

# 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 or board member of the local 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 board of directors.

#### 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 signed notice of withdrawal to the NAPE office which is postmarked or received by the union. A member's dues will cease under the following circumstances:

- A. If the member is separated from service with the employing agency.
- B. If the member receives a promotion and becomes ineligible or wishes to terminate his or her membership.
- 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 \$46.70 per month.
- 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 delegate assembly.
- 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 or on unpaid leave for more than twenty (20) days in any calendar month, such member shall, upon request, be entitled to credit for membership dues for the period of unemployment or unpaid leave, but not to exceed six (6) months within any twelve-month period. 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) consecutive months shall lose their good standing status and stand suspended. Provided, however, that any person who is paying fees through a system of regular payroll deduction, bank draft, or similar system, shall for so long as such person continues to pay through such deduction method, be considered in good standing.
- 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 his/her designee 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 board of directors.

- 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 board of directors.

### **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 president, the board of directors or by petition filed with the president and signed by twenty-five percent (25%) of the active members of the local. Notice of the meeting and the business to be transacted shall be provided to the membership of the local at least fifteen (15) days prior to such meeting.

Section 4. State AFL-CIO Conventions: Nominations and elections may be held, at the discretion of the board of directors, 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. Such elections shall be conducted in accordance with Appendix D, Elections Code, of the International Union Constitution.

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 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 president shall appoint the local Election Committee. No member of the committee shall be a candidate in any election.

- A. NAPE staff may assist the Election Committee, but at all times the Election Committee shall have the responsibility for the conduct of the elections.

Section 3. Board of Directors:

A. Nominations and Elections:

1. Nominations and elections shall be conducted by mail between February and May of every odd-numbered year. The nomination and election process shall be overseen by the Election Committee. Nominations may be conducted by e-mail, and must be permitted from the floor at a nominations meeting.
2. The following twenty (20) positions shall be elected:
  - a. Northern Area Representative
    - i. A representative who works in bargaining units A, C, E, H, I, M, S, or X in the following counties:
      1. Antelope, Boone, Boyd, Burt, Cedar, Colfax, Cuming, Dakota, Dixon, Garfield, Greeley, Holt, Howard, Knox, Madison, Nance, Pierce, Platte, Sherman, Stanton, Thurston, Valley, Wayne, Wheeler
  - b. Southern Area Representative
    - i. A representative who works in bargaining units A, C, E, H, I, M, S, or X in the following counties:
      1. Adams, Buffalo, Dawson, Franklin, Furnas, Gosper, Harlan, Hall, Kearney, Phelps, Webster
  - c. Eastern Area Representative
    - i. A representative who works in bargaining units A, C, E, H, I, M, S, or X in the following counties:
      1. Butler, Clay, Filmore, Gage, Hamilton, Jefferson, Johnson, Merrick, Nemaha, Nuckolls, Otoe, Pawnee, Polk, Richardson, Saline, Saunders, Seward, Thayer, York
  - d. Western Area Representative
    - i. A representative who works in bargaining units A, C, E, H, I, M, S, or X in the following counties:
      1. Arthur, Banner, Blaine, Box Butte, Brown, Chase, Cherry, Cheyenne, Custer, Dawes, Deuel, Dundy, Frontier, Garden, Grant, Hayes, Hitchcock, Hooker, Keith, Keya Paha, Kimball, Lincoln, Logan, Loup, Morrill, McPherson, Perkins, Red Willow, Rock, Sioux, Scotts Bluff, Sheridan, Thomas

