

# **CONSTITUTION**

of the

# **United Federation Of Teachers**

**Local 2**

**American Federation of Teachers,**

**New York State United Teachers,**

**AFL-CIO**

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**United Federation of Teachers**

**52 Broadway**

**New York, NY 10004**

# United Federation of Teachers

Local 2 AFT, NYSUT, AFL-CIO

## OFFICERS

Michael Mulgrew .....*President*

Emil Pietromonaco .....*Secretary*

LeRoy Barr.....*Assistant Secretary*

Mel Aaronson .....*Treasurer*

Tom Brown.....*Assistant Treasurer*

## VICE PRESIDENTS

Carmen Alvarez, Karen Alford, Richard Mantell,

Evelyn DeJesus, Sterling Roberson, Janella Hinds, Anne Goldman

## **ARTICLE I**

### **NAME**

The name of this organization shall be the UNITED FEDERATION OF TEACHERS, Local No. 2, American Federation of Teachers, New York State United Teachers, AFL-CIO.

## **ARTICLE II**

### **OBJECTIVES**

The objectives of the United Federation of Teachers shall be:

- (a) To cooperate to the fullest extent with the labor movement and to work for a progressive labor philosophy to awaken in all members a labor consciousness and sense of solidarity with labor.
- (b) To protect the schools against unsound economy and against efforts at domination by political, economic, religious, or military groups.
- (c) To promote education as a social agency for developing the capacities of the young, for enlightening adults, and for working toward a society motivated by the ideal of service and democratic participation.
- (d) To make members aware of their political responsibilities.
- (e) To advance the economic and professional interests of members.
- (f) To establish the active participation of education employees in the formulation of educational policies.
- (g) To work for democratic administration and supervision.
- (h) To protect members whenever necessary.
- (i) To represent bargaining unit members in collective bargaining and in all other dealings with the city, the state and other employers.

## **ARTICLE III**

### **MEMBERSHIP**

**SECTION 1.** Membership in this organization shall be open to the following:

- (a) All employees of the Board of Education of the City of New York, except supervisors. This provision regarding supervisors shall not be applicable to persons who held membership prior to July 1, 1974.

(b) Employees in private schools.

(c) The Executive Board by a two-thirds (2/3) vote may establish life membership for any retired member who has retained uninterrupted membership in the organization for a period of fifty (50) years.

(d) The Executive Board by a two-thirds (2/3) vote may establish an honorary membership for any retired member who has retained uninterrupted membership in the organization for at least twenty five (25) years and who, during the course of that membership, has served as an officer of the organization.

(e) The Delegate Assembly, upon the recommendation of a two-thirds (2/3) vote of the Executive Board, may establish a class of auxiliary members and may also establish membership categories of employees not heretofore set forth herein.

**SECTION 2.** A member on dues check-off may terminate membership by discontinuing check-off status by notifying the union in writing. Any member shall terminate his/her membership if he/she falls one month in arrears.

**SECTION 3.** To be eligible to vote in any United Federation of Teachers election, a member must have joined the Union at least sixty (60) days before the date of the election.

**SECTION 4.** No discrimination shall be shown toward individual members or applicants for membership because of race, religious faith, political activities or beliefs, age, sex, sexual orientation or national origin.

**SECTION 5.** The Executive Board shall be the sole judge of admission to membership. The action of the Executive Board shall be final and not subject to review.

**SECTION 6.** The Executive Board by a two-thirds (2/3) vote of its members present shall have the power to expel, or to suspend for a term not exceeding one year, any member of this organization, provided that such member shall have received reasonable opportunity to present a defense at a meeting of the Executive Board. Such member shall have the right to counsel. Action of the Executive Board relating to suspension or expulsion shall be reviewed, on petition, by a special review board created in accordance with the by-laws of this organization.

**SECTION 7.** Upon the expiration of the term for which a member has been suspended, the Executive Board shall require evidence that the member has fully complied with the conditions of his/her suspension before full membership is recorded by the Executive Board.

**SECTION 8.** A person who has been expelled from membership in this organization shall not be eligible for readmission until the expiration of one (1) year from the date of such expulsion. The Executive Board may readmit such person to membership, but only by a vote of two-thirds (2/3) of the members present.

