last three calendar years preceding the election year, provided that time spent by members holding office in the Organization and engaged in official Organization business shall be considered as employment time for the purpose of this subsection.
- b. No member can accept nomination to or be a candidate for more than one office in any NFOPAPE election for national officers.

**Section 4.**

- a. Any member may submit his or her name or the name of another for nomination for any NFOPAPE office by delivering in person or sending by registered or certified mail, addressed to the National President at the address of the Headquarters of the NFOPAPE, a nomination petition signed by at least fifty (50) members in good standing. Such petition, to be considered valid, shall be received at Headquarters before the close of business on the last business day of the month preceding the National Convention.
- b. The petition shall be dated and contain the following information:
  1. The full name of the candidate and, if he or she wishes any special name by which he or she desires to be known;
  2. The candidate's home address, mailing address and the last four digits of his or her social security number or such other identifying number as may be established by the National President;
  3. Proof of membership in good standing;
  4. The title of the NFOPAPE office or other position for which he or she is a candidate;
  5. The date of joining the NFOPAPE and Division or Divisions;
  6. The printed names, signatures and the last four digits of the social security numbers of one percent of the membership, not to exceed fifty (50) members, which ever is less, in good standing;
  7. Evidence of qualifying employment time; and
  8. A certificate in the following form signed and dated by the proposed nominee: "I hereby accept the nomination for the office of \_\_\_\_\_ . I certify that I am not now, nor for the five (5) years last past, have I been convicted of, or served any part of a prison term resulting from conviction of robbery, bribery, extortion, embezzlement, grand larceny, burglary, arson, violations of narcotics laws, murder, rape, assault with intent to kill, assault which inflicts grievous bodily injury, violations of Title V or VI of the Landrum-Griffin Act or conspiracy to commit any such crimes."
- c. Printed forms shall be made available to the membership. It shall be the responsibility of the nominee to insure the good standing of at least fifty (50) persons signing the petition.
- d. Notice of the opportunity for nomination shall be given to members by April 1, prior to the National Convention in 1998, and each National Convention thereafter, which notice may be given through the mailing of the official NFOPAPE publication to the members.

**Section 5.** The National President, or his or her designee, shall determine whether the member or members have submitted their nomination petitions in due form and whether they possess the necessary qualifications. When a nominee has been disqualified, he or she shall be notified by telegram at his or her last known address on record. He or she shall also be sent a letter containing the reasons for such disqualification by registered or certified mail, to the same mailing address. A disqualified nominee shall have the right to take an appeal to the National Executive Committee from such disqualification. Such appeal must be in writing and must be received by certified mail at NFOPAPE Headquarters not later than ten (10) days after the date of mailing of the notice of disqualification. The National Executive Committee shall hear the appeal at its meeting immediately preceding the National Convention and make a determination

of the eligibility of the nominee. The decision of the National Executive Committee shall be given as quickly as possible and such decision shall be final.

**Section 6.** The election of NFOPAPE officers shall be conducted at the National Convention. No election shall be necessary where there is only one candidate for an office, in which event such candidate shall be declared elected. The National President shall determine the procedure for voting and the day of the National Convention when such voting shall be conducted.

**Section 7.** Any challenge to the conduct of the elections (other than an appeal by a disqualified nominee for candidacy to office) must be received by the National Executive Committee at NFOPAPE Headquarters by certified mail within thirty (30) days from the date of the closing of the National Convention. Such appeal must be in writing, setting forth the specific conduct challenged and signed by the complaining member or members. The National Executive Committee shall hold a hearing on the challenge and shall make a final decision on the challenge within thirty (30) days after the conclusion of the hearing.

**Section 8.** The elected officers of the NFOPAPE shall be installed in their respective offices by any member of the NFOPAPE Executive Committee or any honored dignitary or member of the clergy at the conclusion of the NFOPAPE Convention. They shall assume the duties of their offices at the conclusion of the National Convention. Any incumbent officer shall continue to hold office until his or her successor is elected, qualified and installed.

**Section 9.** In the event a candidate for office who has received the highest number of votes dies before being installed, the office for which the candidate was running shall be declared vacant and filled in accordance with the provisions of ARTICLE THIRTEEN, Section 4 of this Constitution concerning vacancies in office.