- e. Omaha Area Representative
    - i. A representative who works in bargaining units A, C, E, H, I, M, S, or X in the following counties:
      - 1. Cass, Dodge, Douglas, Sarpy, Washington
  - f. Two (2) Lincoln Area Representatives
    - i. Representatives who work in bargaining units A, C, E, H, I, M, S, or X in Lancaster County.
  - g. Department of Education Representative
    - i. A representative who works under the Department of Education contract
  - h. Richardson County Representative
    - i. A representative who works under the Richardson County Roads District Contract
  - i. State Colleges Representative
    - i. A representative who works under the Nebraska State College System Contract
  - j. Supervisory Representative
    - i. A representative who works in the supervisory unit and has a job classification starting with "V".
  - k. Two (2) Health and Human Services Representatives
    - i. Representatives who work for the Department of Health and Human Services in bargaining units A, C, E, H, I, M, S, or X.
  - l. Department of Transportation Representative
    - i. A representative who works for the Department of Transportation in bargaining units A, C, E, H, I, M, S, or X.
  - m. Three (3) Agency Representatives
    - i. Representatives who work for a State of Nebraska department or agency (excluding DHHS and NDOT) in bargaining units A, C, E, H, I, M, S, or X.
  - n. Three (3) At-Large Representatives
    - i. Representatives who are members of the union who are not otherwise precluded from holding office. At-Large representatives cannot be from the "V" supervisory unit.
3. Each position shall be elected by a majority of votes cast. 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.
  4. Members may only run for one position on the board of directors. In the event a member is nominated for multiple positions, the member shall choose which seat they wish to run for election.
  5. Election materials shall be mailed to the last known address of all active members.

6. Members shall only nominate and vote for positions on the board for which they are eligible to serve.
- 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.
- C. Terms: The term shall commence at the next regularly scheduled board meeting after the election, and the member shall serve until the first regularly scheduled board meeting after the next election.
- D. Vacancy: A vacancy shall be deemed to exist when the member has retired, died, resigned, terminated from employment, is not an eligible member of the representative district/area, 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, a vacancy shall be filled by the board of directors.

Section 4. Local Officers:

A. Nominations and Elections:

1. Nominations and elections shall be conducted at the biennial local convention. Any elected delegate may nominate any eligible active member of the union, including themselves.
  2. 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. President
    - b. Vice-President
    - c. Secretary
    - d. Treasurer
    - e. Sergeant-at-Arms
  3. The executive director shall submit the local election report to the International Secretary-Treasurer.
  4. 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.
- C. Terms of Office: May be elected to serve successive terms and shall serve for a term of two (2) years. The term shall commence upon the 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, is 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 board of directors shall be filled for the remainder of the unexpired term. Except as otherwise stated in these bylaws, a vacancy shall be filled by the board of directors.

Section 5. Delegate Assembly:

A. Nominations and Elections:

1. Nominations and elections shall be conducted by mail between April and June of every odd-numbered year. The nomination and election process shall be overseen by the Election Committee. Nominations may be conducted by email, and must be permitted from the floor at a nominations meeting.
2. Election materials shall be mailed to the last known address of all active members.
3. An active member may nominate any active member to a position which the nominator is eligible to serve, including themselves.
4. Each delegate shall be elected by a majority of votes cast in the election. 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. Nominees who are not elected shall become alternate delegates in the order of votes received.
5. Members may only run for one position for the delegate assembly. In the event a member is nominated for multiple positions, the member shall choose which delegate seat they wish to run for election.

- 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 acceptance of the Election Committee's report by the board of directors and the person shall serve until the next scheduled election.

- D. Vacancy: A vacancy shall be deemed to exist when a member has retired, died, resigned, terminated from employment, is 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. Vacancies shall be filled by the alternate delegates in the order in which they were elected. In the absence of an alternate delegate, the board of directors may fill the vacancy by election.

**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 board of directors.

Section 2. Notice: Notice of the meeting, copies of the agenda and proposed resolutions, amendments, and new business items 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, Amendments, and New Business Items: The secretary of the union will notify delegates and board members in writing twelve (12) weeks prior to the convention that resolutions, amendments, and new business items are due. Resolutions, amendments, and new business items for consideration by the convention shall be submitted by the board of directors, 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 president or the Executive Committee may introduce a resolution for consideration by the convention at any time.

Section 5. Delegates: Sixty-five (65) members shall be elected delegates to the convention. The basis of representation at the convention shall be as follows:

