

# **Nebraska Association of Public Employees**

## **AFSCME NAPE/Local 61**

### **Constitutional Bylaws**

#### **Preamble**

We the union of the Nebraska Association of Public Employees set forth these constitutional bylaws in order to provide equal and fair representation for all union members. As the union represents the membership as a whole, each member represents the whole union. The concerns, issues and challenges this union endures for its membership will be the same responsibility for each member towards the union. United as one in solidarity, we will accomplish the common goals of our union.

#### **Article I**

##### **General**

Section 1. Name: The name of the union shall be the Nebraska Association of Public Employees, Local No. 61, AFSCME, AFL-CIO.

Section 2. Affiliations: This union shall be affiliated with AFSCME, AFL-CIO, the Nebraska State AFL-CIO and the appropriate central bodies of the AFL-CIO.

Section 3. Fiscal and Administrative Year: The fiscal and administrative year for the union shall be from July 1 through June 30.

Section 4. Responsibility: This local union shall at all times be subject to the provisions of the AFSCME International Constitution.

Section 5. Power to Act: Except to the extent specified in this constitution, no officer of the local or district shall have the power to act as agent for or otherwise bind the local in any way whatsoever. No member or group of members or other person or persons shall have the power to act on behalf of or otherwise bind the local except to the extent specifically authorized in writing by the local board.

#### **Article II**

##### **Membership**

Section 1. Membership: There shall be three (3) classes of membership: Active membership, Associate membership, and Retiree membership.

- A. Active Membership: All state employees in the state of Nebraska and employees of the Richardson County Road Department shall be eligible for active membership with all privileges set forth in these constitutional bylaws upon enrollment with the proper authorities for payroll deduction of dues and/or timely payment of membership dues and maintain their good standing. :
- B. Associate Membership: All employees of this union may become members of the union, but such members shall not have the right to vote or hold any office.
- C. Retiree Membership: Retired NAPE members are eligible to join Retiree Chapter 161 and pay dues to the chapter as provided in the Retiree Chapter 161 Constitution.

Section 2. Withdrawal from Membership: Any active eligible member wishing to withdraw from the union may only do so by submitting a notice of withdrawal to the NAPE office which is postmarked or received during the time period

June 1 – June 30 of any calendar year. A member may withdraw at any time under the following circumstances:

- A. If the member is separated from service with the employing agency.
- B. If the member becomes ineligible for membership in the union as a result of a promotion, demotion, or transfer.
- C. If the member retires.
- D. If the member enters military service.

Section 3. Dues, Fees and Assessments:

- A. Initiation Fee: There shall be no initiation fee levied at the time of enrollment as a member of the union.
- B. Membership Dues: Dues for all classes of membership, except retiree membership, shall be at 1.25% of a member's monthly base salary, with a minimum of \$10.00 per month and a maximum of \$39.00 per month, increased to \$45.00 per month effective July 1, 2014.
- C. Assessments: No special assessments on members shall be levied except upon a majority vote of those members voting in a special ballot of the membership or by a majority of the delegates to the biennial local convention.
- D. Escalator Clause: Beginning January 1, 2014, and each January thereafter, the maximum amount of dues payable pursuant to this section shall be adjusted by the percentage increase in the AFSCME minimum dues rate determined pursuant to Article IX, Section 7, of the AFSCME International Constitution.

Section 4. Timely Dues Payment, Suspension and Reinstatement:

- A. Timely Dues Payment: To maintain in good standing as an active member, dues must be received by the union by the 15th day of the month. Any active member failing to pay dues within two months after the expiration of the last month paid shall be considered delinquent and shall forfeit all active member privileges within the union. Except that when a member is unemployed for more than twenty (20) days in any calendar month and does not receive unemployment compensation or sick leave pay or other remuneration, such unemployed member may be entitled to credit for membership dues for the period of unemployment but not to exceed six (6) months in any calendar year. The waiver is not automatic but must be requested by the member. Thereafter, it is the responsibility of the member to maintain current on submitting monthly dues payments to the union.
- B. Suspension for Non-Payment of Dues: Any members who fail to pay their dues within two (2) successive months after expiration of the last month paid shall be considered suspended.
- C. Reinstatement of Suspended Members: Within six (6) months from the last month dues payment, a suspended member may be reinstated upon his or her payment of all arrearages plus the current month's dues.
- D. Reinstated Member: Any reinstated member who complies with the above section shall have full active member status with no loss of active membership time. All others shall be given the same status as a new member.

Section 5. Grievances:

- A. Representation: All grievances shall be submitted to the executive director or designated representative who shall, after gathering the facts, decide the involvement of the union in such grievance. If representation is provided, the union retains the right to determine what form the representation will take (steward, staff representative, legal counsel, etc.) as well as duration of such representation. Even though representation may have been provided at one stage, the union still retains the right to determine whether it will be provided at any succeeding step. Application of this section shall be in accordance with the Membership Rights Policy, as developed by the local board.
- B. Appeal from Administrative Hearing: Any court appeal decision shall be at the discretion of the union, and shall be based upon policies determined by the local board.
- C. Payment of Dues: It is the responsibility of the member to maintain their active membership status throughout the grievance process through payroll deduction of dues and/or upon timely payment of dues.