## **ARTICLE THIRTEEN**

### **Duties of National Officers**

#### **Section 1. National President:**

- a. The National President shall be the chief executive officer of the Organization and shall represent and act for and on behalf of the Organization in all matters. He or she shall be a paid officer of the Organization and he or she shall direct, manage and supervise the affairs of the Organization between Conventions and between meetings of the National Executive Committee. He or she shall preside and have a full voice and vote at all NFOPAPE Conventions.
- b. The National President shall be in charge of the Headquarters Office and of all offices in all geographical areas. He or she shall determine which officers and employees of the Organization will be assigned to Headquarters and shall have the power to transfer any of the elected or appointed officials of the Organization to any office maintained or to be maintained by the Organization.

- c. The National President shall be the Chairperson of the National Executive Committee and shall cast one vote in that body.
- d. The National President shall be responsible for the interpretation and enforcement of this Constitution, the policies of the Organization and all rules and rulings duly adopted by a majority vote of the membership or by the National Executive Committee.
- e. The National President may authorize, make or incur such expenditures and expenses as are necessary to further the interests of the Organization and its membership, and he or she shall be compensated for all such expenses incurred by him or her in the course of the performance of his or her duties.
- f. The National President may appoint representatives of the Organization to carry out its affairs and to represent its membership. The National President may also employ such clerical and administrative help as he or she deems necessary, and is authorized to retain persons for legal, accounting and similar services. He or she shall be authorized to set the rate of compensation for all clerical and administrative help, for all representatives of the Organization, and for all persons retained by the Organization to perform professional or similar services. Compensation for all officers shall be determined by the National President and approved by the National Executive Committee.
- g. The National President shall be empowered to take any and all measures and employ such means as he or she deems necessary or advisable to protect the interests and further the welfare of the Organization and its members in all matters involving national, state, or local legislation, issues and public affairs. He or she shall be authorized to present the Organization's position on all matters involving legislation of interest to the Organization and to present the position of the Organization in regard to candidates for public office.
- h. The National President shall be a delegate of all central bodies of affiliated organizations and all councils, departments and other bodies with which the Organization is affiliated.
- i. At the regular membership meeting of each Division held in the month of May of each Division election year, the National President shall, subject to the approval of the National Executive Committee, submit to the membership of each Division a written pre-balloting report. In his or her report, the President shall designate (1) the number of delegates to be elected from each Division to the NFOPAPE Conventions; and (2) the depository to which the ballots are to be mailed or delivered if a Division conducts a mail-ballot election.
- j. Notwithstanding the provisions of ARTICLE THIRTEEN, Section 4 of this Constitution concerning vacancies in office, in the event that the then sitting National President becomes incapacitated or unable to perform his or her duties for any reason whatsoever, including death, resignation or removal, his or her office and duties will be filled by the National Secretary-Treasurer until the expiration of his or her term.

**Section 2. National Secretary-Treasurer:**

- a. The National Secretary-Treasurer, subject to the supervision of the National President, and the National Executive Committee, shall be charged with the

- responsibility of receiving, holding and the safekeeping of all monies, records, and properties of the NFOPAPE and paying all legitimate bills.
- b. He or she shall render a quarterly statement of the accounts to the National Executive Committee, which quarterly statement shall consist of an audit by an independent, certified public accountant.
  - c. He or she shall make a report to the National Convention, certified by an independent certified public accountant, indicating all receipts and disbursements made since the last convention.
  - d. The National Secretary-Treasurer shall perform the duties of the National President in his or her absence or upon the National President's request. He or she will assist the National President and act at his or her direction.
  - e. The National Secretary-Treasurer shall be a delegate of all central bodies of affiliated organizations and all councils, departments and other bodies with which the Organization is affiliated.
  - f. All checks issues by the National Secretary-Treasurer on the funds of the Organization shall bear the signature of the National President and shall be countersigned by the National Secretary-Treasurer, and, in the absence of either, the second signature may be that of any member of the National Executive Committee authorized by the National President to countersign checks or such Employee of the Organization as designated by the National President provided that the designee complies with all bonding requirements.
  - g. The National Secretary-Treasurer, subject to the supervision of the National President and the National Executive Committee, shall be charged with the responsibility of keeping the minutes of all NFOPAPE conventions and National Executive Committee meetings, and with the maintenance and protection of all records, books, papers and contracts.