- A. All officers and members of the board of directors shall be automatic delegates to the convention.
- B. Two (2) Northern Area Delegates
  - a. Delegates who work in bargaining units A, C, E, H, I, M, S, or X in the following counties:
    - i. Antelope, Boone, Boyd, Burt Cedar, Colfax, Cuming, Dakota, Dixon, Garfield, Greeley, Holt, Howard, Knox, Madison, Nance, Pierce, Platte, Sherman, Stanton, Thurston, Valley, Wayne, Wheeler
- C. Two (2) Southern Area Delegates
  - a. Delegates who work in bargaining units A, C, E, H, I, M, S, or X in the following counties:
    - i. Adams, Buffalo, Dawson, Franklin, Furnas, Gosper, Harlan, Hall, Kearney, Phelps, Webster
- D. Two (2) Eastern Area Delegates
  - a. Delegates who work in bargaining units A, C, E, H, I, M, S, or X in the following counties:
    - i. Butler, Clay, Filmore, Gage, Hamilton, Jefferson, Johnson, Merrick, Nemaha, Nuckolls, Otoe, Pawnee, Polk, Richardson, Saline, Saunders, Seward, Thayer, York
- E. Two (2) Western Area Delegates
  - a. Delegates who work in bargaining units A, C, E, H, I, M, S, or X in the following counties:
    - i. Arthur, Banner, Blaine, Box Butte, Brown, Chase, Cherry, Cheyenne, Custer, Dawes, Deuel, Dundy, Frontier, Garden, Grant, Hayes, Hitchcock, Hooker, Keith, Keya Paha, Kimball, Lincoln, Logan, Loup, Morrill, McPherson, Perkins, Red Willow, Rock, Sioux, Scotts Bluff, Sheridan, Thomas
- F. Two (2) Omaha District Delegates
  - a. Delegates who work in bargaining units A, C, E, H, I, M, S, or X in the following counties:
    - i. Cass, Dodge, Douglas, Sarpy, Washington
- G. Four (4) Lincoln District Delegates



- a. Representatives who work in bargaining units A, C, E, H, I, M, S, or X in Lancaster County.
- H. Two (2) Department of Education Delegates
  - a. Delegates who work under the Department of Education contract
- I. Two (2) Richardson County Delegates
  - a. Delegates who work under the Richardson County Roads District Contract
- J. Two (2) State Colleges Delegates
  - a. Delegates who work under the Nebraska State College System Contract
- K. Two (2) Supervisory Delegates
  - a. Delegates who work in the supervisory unit and has a job classification starting with "V".
- L. Four (4) Health and Human Services Delegates
  - a. Delegates who work for the Department of Health and Human Services in bargaining units A, C, E, H, I, M, S, or X.
- M. Two (2) Department of Transportation Delegates
  - a. Delegates who work for the Department of Transportation in bargaining units A, C, E, H, I, M, S, or X.
- N. Six (6) Agency Delegates
  - a. Delegates who work for a State of Nebraska department or agency (excluding DHHS and NDOT) in bargaining units A, C, E, H, I, M, S, or X.
- O. Six (6) At-Large Delegates
  - a. Delegates who are members of the union who are not otherwise precluded from holding office. At-Large delegates cannot be from the "V" supervisory unit.

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 a majority of the delegates.

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. 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 president; or
- B. At the request in writing signed by a majority of the board of directors; such request to be filed with the president; 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 executive director and the secretary of the board of directors; 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 executive director and the secretary of the board of directors.
- 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**

### **Board of Directors, Officers and Executive Director**

Section 1. Powers and Duties of the Board of Directors: The board of directors 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 Board of Directors: These members shall include a president, a vice-president, a secretary, a treasurer, a sergeant-at-arms, and the twenty representatives listed in Article IV, Section 3.A.2. The board shall also include one (1) member from Retiree Chapter 161, who shall act in a non-voting advisory capacity only.

Section 3. Board of Directors 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 board. A majority of the members of the board shall constitute a quorum for conducting any business.

Section 4. Special Meetings: Special meetings of the board shall be called by the president at his/her discretion or upon a majority vote of the board. The president shall name the date and time of the special meeting and give notice in writing, transmitted via mail or e-mail, to all 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 board who fails to attend three (3) consecutive regular meetings of the board without submitting a reason acceptable to the members of the board shall be automatically removed from the office.

Section 6. Expenses and Compensation of the Board of Directors:

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

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

- A. President: The president shall preside at all meetings of the board and the union. The president shall appoint all standing and special committees of the union, subject to the approval of the board, and shall be an ex-officio member of all committees except the election committees. The president shall be an

automatic delegate to any AFSCME International Convention and any Nebraska State Convention of an organization that NAPE is affiliated. The president 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 board, and/or the union constitutional bylaws.