## **ARTICLE IV**

### **OFFICERS**

**SECTION 1.** The officers of this organization shall be: President; seven (7) Vice Presidents elected at large provided that one is from the elementary level; one is from the middle school level; one is from the academic/comprehensive secondary level; one is from the vocational/technical secondary level; one is from special education; and one is from a chapter whose members are employed by an entity other than the Board of Education of the City School District of the City of New York; a Secretary; an Assistant Secretary; a Treasurer; and an Assistant Treasurer.

**SECTION 2.** Nominations for officers shall be made triennially. Nominations may be made by joint or by individual petitions. Each nomination for an officer position shall require the signatures of at least one percent (1%) of the members eligible to vote for that position or 900 signatures, whichever number is lower. Elections shall be held within 45 days after the closing of nominations, but no later than June of the same year.

**SECTION 3.** The Vice Presidents shall be nominated and elected in accordance with Section 2 above. Each Vice Presidential candidate shall be nominated for a specific Vice Presidential position.

**SECTION 4.** No person shall be a candidate for more than one (1) elective position.

**SECTION 5.** No member shall be eligible to hold office who has not been a member in good standing for at least two (2) years immediately preceding the final date for nomination.

**SECTION 6.** Voting shall be by written or printed ballot. A ballot must be delivered to every member eligible to vote. The names of the candidates shall be placed on the ballot in an order determined by lot. The candidates receiving the highest number of votes shall be declared elected to their respective offices. Should the total number of ballots cast by retired members exceed twenty-three thousand five hundred (23,500), their votes will be weighted on the basis of a ratio between twenty-three thousand five hundred (23,500) and the actual number of votes cast.

**SECTION 7.** The terms of all officers shall be three (3) years commencing July 1, 2001, and shall begin on July 1 following the elections.

**SECTION 8.** The officers shall have the rights and privileges and shall perform the duties usually assigned to their respective offices by Roberts' Rules of Order, Newly Revised, except as otherwise specifically provided in this Constitution or its by-laws.

**SECTION 9.** No person in any elective position may be a candidate for any other elective position during the term of office, unless a resignation is submitted effective as of July 1 of that year.

## **ARTICLE V**

### **EXECUTIVE BOARD**

**SECTION 1.** The Executive Board shall consist of the following:

- (a) The officers of the organization;
- (b) Eighty-four (84) additional positions, forty-eight (48) elected from the membership at large (provided that at least two (2) shall come from the elementary schools, two (2) from the junior high/intermediate/middle schools, two (2) from the high schools, and two (2) from all functional chapters combined). Thirty-six (36) shall be elected from the four divisions, namely the elementary schools, junior high/intermediate/middle schools, high schools, and functional chapters. Each division shall be entitled to that fraction of the thirty-six (36) which its membership bears to the local membership of the organization as of December in the year preceding the election, provided that, for purposes of determining the fraction of the thirty-six (36) that the functional chapter division is entitled to, the membership of the retirees chapter shall not be considered to exceed twenty-three thousand five hundred (23,500). In case the thirty-sixth (36<sup>th</sup>) position is not filled by this method, such position shall be assigned to that division with the largest fractional remainder of thirty-six (36). If any division, that is, elementary school, junior high/intermediate/middle school, high school, has organized a majority of staff in that division, it shall be granted two (2) additional Executive Board positions. These positions shall be in excess of the number provided for above. For purposes of this section academic, comprehensive, and vocational high schools shall be considered as one (1) division, and the functional chapters shall be considered as one (1) division.

**SECTION 2.** Current place of employment shall decide in which division a member shall vote in an election. Current place of employment shall be decided in accordance with the by-laws of this organization.

**SECTION 3.** No member shall be eligible to serve on the Executive Board who has not been a member in good standing for at least sixty (60) days immediately preceding the final date for nominations.

**SECTION 4.** Nominations and balloting for members of the Executive Board shall be held at the same time and in the same manner and shall be governed by the same rules and regulations as nominations and balloting for officers, except that only individual petitions shall be used in the nomination process and the number of signatures required shall be one percent (1%) of the members eligible to vote for the Executive Board position, or one hundred (100) signatures, whichever number is lower. The number of candidates receiving the highest number of votes corresponding to the number of positions to be filled shall be declared elected, provided that the requirements of Section 1 of this article have been met.

