

**NEW YORK STATE PUBLIC EMPLOYEES
FEDERATION AFL-CIO
CONSTITUTION OF EDUCATION DIVISION #194**

ARTICLE I. NAME

The name of this division shall be the "Education Division of the New York State Public Employees Federation AFL-CIO", hereinafter referred to as the "Division".

ARTICLE II. OBJECTIVES

The Division shall be the formal local communicative and administrative body of the New York State Public Employees Federation AFL-CIO, hereinafter referred to as "PEF". The Division shall exist to promote the welfare of the members in its constituency with respect to all terms and conditions of employment. The Division shall support and defend the concepts of individual merit and ethical performance as criteria for public service employees in order to best promote effective and efficient delivery of services to the citizens of New York State. The Division shall recognize that all power ultimately resides in the sovereignty of the citizens and shall therefore insist that the government operate to serve and not dominate its citizens. The Division shall recognize that PEF exists as sole bargaining agent for employees in the Professional, Scientific and Technical unit of the State of New York. Therefore, the objectives of the Division include, but are not limited to, the objectives in the PEF Constitution and Bylaws.

ARTICLE III. MEMBERSHIP

Section 1. Constituency. This Division shall consist of sub-divisions. The Division constituency shall include every regular member of PEF in all Capital District locations of: the State University of New York, hereinafter referred to as "SUNY"; and the New York State Education Department excluding all units of the Office of Vocational Rehabilitation, hereinafter referred to as "SED".

Eligible members of these units outside the capital District may join the Division if requirements in Article III, Section 2. Changes of constituency are met.

Section 2. Changes of Constituency. On petition of thirty (30) percent of the regular PEF members at any work location, all regular PEF members at that location may be added to the Education Division constituency upon approval of the Division Council and the PEF Executive Board, and upon ratification by a majority of the regular PEF members voting at that location.

Section 3. Regular Membership. Any regular member of PEF in the Division Constituency is a regular member of the Division.

Section 4. Meetings. The regular membership of the Division shall meet at least two times a year, scheduled on the call of the Division Council. A special meeting of the regular membership may be called by either the Council Leader, by a vote of the Division Council or upon petition of ten (10) percent of the regular membership.

ARTICLE IV. DIVISION COUNCIL

Section 1. Powers. The Division Council shall serve as the principal decision-making body of the Division and will be a forum for the exchange of ideas from the various member constituencies to decide upon common goals and actions. Except as otherwise provided in the constitution and Bylaws of PEF and in this Constitution, the vote of a majority of the members present at a meeting at which a quorum exists shall be an act of the Division council.

Section 2. Membership. The Division Council shall be composed of: (a) stewards from all subdivisions and (b) PEF Executive Board members if they are members of this constituency. The Division Council, in consultation with the appropriate Regional Coordinator(s), shall determine the appropriate steward constituencies, provided this apportionment does not exceed the number of stewards allowed for the Division.

All Council members shall be the official PEF representatives of the Division and must serve to enhance the well-being of the Division constituency and respect all legitimate inquiries concerning the operation of the Division.

Section 3. Meetings and Quorum. The Division Council shall meet regularly at least six times a year. A special meeting of the Division Council may be called by the Council Leader or by fifty (50) percent of the Council members. Timely notification of the time and place of every regular and special meeting and the agenda shall be made to all Council members. The appropriate Regional coordinator(s) shall also be sent copies of the notification. One-third (1/3) of the Council members shall constitute a quorum at any meeting of the Division Council.

Section 4. Officers. The officers of this Division shall be a Council Leader, Assistant Council Leader, Division Council Secretary, Division Council Treasurer and such other officers as the Division Council may from time to time designate.

Section 5. Election and Term of Officers. Only members of the Division Council may be candidates for office. All Division officers shall be elected by the Council members at the first meeting of the Council after the election of stewards. All officers shall serve two-year terms or until their successors are elected and take office. All officers shall upon installation of their successors turn over to such successors in an orderly fashion all records and documents pertinent to the office or the Division.

Section 6. Special Election to Fill Vacant Offices. In the event that an office becomes vacant, a new officer shall be elected to fulfill the remainder of the two-year term by the Council members at the next meeting of the Division Council.