### **Article III Meetings of the Union**

Section 1. Open Meetings: All meetings of the union shall be open to any member of the union.

Section 2. Regular Meetings: Regular meetings of this local shall be held at least once in each even-numbered year, at a time and place to be fixed by the local board. At least two percent (2%) members of the total active membership shall be present to constitute a quorum.

Section 3. Special Meetings: Special meetings of this local may be called by the chairperson, the local board or by petition filed with the chairperson and signed by fifty-five percent (55%) of the active members of the local. Special meetings of a district may be called by the district president and signed by fifty-five percent (55%) of the active members of the district. Notice of the meeting and the business to be transacted shall be provided to the membership of the local or district at least fifteen (15) days prior to such meeting.

Section 4. State AFL-CIO Conventions: Nominations and elections may be held to send delegates to the State AFL-CIO Conventions.

Section 5. International Convention: Nominations and elections may be held to send delegates to the AFSCME International Convention.

Section 6. Records: Minutes and records of all union proceedings shall be open for inspection by the membership.

Section 7. Order of Business: Notice of the meeting and an agenda or statement of the business to be transacted shall be provided at least fifteen (15) days prior to the meeting unless otherwise stated differently within these constitutional bylaws. The notice shall include date, time and location of the meeting.

Section 8. Parliamentary Procedure: The rules contained in the current edition of Robert's Rules of Order Newly Revised shall govern this local union in all cases to which they are applicable and in which they are not inconsistent with this constitution and special rules of this local union or of the American Federation of State, County and Municipal Employees.

## **Article IV Nominations, Elections, Eligibility and Terms**

Section 1. All nominations and elections within the local and its districts shall be conducted in accordance with the provisions of Appendix D, Elections Code, of the International Union Constitution, the AFSCME Local Union Election Manual and these bylaws.

Section 2. Election Committee: Shall have general responsibility for the conduct of the elections. The local chairperson may appoint the local Election Committee and the district president may appoint the District Election Committee. No member of the committee shall be a candidate in any election.

- A. In the absence of an Election Committee or Sergeant-at-Arms, dues-paying NAPE staff may assume the role of the Election Committee.

Section 3. District Officers:

A. Nominations and Elections:

1. Nominations and elections shall be conducted at a district meeting in the month of March of every odd-numbered year, except in 2016, when they shall be elected to serve a term of one (1) year. The election process shall be conducted at this same meeting.
2. Notice shall be mailed to the last known address of all active members at least 15 calendar days prior and shall provide the date, time and place of the meeting.
3. An active member within the district may nominate an active member of the same district, including themselves.
4. Each position shall be elected by a majority of votes cast in the election by secret ballot vote of the members present. In the case where the number of nominees for any position is equal to or less than the number of positions to be filled, such nominees shall be declared elected. For each position, the nominations and the election shall be conducted at one time, then moving to the next position and continuing the procedure until all positions have been filled in the following order:
  - a. President
  - b. Vice-President
  - c. Secretary-Treasurer
  - d. Sergeant-at-Arms
5. The district board shall notify the executive director the results of the election. The executive director shall submit the report to the local board.
6. Should a runoff election be necessary between candidates failing to obtain such majority, the runoff election may be conducted at the same meeting. The runoff election shall follow the procedures written in Appendix D, Election Code, of the International Constitution.

- B. Eligibility: Must be a member in good standing and an active member for twelve (12) consecutive months prior to the date of the election. If elected, the active member must attend steward training within six (6) months of the date of the election, if not currently a certified steward and maintain their steward certification while in office.

- C. Terms of Office: May be elected to serve successive terms and shall serve for a term of two (2) years, except in 2016, when they shall serve a term of one (1) year. The term shall commence upon the subordinate body's acceptance of the Election Committee's report and as the last order of business prior to final adjournment.
- D. Surrender of Records and Property of the Union: Upon the expiration of their term of office or removal, shall surrender to the union all records and property of the union.
- E. Vacancy: A vacancy shall be deemed to exist when the member has retired, died, resigned, been terminated from employment, not an eligible member of the district, not a member in good standing, not an active member, not a certified steward or physically or mentally not capable for carrying out the duties of his or her office. A vacancy in any office of the district board shall be filled for the remainder of the unexpired term. Except as otherwise stated in these bylaws, the president of the district or the local board, in the absence of a district president, shall fill the vacancy.