**Section 3. National Vice-President(s):**

- a. The National Vice-President(s) shall be members of the National Executive Committee and shall each be entitled to cast one vote in that body.
- b. National Vice-President(s) shall supervise and coordinate all the activities of the Organization in the various geographical or jurisdictional areas to which they may be assigned by the National President, including organizational and representational activities, under the direction and supervision of the National President.

**Section 4. Vacancy in Office:** In the case of a vacancy in the office of the National Secretary-Treasurer or National Vice-President elected by the National Convention, for any reason whatsoever, including death, resignation or removal, the National Executive Committee shall then elect his or her successor, a nominee proposed by the National Executive Committee, who will serve in said office for the unexpired term. Any such successor must meet the qualifications for said office.

**Section 5. Continued Eligibility to Hold Office:** It shall be the responsibility of each Officer to maintain membership in good standing. Upon notification to the National Executive Committee of suspension or expulsion from membership of any Officer of the Organization or its Divisions,

and upon verification thereof, said Officer will be automatically removed from Office. The vacancy created thereby shall be filled in accordance with the provisions of this Constitution and the by laws of the appropriate Division.

## **ARTICLE FOURTEEN**

### **National Executive Committee**

**Section 1.** The elected officers of the NFOPAPE shall constitute the National Executive Committee.

- a. The functions of this Organization shall be administered by Headquarters. Offices shall be maintained at such locations as may be determined by the National Executive Committee. The National Executive Committee, by majority vote, shall have the right to create area National Vice-Presidents and to appoint additional National Vice-Presidents at large. Such newly appointed National Vice-Presidents shall be members of the National Executive Committee and shall serve as National Vice-Presidents until the next election of officers. Until the first election of officers, the officers elected at the Founding Convention of the NFOPAPE shall serve as officers of the Organization.
- b. Except as otherwise provided herein, the National Executive Committee shall consider and take appropriate action on any appeals made by any Division or any member from any action of a Division and shall have authority to promulgate rules and regulations concerning such appeals. Its decision may be appealed to the following National Convention, but it shall be deemed final pending the appeal and shall remain in effect unless reversed by the National Convention.
- c. The National Executive Committee shall have the authority, subject to the National Convention, to set and adjust the compensation of the National President, and to approve the compensation set by the National President for all other elected paid officials of the Organization and its Divisions.
- d. The National Executive Committee shall direct the administration of all NFOPAPE affairs, properties, policies and personnel in any and all circumstances, unless otherwise specifically provided for in this Constitution, or unless any national officer of the Organization is specifically given such authority by the terms of this Constitution.
- e. Meetings of the National Executive Committee shall be held not less than four times a year, at times and places designated by the National President. Meetings may be held at other times subject to the call of the National President or by a majority of the National Executive Committee. Such emergency meeting, if called, shall be at a place designated by the National President.

**Section 2.** Investment of Funds:

- a. The National Executive Committee shall have control over the funds, deposits, investments and property of every kind, nature and description belonging to the



- NFOPAPE. All investments of the NFOPAPE funds, made upon the order of the National Executive Committee, shall be in the name of the NFOPAPE, so that no amounts can be withdrawn therefrom without the signatures of the National President and the National Secretary-Treasurer, or in the absence of either, the second signature may be that of any member of the National Executive Committee authorized by the National President to countersign checks. The National Executive Committee may withdraw investments, negotiate loans upon securities belonging to the NFOPAPE, and sell such securities as the needs of the NFOPAPE may require; but no such withdrawals, sales, or transfers shall be negotiated without the authority of the National Executive Committee, evidenced by the signatures of the applicable officers as described in this Section.
- b. NFOPAPE funds shall be invested in such securities or other business investments deemed to be in the best interests of the NFOPAPE in which a prudent person or a person acting in a fiduciary capacity would invest under the circumstances.
  - c. Except as otherwise provided in this Constitution, or authorized by any resolutions adopted by National Conventions, or resolutions of the National Executive Committee between conventions pursuant to authority granted herein, all expenditure and disbursements of funds and property of the NFOPAPE shall be in accordance with its established practices, customs and procedures, including but not limited to, expenses for charitable, educational, legislative, economic, political, social and cultural purposes in the interest and for the benefit of the NFOPAPE and its members.
  - d. The funds, property, or assets of the NFOPAPE shall not be loaned or appropriated for any other than the legitimate purposes of the NFOPAPE.

**Section 3.** Each member of the National Executive Committee shall have one vote. The National President shall have one additional vote when necessary to break and decide all ties.