Section 7. Compensation of Division Council Members. The members of the Division Council shall

serve without compensation but may be reimbursed for reasonable expenses incurred in connection with the business of the Division according to guidelines established by the Division Council.

Section 8. Duties of Division Council. The Division Council shall transact the general business of the Division and shall:

- A. Interpret the Constitution and Bylaws of PEF and the Constitution of the Division;
- B. Adopt an agenda for each meeting;
- C. Approve and adopt minutes;
- D. Establish committees as may be necessary for the functioning of the Division;
- E. Approve committee appointments;
- F. Appoint or authorize another committee or officer to perform any function or responsibility of a committee or officer when such committee or officer does not exist or is unable or unwilling to perform its function or responsibility, or assume or perform such function itself;
- G. Establish procedures and schedules for nominations and elections;
- H. Review all Division records and documents;
- I. Decide upon the exact date and place for holding general and special Division membership meetings and provide for the payment for meeting places when necessary;
- J. Establish procedures to enable membership accessibility to records and documents;
- K. Provide for the proper care of materials, equipment and funds of the Division, for the payment of legitimate expenses and for the annual auditing of all books of account;
- L. Establish guidelines for reimbursement of reasonable expenses;
- M. Abide by the rules and guidelines of the PEF Executive Board for the expenditure of monies and the reimbursement of incurred expenses;
- N. Establish policies on petty cash expenditures;
- O. Approve the payment of extraordinary expenditures;
- P. Approve the Division annual budget and subsequent amendments within the funding provided by PEF via a per capita allocation;
- Q. Submit a proposed annual budget to the PEF Executive Board for approval;

R. Summarize its Division activities, including a financial statement, on a quarterly basis. This shall be forwarded to the appropriate Regional Coordinator(s);

S. Determine appropriate constituencies for stewards; and

T. Execute such other functions and activities as may be provided by statute, the Constitution and Bylaws of PEF, this Constitution, or as may be delegated to the Division Council by the PEF Executive Board or the regular membership.

Section 9. Duties of Council Leader. The Council Leader shall:

A. Be the chief administrative and responsible officer for the affairs of the Division;

B. Preside and keep order at meetings of the Division and the Division Council;

C. Appoint committees with the approval of the division Council;

D. Present an agenda for all meetings of the Division Council and the Division;

E. Be an ex-officio member of Division committees;

F. Assure that orders and resolutions of the Division council are implemented;

G. Assure that Division officers, Division Council members and committees perform their duties as authorized by the Division council and this Constitution;

H. Annually submit to the Division Council and constituency a report of the operations of the Division and a statement of its affairs;

I. Sign checks drawn on the Division account in accordance with Article VI, Section 3. Signatures for Payment of Expenses;

J. Make no agreements that are inconsistent with the policies of the Division and PEF; and

K. Perform such other duties and exercise such other powers as the Division Council shall designate and as are consistent with this Constitution.

Section 10. Duties of Assistant Council Leader. The Assistant Council Leader shall:

A. Perform those duties specifically designated by the Council Leader, Division Council, or this constitution;

B. Assume the powers and duties of the Council Leader in the absence or disability of the Council Leader; and

C. Perform such other duties and exercise such other powers as the Division Council shall designate and as are consistent with this Constitution.

Section 11. Duties of Division Council Secretary. The Division Council Secretary shall:

A. Issue notices and agendas for all meetings of the Division Council and division;

B. Record, prepare and make available minutes of all meetings of the Division Council and the Division as the Division Council designates;

C. Within fifteen (15) workdays of election of officers, the Secretary shall file with the Secretary-Treasurer of PEF an accurate list containing the names and addresses of the officers and stewards of the Division for the ensuing term of office;

D. In the absence of the Division Council Secretary at any meeting of the Council or the Division, a division Council Secretary pro tempore shall be appointed to perform the duties of the Division Council Secretary;

E. Act as custodian of all records of the Division;

F. Furnish the Division Council Treasurer with a copy of all motions approved regarding the finances of the Division;

G. Receive and distribute appropriately all official communications and correspondence of the Division; and

H. Perform such other duties and exercise such other powers as the Council Leader, Division Council, or this constitution shall designate.