Section 4. Local Officers and Member-at-Large:

A. Nominations and Elections:

- 1. Nominations and elections shall be conducted at the biennial local convention, except in 2016, when they shall be elected at a regular meeting of the union to serve a term of one (1) year. Any elected delegate may nominate any active member of the union, including themselves.
- 2. A district president may not be a candidate for any local office or member-at-large position.
- 3. Each position shall be elected by a majority of votes cast in the election by secret ballot vote of the delegates present. In the case where the number of nominees for any position is equal to or less than the number of positions to be filled, such nominees shall be declared elected. For each position, the nominations and the election shall be conducted at one time, then moving to the next position and continuing the procedure until all positions have been filled in the following order:
  - a. Chairperson
  - b. Vice-Chairperson
  - c. Secretary
  - d. Treasurer
  - e. Sergeant-at-Arms
  - f. Member-at-Large
  - g. Member-at-Large
- 4. The executive director shall submit the local election report to the International Secretary-Treasurer.
- 5. Should a runoff election be necessary between candidates failing to obtain such majority, the runoff election may be conducted at the same meeting. The runoff election shall follow the procedures written in Appendix D, Election Code, of the International Constitution.

- B. Eligibility: Must be a member in good standing and an active member for twelve (12) consecutive months prior to the date of the election. If elected,

the active member must attend steward training within six (6) months of the date of the election, if not currently a certified steward, and maintain their steward certification while in office.

- C. Terms of Office: May be elected to serve successive terms and shall serve for a term of two (2) years, except in 2016, when they shall serve a term of one (1) year. The term shall commence upon the subordinate body's acceptance of the Election Committee's report and as the last order of business prior to final adjournment.
- D. Surrender of Records and Property of the Union: Upon the expiration of their term of office or removal, shall surrender to the union all records and property of the union.
- E. Vacancy: A vacancy shall be deemed to exist when the member has retired, died, resigned, been terminated from employment, not an eligible member of the local, not a member in good standing, not an active member, not a certified steward or physically or mentally not capable of carrying out the duties of his or her office. A vacancy in any office of the local board shall be filled for the remainder of the unexpired term. Except as otherwise stated in these bylaws, a vacancy shall be filled by the local board.

Section 5. Delegate Assembly:

A. Nominations and Elections:

- 1. Nominations and elections shall be conducted at a district meeting in the month of March of every odd-numbered year. The election process shall be conducted at this same meeting.
  - 2. Notice shall be mailed to the last known address of all active members at least 15 calendar days prior and shall provide the date, time and place of the meeting.
  - 3. An active member within the district may nominate any active member of the same district, including themselves. Districts may elect one alternate for each delegate.
  - 4. Each delegate and alternate delegate shall be elected by a majority of votes cast in the election by secret ballot vote of the members present. In the case where the number of nominees is equal to or less than the number of positions to be filled, such nominees shall be declared elected.
  - 5. The district board shall notify the executive director the results of the election. The executive director shall submit the report to the local board.
  - 6. Should a runoff election be necessary between candidates failing to obtain such majority, the runoff election may be conducted at the same meeting. The runoff election shall follow the procedures written in Appendix D, Election Code, of the International Constitution.
- B. Eligibility: Must be a member in good standing and an active member for twelve (12) consecutive months prior to the date of the election and must be an active member in good standing anytime the Delegate Assembly is called into a session.
  - C. Terms: The term shall commence immediately upon the subordinate body's acceptance of the Election Committee's report and the person shall serve until the next scheduled election. No member may represent more than one district.

- D. Vacancy: A vacancy shall be deemed to exist when a member has retired, died, resigned, terminated from employment, not an eligible member of the district, not a member in good standing, not an active member or physically or mentally not capable of carrying out the duties of his or her office. Except as otherwise stated in these bylaws, the president of the district or the local board, in the absence of a district president, may fill the vacancy.

## **Article V**

### **Biennial Local Convention and Delegate Assembly**

Section 1. Biennial Local Convention Meeting: The convention meeting of this union shall be held every odd-numbered year between June and October; the date, time and place designated by the local board.

Section 2. Notice: Notice of the meeting, copies of the agenda and proposed resolutions shall be mailed to the delegates and alternates no later than four (4) weeks prior to the date of the meeting.

Section 3. Organization: Officers of the union shall serve as officers of the convention.

Section 4. Resolutions: The secretary of the union will notify districts in writing twelve (12) weeks prior to the convention that resolutions are due. Resolutions for consideration by the convention shall be submitted by a district, the local board, or a delegate, and must be delivered to the local union office in the proper form by six (6) weeks prior to the convention. Resolutions shall be reviewed by the resolutions committee and consolidated where appropriate. No resolutions may be introduced thereafter unless consent is given by a sixty-six (66) percent vote of the convention; provided, however, that the chair of the local board or the executive committee of the local board may introduce a resolution for consideration by the convention at any time.

Section 5. Delegates: The basis of representation at the convention shall be the number of active members in that district as of January 1 of the convention year.