**Section 4. Quorums:** A quorum shall consist of not less than two (2) members. The National President shall designate an alternate to replace any members unable to attend meetings of the National Executive Committee for any reason.

**Section 5. Expenses:** All expenses incurred in connection with the functioning of the National Executive Committee and all NFOPAPE officers shall be paid by the NFOPAPE.

## **ARTICLE FIFTEEN**

### **Impeachment and Removal from Office of Elected Officers of the NFOPAPE and its Divisions**

**Section 1. Charges and Answer:** Charges of misdemeanors in office, malfeasance, misfeasance, nonfeasance, corruption, favoritism, extortion, oppression in office, gross misconduct, habitual drunkenness, or failure to conform to the NFOPAPE Constitution or the NFOPAPE policy may be filed by two (2) members of the National Executive Committee or by a petition filed by twenty (20%) percent of the members in good standing of the NFOPAPE against any elected officer of the NFOPAPE or their Division. In the event the charges, if proven, would constitute a

violation of the duties of membership, the charges shall so state. Such charges, in writing, shall be filed with the NFOPAPE President, who shall within thirty (30) days of his or her receipt, mail a certified copy to each member of the National Executive Committee and to the officer so charged. The officer charged shall file a written answer to the charges not later than thirty (30) days following the mailing of the charges by the National President. In the event the National President is the accused, then the National Secretary-Treasurer shall act in his or her stead for the purposes of this Article.

**Section 2. Trial.** Upon the filing of the aforesaid charges, the National President shall designate a Trial Committee consisting of three members in good standing with the NFOPAPE, one of whom shall be from a Division different from the other two members. Said Trial Committee shall conduct a hearing at a place and time which it shall designate; provided, however, that the date of the hearing may not be set earlier than forty (40) days following the mailing of the charges by the National President.

**Section 3. Trial of Accused:**

- a. A record of the hearing shall be made. There shall be a full opportunity for examination and cross-examination of all witnesses. The charged officer may be represented by any NFOPAPE member of his or her choosing and may present evidence on his or her own behalf.
- b. The Trial Committee shall have full authority to determine the rules of procedure which shall govern all parties. The Trial Committee shall have full authority to direct the charged officer to produce or make available to the Trial Committee or its designated agent, any books, records or other documents in the possession or under the direction or control of the charged officer.

**Section 4. Decision of the Trial Committee:**

- a. After a full hearing, the Trial Committee shall render a written decision which shall be filed with the National President, who shall distribute copies of the same to the charged officer, the parties who filed the charges and to each member of the National Executive Committee. Said decision shall make a finding either for or against the accused. If the finding is against the accused, the decision shall either recommend a dismissal from office of the charged officer, or such other course of action which it deems necessary to obtain compliance with the NFOPAPE Constitution or NFOPAPE policy.
- b. Any decision which calls for the suspension or dismissal from office of the charged officer shall also contain a provision relating to the membership of said charged officer. In the case of a suspension or dismissal of the charged officer from office, his or her membership can be suspended, or in the case of dismissal, he or she may be expelled from membership. Also in case of dismissal, the charged officer shall be barred from holding any office, position or employment in the NFOPAPE or any Division thereof. In the case of a suspension or dismissal of the charged officer, ARTICLE THIRTEEN, Section 4 of this Constitution shall apply.

- c. The full record of the proceeding shall be deposited at the NFOPAPE headquarters offices.

**Section 5. Appeal to the National Executive Committee:**

- a. In the event either the charged officer or the charging parties desire to appeal to the National Executive Committee, notice of the same, together with a memorandum setting forth the exceptions taken and brief comment thereon, shall be filed with the National President within twenty (20) days of the mailing by the National President, of the Trial Committee's decision.
- b. If no such appeal is taken within the prescribed time, the decision of the Trial Committee shall be deemed final.

**Section 6. Decision of the National Executive Committee:**

- a. The National Executive Committee, on the basis of the entire record, shall render its decision in the event an appeal has been timely taken. Such decision may call for the dismissal of the charges in whole or in part, or for the suspension or dismissal from office of the charged officer, or for such other course of action which may be necessary to obtain compliance with the NFOPAPE Constitution or NFOPAPE policy. A copy of such decision shall be forwarded to the charged officer and to the charging parties.
- b. Any decision which calls for the suspension or dismissal from office of the charged officer shall also contain a provision relating to the membership of said charged officer. In the case of a dismissal of the charged officer from office, his or her membership can either be suspended or he or she may be expelled from membership. Also in the case of dismissal, the charged officer shall be barred from holding any office, position or employment in the NFOPAPE or its Divisions. In the case of a suspension or dismissal of the charged officer, ARTICLE THIRTEEN, Section 4 of this Constitution shall apply.
- c. The decision of the National Executive Committee shall be final unless amended or reversed by the National Convention.