Section 12. Duties of Division Council Treasurer. The Division Council Treasurer shall:

A. Keep full and accurate accounts of receipts and disbursements and deposit all monies and other valuables in the name of the Division;

B. Promptly render to the Council Leader and to the Division Council such statements of transactions and accounts as they may from time to time require;

C. Sign checks drawn on the Division account in accordance with Article VI, Section 3.

Signatures for Payment of Expenses;

D. Annually submit to the Division Council a financial report of the Division within two (2) months of the end of the fiscal year;

E. Prepare an annual budget;

F. Prepare and submit all books, receipts and records for an audit to be performed within three (3) months of the close of the fiscal year;

G. Pay claims for reimbursement of reasonable expenses according to guidelines established by the division Council;

H. Have the financial records of the Division available for inspection at all times; and

I. Perform such other duties and exercise such other powers as the Council Leader, Division Council, or this Constitution may designate.

Section 13. Duties of Stewards. The duties of the stewards shall be to:

A. Handle grievances and problems and act as a first line liaison among Division members, Division Leadership and Department or Agency management;

B. Communicate Division policy to membership at the site they represent including all information that comes to them from the union, and convey the concerns and problems of the membership to the Division leadership;

C. Disseminate all information relevant to the interests of the constituency;

D. Recruit new members and see that new employees receive the proper orientation to both their work and PEF;

E. Attend meetings of the Division Council, the Division and appropriate committees as well as other meetings that the Council Leader shall designate; and

F. Perform such other duties as the Division Council or the constitution and Bylaws of PEF shall designate.

Section 14. Chief Stewards. Chief Stewards shall be elected by the stewards in each building or location of every subdivision, as determined by the Division Council, within ten (10) days after regular steward elections. Only stewards may serve as Chief Stewards. The Chief Stewards shall perform all duties of a steward, supervise the stewards in their area and shall perform such other

duties as the Council Leader, Division council or this constitution shall designate. Chief Stewards shall have the same rights and privileges as stewards.

Section 15. PEF Executive Board Members. PEF Executive Board members shall:

A. Be members of the Division Council, if they are members of the Division;

B. Inform the Division and Division Council of all matters before the PEF Executive Board which are of concern to the Division;

C. Relate all matters of concern expressed by the council or Division to the PEF Executive Board or appropriate representatives; and

D. Serve on the Labor-Management Committee for the Department or Agency in which they are employed.

Section 16. Division Committees.

A. The Division Council shall establish Division Committees as may be necessary for the functioning of this Division and assign them such authority and approve such persons as members as the Council Leader appoints. The Council Leader shall have power to fill vacancies and change the membership of committees or take other action as the Division Council deems necessary. Except for the Grievance Committee, membership shall not be limited to stewards. The following committees shall be established:

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| 1) Auditing | 5) Elections |
| 2) Budget | 6) Grievance |
| 3) Communications | 7) Labor-Management |
| 4) Constitution | 8) Membership |

B. The Division Council may from time to time create additional committees to assist them in its tasks. Such committees may include, but are not limited to, the following;

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| 1) Benefits | 6) Performance Evaluation |
| 2) Civil Service | 7) Public Relations |
| 3) Contract Negotiations | 8) Social |
| 4) Health and Safety | 9) Steering |
| 5) Newsletter | |

C. The Division Council shall designate a representative or representatives to State-Wide Committees as the PEF Executive Board designates:

D. Each Division Committee shall keep regular minutes and other records of its transactions and submit them at the next meeting of the Division Council. The Council Leader shall appoint one member of each committee of the Division to serve as chairman and one as vice-chairman. Each Division committee shall select a secretary who shall keep records of its meetings;

E. The term of office of members of Division committees shall be established by the Division Council, except for the Division Elections Committee members, whose term shall be one year; and

F. The members of Division committees shall serve without compensation but may be reimbursed for reasonable expenses incurred according to guidelines established by the Division Council.

ARTICLE V: ELECTIONS

Section 1. Elections Committee. The Division Council shall select the Division Elections Committee, which shall consist of three to five members who shall not be candidates for steward. The elections Committee shall coordinate all elections of stewards with the appropriate PEF Regional Coordinator(s), who will insure fair elections.

Section 2. Time of Elections. Regular elections for stewards shall be held during the month of May of even numbered years.