A. Delegate apportionment per district:

1 to 50	two delegates
51 to 100	four delegates
101 to 200	five delegates
201 to 300	six delegates
301 to 400	seven delegates
More than 500	one additional delegate for each 100 members thereafter

B. All officers and member-at-large of the local board shall be automatic delegates to the convention.

C. Each district president shall be an automatic delegate to the convention and shall be included as one of the allotted number of delegates, not as an additional delegate.

Section 6. Powers and Duties: All sovereign power of this local shall be vested in the Delegate Assembly when in session at the convention and shall determine the overall policies and direction of the union. A quorum for the transaction of business at any convention or special meeting shall consist of delegates representing not less than a majority of the districts.

Section 7. Voting: Only duly authorized delegates or their alternates shall be entitled to vote at convention meetings or special meetings of the Delegate Assembly. The vote at such meetings may be taken verbally on all questions; a roll-call vote shall be taken whenever requested by at least twenty-five percent (25%) of the registered delegates.

- A. Regardless of the number of delegates, districts shall be entitled to vote on the basis of one vote for each member in all roll-call votes before the convention. Districts entitled to more than one delegate may send fewer than their quota of delegates and the delegates present may cast the entire vote of the local on all recorded votes coming before the convention. The number of votes shall be divided equally among the delegates, with any remaining votes to be cast by the chairperson of the delegation, as designated by the district. No fractional votes shall be permitted.
  - 1. Roll-Call Vote Procedures: The secretary calls each district and announces the number of votes to which each is entitled. Each delegate answering must stand, give his or her name and cast the vote. The Sergeant-at-Arms records the votes and announces the results after the final tabulation.
- B. Any local board officer or member-at-large who is not elected as a delegate representing a district shall be entitled to all the rights and privileges of a delegate excluding the right to vote. Each president of a district shall be entitled to all the rights and privileges of a delegate including the right to vote.
- C. All issues shall be decided by a majority vote of the registered delegates voting, except as otherwise specifically provided in these bylaws.

Section 8. Special Meetings of the Delegate Assembly: A special meeting of the Delegate Assembly of the union may be called by and noting the special purpose for which it is called:

- A. At the request of the chairperson of the local board; or
- B. At the request in writing signed by a majority of the local board; such request to be filed with the chairperson of the local board; or
- C. At the request in writing by thirty-five percent (35%) of the active members of the union; such request to be filed with the chairperson of the local board; or
- D. At the request of the Delegate Assembly, in writing, signed by thirty-five percent (35%) of the delegates; such request to be filed with the chairperson of the local board.
- E. No business shall be transacted except what is stated in the call of business. The secretary of the union shall be responsible for notifying each delegate and alternate of the meeting and give notice of the business to be transacted, at least thirty (30) days prior to such meeting.

## **Article VI**

### **Local Board, Officers and Executive Director**

Section 1. Powers and Duties of the Local Board: The local board shall supervise and direct the affairs of the union, based on policies and resolutions determined by the Delegate Assembly, shall interpret policies or changes therein within the limits of the constitutional bylaws, shall actively prosecute its purpose and shall



determine the budget and oversee the disbursement of funds. It may adopt such rules and regulations for the conduct of its business as shall be deemed advisable, and may, in the execution of the powers granted, appoint such agents as it may consider necessary.

Section 2. Composition of the Local Board: These members shall include each district president, two (2) members-at-large, chairperson, vice-chairperson, secretary, treasurer and sergeant-at-arms. The board shall also include one (1) member from Retiree Chapter 161, who shall act in an advisory capacity only.

Section 3. Local Board Meetings: The local board shall hold a minimum of four (4) regular meetings each fiscal year. These regular meetings shall be at a time and place as determined by the chairperson of the local board. A majority of the members of the local board shall constitute a quorum for conducting any business.

Section 4. Special Meetings: Special meetings of the local board shall be called by the chairperson of the local board at his/her discretion or upon a majority vote of the local board. The chairperson shall name the date and time of the special meeting and give notice in writing, transmitted via mail or e-mail, to all local board members at least fifteen (15) days prior to such meeting. Business shall be restricted to the subjects named in the call.

Section 5. Meeting Attendance: Any officer or member of the local board who fails to attend three (3) consecutive regular meetings of the local board without submitting a reason acceptable to the members of the local board shall be automatically removed from the office.

Section 6. Expenses and Compensation of the Local Board:

- A. Compensation: Local board members shall not be paid a salary or wage for their services to the union.
- B. Expenses: The local board may reimburse union members for their reasonable expenses, if any, incurred while on union business.

Section 7. Officers of the Local Board: The officers of this union shall be a chairperson, vice-chairperson, secretary, treasurer and sergeant-at-arms.