**Section 7. Appeal to the National Convention:** An appeal may be taken by either the charged officer or the charging parties from the action of the National Executive Committee to the next regular National Convention or to a panel of three public persons who shall be designated by the National Executive Committee. The person taking the appeal shall, when requesting the appeal, indicate which alternative is desired. Notice of such appeal shall be filed with the National President no later than thirty (30) days from the mailing by certified mail of the decision of the National Executive Committee and all briefs in support of the appeal must be submitted simultaneously with the filing of the notice of appeal. The decision of the National Convention or the Public Panel, as the case may be, shall be final and conclusive. The National Convention and the Public Panel shall have the authority to determine their respective procedures applicable to such appeals.

**Section 8. Required Vote for Suspension or Dismissal:** The suspension or dismissal of an officer, in accordance with the foregoing provision may be accomplished by a majority vote of the National Executive Committee, or in the case of the National Convention, by majority vote of the delegates.

**Section 9. Immediate Suspension:** If the final decision of the National Executive Committee shall be against the accused, he or she shall be deemed automatically suspended or removed from his or her office or position in accordance with that decision, pending his or her right to subsequent appeal.

## **ARTICLE SIXTEEN**

### **Charges, Trials and Appeals of Non-Officers**

#### **Section 1. Charges and Trials:**

- a. The filing of charges against a member alleging violations of the NFOPAPE Constitution, rules or regulations or policies of the NFOPAPE or the By-Laws of his or her Division(s), and the holding of a trial thereon, shall be governed by the applicable provisions of the By-Laws of the Division(s) within whose jurisdiction the offense has been committed.
- b. Every charged member shall receive, by certified mail, a written copy of the charges preferred against him her and shall be given a reasonable time to prepare his or her defense. A charged member may plead guilty and thereby waive any and all of the rights and privileges granted him or her under the NFOPAPE Constitution and Division By-Laws, and accept such penalty as may be imposed by the Trial Committee.
- c. If the charges are proven during the trial, the penalty imposed shall be enforced by the Division(s) of which the charged member is a member, subject to the rights of appeal set forth in this Article.

#### **Section 2. Penalties:**

- a. Any member of the NFOPAPE or its Divisions who shall be found guilty, in accordance with the provisions of this Constitution, shall be subject to punishment as herein provided.
- b. Degrees of Punishment:
  1. Public reprimand/private reprimand;
  2. Fined for a proven offense;
  3. Fined for each proven repetition of offenses;
  4. Suspended pending payment of dues, fines or assessments;
  5. Suspended for a stated period;
  6. Suspended from membership indefinitely;
  7. Expelled from membership; and
  8. Expelled from membership with fines.

- c. All penalties imposed by the Trial Committee and approved or modified by a majority vote of the Division membership present at the regular or specially called meeting shall be effective immediately unless, upon written application by the member, stayed by the NFOPAPE President pending appeal.
- d. A Trial Committee may impose guilty members any one or more of the above defined of punishment upon any one charge. In cases where members are fined, such fines must be paid within one month, subject to the stay of penalties provision set forth herein. If payment is not made, the member shall automatically be dropped from the roll of membership without notice.