Section 3. Nominations. The elections Committee shall give reasonable opportunity to potential candidates for steward to have their names submitted to the committee. Nominations for any steward shall be made by petition signed by not fewer than fifteen (15) regular members or ten (10) percent of the appropriate constituency, whichever is less. As far as practical, the appropriate constituency shall be determined by both subdivision and work location. The names of such candidate shall be filed with the Chairman of the elections committee and shall be printed on the official ballot provided for the election of stewards.

Section 4. Term of Office. The regular term of office for all stewards shall be two (2) years. A vacancy which occurs for any reason shall be filled by a special election which shall be held within sixty (60) calendar days of the vacancy's occurrence. A position shall be deemed vacant when written notification is received by the Division Council Secretary, who shall notify the Division elections committee within five (5) workdays after such receipt.

Section 5. Voting.

A. All regular members of the Division shall have an opportunity to vote by written secret ballot for stewards to represent them. The balloting shall be conducted in the manner prescribed in this constitution and shall guarantee the right of each member to vote. The elections committee shall provide at least ten (10) workdays notice before the election;

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

C. Election balloting may be on site, by mail, or a combination of the two. The election results shall be promptly announced after the close of the balloting by the Elections Committee; and

D. Upon showing just cause, a regular member who is unable to cast his or her ballot personally may be permitted to cast his or her ballot by mail.

Section 6. Resignation. Any member of the Division Council may resign at any time by submitting a written resignation to the Council Leader or Division Council Secretary.

Section 7. Continuity. All stewards and Division officers elected prior to the ratification of this Constitution shall remain in office until the next regular election of stewards.

ARTICLE VI: STRUCTURE

Section 1. Fiscal Year. The fiscal year of the Division shall be concurrent with the fiscal year of PEF.

Section 2. Parliamentary Procedure. Parliamentary procedure in accordance with Roberts' Rules of Order, Newly Revised shall govern meetings of the Division in all cases not addressed by this Constitution.

Section 3. Signatures for Payment of Expenses. All checks may be signed by either the Council Leader or the Division Council Treasurer drawn on the division account up to and including an amount that the Division Council may determine. Beyond that amount, all checks shall be co-signed by the Council Leader and Division Council Treasurer.

Section 4. Bonding. The Council Leader and Division Council Treasurer shall be bonded for an amount of money as determined by the Division Council.

ARTICLE VII: RECALL

Section 1. Recall by Constituency. A petition, requesting the removal of a steward and signed by sixty (60) percent of the appropriate constituency, shall remove that person from office. Such petition shall be delivered by hand or by registered or certified mail addressed to the Council Leader or division Council Secretary. Upon verification of the signatures, the Council Leader or Division Council Secretary shall notify the steward who is being removed.

Section 2. Recall by Division Council. A member of the Division Council may be removed from office by the Division Council at a meeting called at least in part for the purpose of considering removal, upon the affirmative vote of two-thirds (2/3) of the Division Council members present and voting whenever in its judgment the best interests of the Division will be served. The member whose

removal is being considered shall be given an opportunity to address the Division Council before the vote is taken.

ARTICLE VIII. AMENDMENTS

Section 1. Proposed Amendments. An amendment may be proposed for this Constitution by:

1. A majority vote of the Division Council; or
2. A petition signed by twenty (20) percent of the Division Constituency.

Section 2. Approval. The PEF Executive Board shall review the proposed amendments to assure constitutional soundness and consistency with PEF's Constitution and Bylaws and this Constitution.

Section 3. Notification. Upon approval of the PEF Executive Board, the Division Constitution Committee shall submit the proposed amendments in writing to the Division Constituency at least thirty (30) calendar days prior to the vote.

Section 4. Voting. The proposed amendment shall be enacted by a two-thirds (2/3) affirmative vote on the Division Constituency voting. Voting will be on site where practical.

Section 5. Change in Constituency. Article III, Section 1. Constituency will automatically be amended to reflect any changes in Division Constituency made in accordance with Article III, Section 2. Changes of Constituency.

ARTICLE IX. BILL OF RIGHTS FOR DIVISION MEMBERS

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

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

Section 3. An annual financial report will be

printed in one of the Division's publications.

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

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

Section 6. A constituency shall have the sole right to determine its stewards.

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

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

(amended: 9/86)