- A. Chairperson: The chairperson of the local board shall preside at all meetings of the local board and the union. The chairperson shall appoint all standing and special committees of the local union, subject to the approval of the local board, and shall be an ex-officio member of all committees, except the Election Committee. The chairperson of the local board shall be an automatic delegate to any AFSCME International Convention and any Nebraska State Convention of an organization that NAPE is affiliated. The chairperson shall have authority to countersign checks drawn on the local's accounts and perform all other duties that usually pertain to the office or as are delegated by the local board, and/or the union constitutional bylaws.
- B. Vice-Chairperson: The vice-chairperson shall assist the chairperson when called upon to do so and shall in the case of absence or disability of the chairperson perform the duties pertaining to that office and shall have authority to countersign checks drawn on the local's accounts. The vice-chairperson shall assume the responsibilities of the chairperson for the unexpired term of the chairperson should there occur a vacancy.
- C. Secretary: The secretary shall be responsible for a record of the minutes of all meetings of the local board and the union; and shall keep a complete, current and accurate list of all members of the union. The secretary shall keep in safe custody the official seal of the union and shall affix it to all legal documents as directed by the local board. The secretary shall see that

proper notice is given of all meetings to the members of the union and to the local board. With the approval and authority from the local board, the secretary may delegate the duties herein described, in whole or in part, to employees of the union.

- D. Treasurer: The treasurer shall be responsible for all monies, securities and expenditures of the union. The treasurer shall oversee the keeping of the books, which shall be kept in the union office. All monies shall be deposited in such repositories only, as selected by the local board. The treasurer shall present an accounting of the financial condition of the union to the local board at their regular meetings, or whenever requested. All disbursements shall be made by check, with all checks requiring the signature of the treasurer when available and countersigned by the chairperson, executive director or one person designated by the executive committee. When the treasurer is not available, any two of the following shall sign checks: chairperson, executive director or one person designated by the executive committee. Any expenditure not included in the annual budget must be approved by the local board. The treasurer may, with the approval and authority from the local board, delegate the duties herein described, in whole or in part, to employees of the union, except such duties related to the countersigning of checks.
- E. Sergeant-at-Arms: The sergeant-at-arms shall be responsible for overseeing the authentication of delegates' credentials and verifying the voting strength for each ballot at the local convention; shall chair the Ballot Committee handling all balloting except officer elections, and conduct the written balloting at any meeting and tabulating of the ballots; shall be responsible for keeping order at any meeting of the local board or union, and shall perform such other duties as may be required by the chairperson or the local board. With the approval and authority from the local board, the sergeant-at-arms may delegate the duties herein described, in whole or in part, to employees of the union.

Section 8. Member-at-Large: The member-at-large shall assist the chairperson and local officers of the local board when called upon to do so. The chairperson may appoint a member-at-large to temporarily assume a vacant or absent officer position.

Section 9. Executive Director: The administration and management of the union shall be handled by an executive director, employed full-time by and directly responsible to the local board. The executive director shall receive direction from the local board through the chairperson of the union, and be responsible for the day-to-day implementation of policies as determined by the local board. The executive director shall have and exercise supervision and direction over all staff and persons employed or retained by the union, including authority to hire, fire, discipline and set compensation in accordance with the local board policies; shall have authority to countersign all checks drawn on the local's accounts; shall, with the approval of the executive committee of the local board, engage such technical and professional services, including legal counsel and financial auditors, as may be required and shall, with the approval of the local board, make adjustments necessary for the satisfactory completion of assignments and duties as may be assigned.

The executive director, together with the local treasurer, shall in advance of each fiscal year, prepare a proposed budget to be submitted to the local board for approval. The executive director shall also submit a written report annually on the operations of the union at the local convention and such interim reports as may be deemed necessary and advisable by the local board.

## **Article VII Committees**

### **Section 1. Committees of the Local Board:**

- A. **Authorization:** The local board or the chairperson may authorize committees as necessary and shall determine the duties of such committees, which shall not be inconsistent with the Articles of Incorporation of the bylaws of the union.
- B. **Composition:** Each committee shall consist of at least three (3) members. Except as provided in these constitutional bylaws, the committee shall elect one (1) member to be the chair or one (1) shall be named by the chairperson of the local board as chair of the committee and a majority thereof shall constitute a quorum at any meeting.
- C. **Operation:** The chair of the committee shall conduct the meetings and report to the local board on its deliberations and recommendations. Minutes of any committee meeting will be kept and distributed to all local board members.

### **Section 2. Standing Committees:**

#### **A. Executive Committee:**

- 1. **Composition:** This committee shall consist of the officers and members-at-large of the local board and the executive director. The chair shall be the chairperson of the local board.
- 2. **Operation:** The executive committee shall have the authority to take action on behalf of the union to the extent that the local board is authorized to act, subject to approval by the local board at its next meeting. Minutes of this committee will be kept and distributed to all local board members.
- 3. **Meetings:** The executive committee may hold telephone conference calls and shall meet each month. The call time and date shall be determined by the chairperson of the local board.