**Section 3. Appeal Procedure:**

- a. A member found guilty of charges may appeal to the Division Executive Committee within thirty (30) days from the date of mailing by certified mail of notification to the member of the decision of the Division membership approving or modifying the penalty imposed by the Trial Committee. All such appeals must be in writing and be submitted to the Division Executive Committee in the care of the Division President, within the time limits set forth herein.
- b. The Division Executive Committee shall consider all available documents used as evidence at the trial, the transcript of the trial, if any, and any written argument submitted by the accused. The Division Executive Committee may affirm, reverse or modify the decision of the Trial Committee and/or the penalty from which the appeal has been taken.
- c. The decision on appeal of the Division Executive Committee shall be by majority vote, and shall be in writing. Dissenting opinions shall be permitted.
- d. In making its findings, recommendations and decisions on appeal, the Division Executive Committee shall be guided by the following:
  - 1. No finding of the Trial Committee shall be reversed if there is sufficient evidence to support such finding;
  - 2. In no event shall the penalty imposed by the Trial Committee or the membership be increased on appeal;
  - 3. A new trial shall be recommended if the Division Executive Committee finds that the accused member was not given a fair trial.
- e. The Division Executive Committee shall decide the appeal within a reasonable time, consistent with the fair consideration of the evidence and arguments before it.
- f. The Division Executive Committee shall send a copy of its decision to the charged member by certified mail at his or her last known address as recorded by the NFOPAPE or its Divisions.
- g. Any member who is aggrieved by the decision of the Division Executive Committee may appeal to the National Executive Committee within thirty (30) days from the date of mailing of notification to the member of the decision of the Division Executive Committee. All such appeals must be in writing and be submitted to the National Executive Committee, in the care of the National President, within the time limits set forth herein.

- h. The decision of the National Executive Committee shall be final and binding unless by appeal such decision is reversed by the next National Convention.
- i. Any member who is aggrieved by the decision of the National Executive Committee may appeal to the National Convention. All such appeals must be in writing and be submitted to the National Convention, in the care of the National President, by certified mail no more than thirty (30) days from the date of the mailing of the decision by the National Executive Committee to the member. If less than thirty (30) days remain from the time the member has received the notification of the decision of the National Executive Committee, before the start of the National Convention, the member may file his or her appeal up to and including the commencement date of the National Convention.

## **ARTICLE SEVENTEEN**

### **Membership Meetings**

**Section 1.** Each Division shall hold meetings at the times set forth in its By-Laws, but no less than four (4) times per year. Meetings involving the membership of more than one Division may be called by the National Executive Committee.

**Section 2.** Each Division shall provide in its By-Laws for the Rules of Order to govern the conduct of its meetings.

**Section 3.** The order of business and the Rules of Order for membership meetings involving more than one Division shall be established by the National Executive Committee.

## **ARTICLE EIGHTEEN**

### **Affiliations**

**Section 1.** The National Executive Committee may review and act upon applications for affiliation, merger, absorption and association directly with the NFOPAPE, by other groups or labor organizations upon such terms and conditions as are agreeable to both the National Executive Committee and the group or labor organization seeking affiliation. The National Executive Committee, by majority vote, shall have authority to seek and obtain reimbursement from its Divisions, for any affiliation fees paid by the NFOPAPE to any other labor organizations with which it and its Divisions have an affiliate relationship.

**Section 2.** The Division Executive Committee may review and act upon applications for affiliation directly with the Division, by other groups or labor organizations, upon such terms and conditions as are agreeable to both the Division Executive Committee and the groups or labor organizations seeking affiliation, subject to National Executive Committee approval.

**Section 3.** No affiliate of a Division shall be permitted to disaffiliate from the Division, nor shall it be permitted to disband and have its members accepted as members of the Division, without first obtaining the approval of the National Executive Committee, unless otherwise provided in the affiliation agreement. No Division shall be permitted to disaffiliate from the Organization without first obtaining the approval of the National Executive Committee.

## **ARTICLE NINETEEN**

### **Exhaustion of Remedies**

Before resorting to any court, tribunal or agency, every member, Division, affiliate or other subordinate body of the NFOPAPE that is aggrieved by any action taken or ruling, decision, or opinion rendered by the NFOPAPE or its Divisions, its affiliates or other subordinate bodies, or the officers or representatives thereof, shall be obligated to exhaust all procedures and remedies provided for in this Constitution or in the constitution, by-laws or rules of any subordinate body or affiliate, as appropriate.

## **ARTICLE TWENTY**

### **Savings and Severability**

If any article or provision of this Constitution shall be declared invalid, inoperative, unenforceable by operation of law or by any competent authority of the executive, legislative, judicial or administrative branch of the federal or any state government, the remainder of this Constitution and the application of such article or provisions to persons or circumstances other than those as to which it has been held invalid, inoperative or unenforceable shall not be affected thereby.

## **ARTICLE TWENTY-ONE**

### **Adoption of the Constitution**

This Constitution shall be deemed to be adopted and effective as of the 9<sup>th</sup> day of April, 1994, by unanimous approval of the founding members of this Organization.