- 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 vice-president perform the duties pertaining to that office and shall have authority to countersign checks drawn on the local's accounts. The vice-president shall assume the responsibilities of the president for the unexpired term of the president should there occur a vacancy.
- C. Secretary: The secretary shall be responsible for a record of the minutes of all meetings of the board of directors and the union; and shall keep a complete, current and accurate list of all members of the union. The secretary shall see that proper notice is given of all meetings to the members of the union and to the board. With the approval and authority from the board, the secretary may delegate the duties herein described, in whole or in part, to employees of the union. With the approval and authority from the board, the secretary shall have authority to countersign checks drawn on the local's accounts.
- 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 board of directors. The treasurer shall present an accounting of the financial condition of the union to the 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 president, secretary, executive director or one person designated by the Executive Committee. When the treasurer is not available, any two of the following shall sign checks: president, secretary, executive director or one person designated by the executive committee. Any expenditure not included in the annual budget must be approved by the board. The treasurer may, with the approval and authority from the 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. The treasurer shall prepare and submit the monthly membership report to the International Union office and see that a check is drawn in payment of the local's per capita tax each month and sent to the International Secretary-Treasurer.
- 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 board of directors or union, and shall perform such other duties as may be required by the president or the board. With the approval and authority from the board, the sergeant-at-arms may delegate the duties herein described, in whole or in part, to employees of the union.

Section 8. 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 board of directors. The executive director shall receive direction from the board through the president of the union and be responsible for the day-to-day implementation of policies as determined by the 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 union's policies; shall have authority to countersign all checks drawn on the

local's accounts; shall, with the approval of the Executive Committee, engage such technical and professional services, including legal counsel and financial auditors, as may be required and shall, with the approval of the 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 board of directors 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 board.

## **Article VII Committees**

### Section 1. Committees of the Board of Directors:

- A. Authorization: The board or the president 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 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 board of directors on its deliberations and recommendations. Minutes of any committee meeting will be kept and distributed to all board members.

### Section 2. Standing Committees:

#### A. Executive Committee:

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

#### B. Government Affairs Committee:

- 1. Composition: This committee shall consist of one (1) member of the board of directors, the executive director and any member willing to participate.
- 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 one (1) member of the board of directors, the executive director and any member willing to participate.
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 members.

### **Article VIII 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 IX Judicial Procedure**

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

### **Article X Finances**

Section 1. Annual Audit: An audit of the union financial statements 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 board of directors is authorized to invest any surplus funds of the union in U.S. Treasury notes, bonds, or bills; 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 board of directors 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 board of directors 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. Dues Check Off: All dues check off shall be remitted to the local.

Section 7. 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 8. Legal Fees: The local shall be responsible for legal fees, subject to the limitations as outlined in the membership rights policy.

Section 9. 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 10. 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.

Section 11. PAC Funds: Dues dollars may be set aside in PAC accounts at the discretion of the board of directors. These contributions shall be considered voluntary, and all members are entitled to request a refund of these contributions annually in accordance with policies and procedures adopted by the board. Members will be given notice of PAC fund contributions by means determined by the board of directors.

## **Article XI 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 employer. The goal in each bargaining unit shall be one hundred percent (100%) active membership. If it is deemed necessary or desirable, the board of directors 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 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 board of directors may establish procedures for the nomination and election of delegates to any bargaining conference. Nominations and elections shall be conducted either in person or by mail as prescribed by the board of directors. Nominations may be conducted by email.
  - 1. To be eligible for election as a delegate, a member must be an active member for at least six (6) months and must be a certified steward prior to the date of the election, or be steward trained before the bargaining conference convenes.
  - 2. To be eligible to be a member of the negotiations team, a member must be an active member for at least one (1) year and be a certified steward prior to being elected a member of the team.
- B. The board of directors 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 employer, 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. Town hall meetings may be conducted virtually by conference call or video conferencing, provided that members attending virtual meetings are provided an opportunity to vote by mail. All provisions of Appendix E of the AFSCME International Constitution shall apply.
- 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 and any vote by mail deadline has passed.
- C. The Teller's Committee shall be appointed by the president of the board 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 president. If the president 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 president 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 written in a cursive, flowing style.

LEE SAUNDERS  
President

Approval date: November 23, 2021