#### **B. Government Affairs Committee:**

- 1. **Composition:** This committee shall consist of the chair of the Government Affairs Committee from each district, one (1) member of the local board, the executive director and any member willing to participate; the chair shall be the executive director.
- 2. **Operation:** The primary objectives of the Government Affairs Committee shall be to promote the legislative programs of AFSCME and this local union; build relationships with elected federal, state and local officials within the local's jurisdiction; screen and recommend endorsement of local candidates; organize and promote voter registration and get-out-the-vote campaigns; encourage the highest possible degree of membership participation in support of candidates for office favorable to the goals of this local; and increase participation in the PEOPLE program at the MVP level.
- 3. **Meetings:** This committee may hold telephone conference call meetings and will meet as needed. Minutes of this committee will be kept and distributed to all local board members.

#### **C. Membership, Organizational and Leadership Committee:**

1. Composition: This committee shall consist of the chair of the Membership, Organizational and Leadership Committee from each district, one (1) member of the local board, and the executive director and any member willing to participate. The executive director shall serve as chair of the committee.
2. Operation: The primary objectives of the committee shall be to grow the local's membership; develop an internal organizing program to increase the number of members; to actively recruit, engage and train new union leaders and activists; develop an education and training program for the local's officers, staff, stewards and members, and establish a new member orientation program, and shall coordinate efforts to ensure the welcome letter is sent out to new members when a card is received and coordinate efforts to ensure the drop letter to members acknowledging the receipt of membership withdrawal.
3. Meetings: This committee may hold telephone conference call meetings and will meet as needed. Minutes of this committee will be kept and distributed to all local board members.

## **Article VIII Districts**

**Section 1. Organization:** All state, county and municipal employees of an organization in the state of Nebraska that is affiliated with NAPE Local 61.

- A. Panhandle District: Banner, Box Butte, Cheyenne, Dawes, Deuel, Garden, Kimball, Morrill, Scotts Bluff, Sheridan and Sioux counties.
- B. Sand Hills District: Arthur, Blaine, Brown, Cherry, Custer, Grant, Hooker, Keya Paha, Logan, Loup, McPherson, Rock and Thomas counties.
- C. Niobrara-Ponca District: Antelope, Boone, Boyd, Burt, Cedar, Colfax, Cuming, Dakota, Dixon, Garfield, Greeley, Holt, Knox, Madison, Nance, Platte, Pierce, Stanton, Thurston, Wayne, Valley and Wheeler counties.
- D. Greater Omaha District: Cass, Dodge, Douglas, Sarpy and Washington counties.
- E. South East District: Gage, Johnson, Nemaha, Otoe, Pawnee and Richardson counties.
- F. Greater Lincoln District: Lancaster and Saunders counties.
- G. York District: Butler, Clay, Fillmore, Hamilton, Jefferson, Merrick, Nuckolls, Polk, Saline, Seward, Thayer and York counties.
- H. South Central District: Adams, Buffalo, Dawson, Franklin, Furnas, Gosper, Hall, Harlan, Howard, Kearney, Phelps, Sherman and Webster counties.
- I. South West District: Chase, Dundy, Frontier, Hayes, Hitchcock, Keith, Lincoln, Perkins and Red Willow counties.
- J. State College District: All members covered by the NAPE State Colleges contract located at Chadron, Peru and Wayne State Colleges
- K. Department of Education District: All members covered by the NAPE Department of Education contract

- L. Richardson County District: All members covered by the NAPE Richardson County contract

Section 2. Membership in Districts: Each member of the local shall be a member of the district based upon their place of employment.

Section 3. District Officers: The officers of each district shall be a president, vice-president, secretary-treasurer and sergeant-at-arms.

- A. President: The president of a district shall, by virtue of the position, automatically serve as a member of the local board. The president shall preside at all meetings of the district and shall recommend to the local chairperson of the local board district members to serve on the standing and special committees of the local. The president shall appoint committees of the district and the chair of each committee. No District Election Committee members shall be candidates for district offices. The president shall have the authority to send a designee to local board meetings, in case of the president's absence. The president shall sign all applications for district grant assistance funds.
- B. Vice-President: The vice-president shall assist the president when called upon to do so and shall in the case of absence or disability of the president perform the duties pertaining to that office. The vice-president shall perform such other duties as may be required by the president or the district board. The vice-president shall assume the responsibilities of the president for the unexpired term of the president should a vacancy occur.
- C. Secretary-Treasurer: The secretary-treasurer shall be responsible for keeping a record of the minutes of all district meetings. The secretary-treasurer shall maintain a list of active members of the district. The secretary-treasurer shall post proper notice of all district meetings. The secretary-treasurer shall prepare and sign all applications for district grant assistance funds and shall provide the executive director with receipts supporting all assistance awarded. The secretary-treasurer shall perform such other duties as may be required by the president or the district board.
- D. Sergeant-at-Arms: The sergeant-at-arms shall be the chair of the Ballot Committee handling all balloting except officer elections, and conduct the written balloting at any district meeting and tabulating of the ballots. The sergeant-at-arms shall be responsible for keeping order at any meeting of the district and shall perform such other duties as may be required by the president or district board.

Section 4. Expenses and Compensation of District Officers:

- A. Compensation: District officers shall not be paid a salary or wage for their services to the union.
- B. Expenses: The local board may reimburse district officers for their reasonable expenses, if any, incurred while on union business.

Section 5. District Meetings: District meetings shall be held on a monthly basis and no less than ten (10) times a year, at a time and place to be fixed by the district president or the district board.

Section 6. Meeting Attendance: Any officer of the district board who fails to attend three (3) consecutive regular meetings of the district board without submitting a reason acceptable to the members of the district board shall be automatically removed from office.

**Section 7. District Standing Committees:** The standing committees of each district shall be the Government Affairs Committee, the Membership, Organizational and Leadership Committee and the Steward Committee.

- A. The members of the Government Affairs Committee and Membership, Organizational and Leadership Committees shall be appointed by the district president or local chairperson. The chair of each district committee shall be appointed by the district president and shall automatically serve as the district representative to the local union standing committee.
- B. The members of the Steward Committee shall consist of all the stewards within the district who shall elect from among themselves a "chief steward" to serve as the committee chair. The primary objective of the steward committee shall be to share knowledge, experience and expertise in resolving grievances and problems with other stewards within the district.

**Section 8. Changes in District Composition:** Districts may be formed, restructured and boundaries or names may be changed during a local convention or by the local board. Any such action will require changes to the constitutional bylaws.

**Section 9. New Affiliations with Our Organization:** Any new organization shall become part of the local and NAPE constitutional bylaws.

- A. The executive director shall have the authority to negotiate with new affiliations. The local board shall have the final authority to approve any agreements with new affiliations.

## **Article IX Amendments**

**Section 1. Amendments by the Membership:** The constitutional bylaws of the local union may be amended, revised or otherwise changed by a sixty-six percent (66%) vote of the active members voting on such proposed change. A proposed amendment to these constitutional bylaws must be voted on at a regular or special meeting of the local union. Adequate and proper notice must have been given to the membership prior to the date on which the vote is taken. A written copy of the proposed amendment shall be furnished to each eligible voter at the meeting at which the vote is taken.

**Section 2. Amendments by the Delegates:** The constitutional bylaws of the local union may be amended, revised or otherwise changed by a sixty-six percent (66%) vote of the Delegate Assembly.

**Section 3. Final Approval of Amendments:** Any adopted amendment to the constitutional bylaws shall be presented to the executive director to be sent to AFSCME International for final approval of the International President. Upon written approval of the International President, the changes shall take effect immediately.

## **Article X Judicial Procedure**

The judicial procedures of this union shall be as provided in Article X of the AFSCME International Constitution.

## **Article XI Finances**

**Section 1. Annual Audit:** An audit of the union books shall be made at the close of each fiscal year by a certified public accountant. A copy of the report shall be provided to the delegates of the local convention.

**Section 2. Investments:** The local board is authorized to invest any surplus funds of the union in U.S. Treasury notes, bonds, or bills; in mutual investment trusts; bank savings accounts; in public employee credit unions; and to change from time to time such investments. The board is authorized to buy property, sell or exchange said property, which it may acquire for the extension of services to the members of the union, or any other purpose permitted under the laws of the state of Nebraska.

**Section 3. Benefits:** The local board shall implement such member and employee benefits as they may determine are in the best interest of the union or as specified by the delegates at the local convention.

**Section 4. Gifts and Donations:** The local board may accept gifts or donations on behalf of the union which shall be used to further the objectives of the union. No member of the union may use their membership in the union for personal gain, financial or otherwise.

**Section 5. Bonding:** All employees and officers, who have personal access to the funds of the union, shall be covered by an adequate bond provided from funds of the union.

**Section 6. Seal:** The official seal of the union shall have inscribed on it an outline of the State of Nebraska with the letters NAPE and year 1972 within the outline. The seal may be affixed to any legal documents executed by and on behalf of the union.

**Section 7. Dues Check Off:** All dues check off shall be remitted to the local.

**Section 8. District Grant Assistance:** The local union shall set aside an amount not less than one percent (1%) of monthly membership dues to be used exclusively for providing assistance to districts. Such funds shall be deposited into one (1) account maintained by the local union, and the local treasurer shall keep a separate accounting of the funds. Grant assistance may be requested by any district through the submission of a written application describing the purpose for which the funds will be used and including a projected budget. Such application shall be submitted to the executive director who shall approve the request, in whole or in part, and process the issuance of a check made payable to the vendor. The secretary-treasurer of the district receiving grant assistance shall be responsible for providing receipts for the actual expenditures to the executive director. The executive director shall make a report of all grant assistance awarded at each meeting of the local board.

**Section 9. Central Labor Council(s) Per Capita Taxes:** The local shall be responsible for affiliating with their central labor council(s) and paying the central labor council(s) per capita taxes.

**Section 10. Legal Fees:** The local shall be responsible for legal fees. The local shall be responsible for the cost of hearing officers and arbitrators for any grievances filed. The local shall assist each district in the processing of grievances. The district may process the grievance up to the arbitration or personnel board hearing level.

**Section 11. Contract Dispute:** If the local has a contract dispute that ends in a special master, commission of industrial relations hearing, or other, the cost of such proceedings shall be the responsibility of the local.

Section 12. Meeting Cost: The local shall be responsible for the cost of sending delegates to any convention to include International or state federation conventions. The local shall pay the cost of any local board member attending a local convention or local board meeting.

## **Article XII Bargaining**

Section 1. Bargaining Unit Formation: Where a majority of the eligible employees in an applicable unit desire to form a bargaining unit and if more than thirty (30) percent of these employees are active members of the union, collective bargaining may be initiated through the union following certification of the bargaining unit by the Commission of Industrial Relations (CIR), or if the unit is voluntarily recognized by the state. The goal in each bargaining unit shall be one hundred percent (100%) active membership. If it is deemed necessary or desirable, the local board may waive the above thirty percent (30%) guideline for units with a lesser membership. Such waiver may only occur upon a sixty percent (60%) vote of the local board.

Section 2. Bargaining Unit Representation: All agreements negotiated by bargaining units must be reviewed and approved by NAPE legal counsel prior to submitting said agreement to a vote of the NAPE members within a bargaining unit. Such review shall insure that all provisions of the agreement comply with the purpose of NAPE as outlined in Articles of Incorporation, constitutional bylaws and/or policies.

- A. The local board may establish procedures for the nomination and election of delegates to any bargaining conference. Nominations and elections shall be conducted at a regular or special meeting of the union.
  - 1. To be eligible for election as a delegate, a member must be an active member at least two (2) consecutive years and must be a certified steward prior to the date of the election.
- B. The local board may establish the maximum number of delegates to any bargaining conference and the maximum number of bargaining team members.
  - 1. A delegate, team member or alternate shall serve until the next scheduled election.
  - 2. A delegate, team member or alternate must be a member in good standing, a certified steward and an active member any time called for duty.
- C. A NAPE staff employee may serve as temporary presiding officer over the bargaining conference until officers of the bargaining conference are elected.

Section 3. Ratification: Where the bargaining units have been certified by the CIR and/or voluntarily recognized by the state, the following provisions shall apply to ratification of labor agreements.

- A. Ratification of labor agreements and/or declaration of bargaining impasses shall be based upon a majority of those NAPE members voting in the bargaining unit(s). All agreements entered into shall be submitted to the general membership of applicable certified bargaining unit(s) for a vote. Voting shall be conducted at town hall meetings/worksite polling stations conducted by bargaining team members/NAPE representatives.

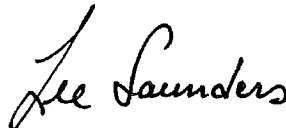


- B. All ballots shall be secret and left unopened and delivered to the appropriate NAPE representative to be counted by the teller's committee after all meetings have been held.
- C. The teller's committee shall be appointed by the chairman of the board or bargaining team chief spokesperson(s), and shall be comprised of active members from applicable bargaining unit(s). All votes shall be membership verified before counting. A majority vote of those voting in each unit shall determine all ratification questions. All eligible ballots will be tallied for contract ratification.

Section 4. Post Ratification Authority: The executive director, together with at least one (1) respective bargaining team member, shall be authorized to discuss with employer representative(s) post-ratification changes to a labor agreement. Recommended changes shall be submitted in person, by mail, electronic mail or teleconference, to the respective full bargaining team for review and approval. Decisions must be returned to the executive director for consideration within ten (10) calendar days of notification; a non-response shall be considered as an abstain vote.

- A. Approved changes by the respective bargaining team that are determined by the executive director to be contrary to the intent of the labor agreement shall require membership ratification.
- B. Approved changes by the respective bargaining team that are determined by the executive director not to be contrary to the intent of the labor agreement shall be executed by the executive director with the approval of the chairperson of the local board. If the chairperson of the local board does not approve, the change shall require membership ratification.
- C. Any post ratification agreement must be in writing and signed by the executive director, the chairperson of the local board and at least one (1) member of the respective bargaining team.

Approved by:

A handwritten signature in black ink that reads "Lee Saunders". The signature is fluid and cursive, with the first letter of "Lee" being a large, stylized capital "L".

LEE SAUNDERS  
President

Approval date: March 27, 2017