**SECTION 5.** All Executive Board members shall be elected for three (3) year terms commencing July 1, 2001. Their terms shall begin on July 1 following their elections.

**SECTION 6.** The Executive Board shall direct the affairs of this organization. All actions of the Executive Board, except those relating to admission, suspension, or expulsion of members, are subject to review by the Delegate Assembly in the manner hereinafter provided, or by members of this organization expressed at a referendum.

**SECTION 7.** A majority of the votes of the Executive Board members shall be required to elect an applicant to membership in this organization except in the case of expelled persons seeking readmission.

**SECTION 8.** The Executive Board shall supervise all elections in the manner provided for by the Constitution and shall decide all disputes arising out of such elections.

**SECTION 9.** The Executive Board shall conduct all referenda.

**SECTION 10.** At the written request of one-third (1/3) of the entire membership of the Executive Board or of ten percent (10%) of the membership of this organization, the Executive Board shall submit to a referendum vote any matter except a proposed amendment to this Constitution and matters relating to the admission, suspension or expulsion of members.

**SECTION 11.** Except as otherwise provided by law, the Executive Board shall elect delegates or representatives to all meetings, conferences, conventions or organizations with which this organization is or may become affiliated. The Executive Board may delegate such power of election in any instance to the membership of this organization.

**SECTION 12.** The Executive Board shall meet at least twice a month, except during July and August, at a time and place publicly announced. Its meetings, except for executive sessions, shall be open to all members of this organization.

**SECTION 13.** At the President's discretion or at the request of a majority of the entire membership of the Executive Board, a special meeting of the Executive Board shall be called.

**SECTION 14.** The President or an officer designated by the President shall act as chair of the Executive Board.

**SECTION 15.** One-third (1/3) of the membership of the Executive Board shall constitute a quorum.

**SECTION 16.** The Executive Board may, by a vote of the majority of its members present, declare vacant the position of any member of the Executive Board who shall have been absent from either three (3) consecutive meetings of the Board or a total of five (5) meetings within the period of the second year.

**SECTION 17.** A vacancy occurring in the Executive Board or in an elective office shall be filled by the Executive Board. Nominations shall be made at one meeting and elections held at the subsequent meeting. The notice for each such meeting shall include an announcement that

nominations and the election are scheduled. Such vacancy shall be filled only until the next regular election.

**SECTION 18.** The Executive Board shall transact its business only at regular and special meetings.

**SECTION 19.** The President shall prepare the agenda for each meeting of the Executive Board, subject to modification and approval by the Executive Board.

## **ARTICLE VI**

### **ADMINISTRATIVE COMMITTEE**

**SECTION 1.** The Administrative Committee shall be composed of the officers and such others as may be designated by the Executive Board.

**SECTION 2.** The functions of the Administrative Committee shall be:

- (a) To implement the decisions of the Executive Board and the Delegate Assembly;
- (b) To formulate plans for the proper functioning of this organization;
- (c) To take such action as may be necessary between meetings of the Executive Board. Such actions shall be subject to review by the Executive Board.

**SECTION 3.** The Administrative Committee shall have the power to call meetings of the Delegate Assembly and of the membership, and to prepare the agenda for such meetings, subject to the approval of the Executive Board.

## **ARTICLE VII**

### **DELEGATE ASSEMBLY**

**SECTION 1.** Delegates shall be elected in every school and functional chapter on the basis of one delegate for each sixty (60) members or major fraction thereof. For the purpose of this provision, the membership of the Retired Teachers Chapter shall not exceed eighteen thousand (18,000). In addition, the chapter leader also shall serve as a delegate. There shall be at least two (2) delegates from every chapter. School annexes, if any, shall be included in the same chapter as the main building. The officers and members of the Executive Board shall be, *ex officio*, members of the Delegate Assembly.

**SECTION 2.** Voting for delegates in each chapter shall be by secret ballot. The chapter leader shall be responsible for the conduct of the election.

**SECTION 3.** The election of delegates shall be held in May or June, at the option of the chapter. The term of office shall be three (3) years, commencing July 1, 2000. The results of

the election shall be forwarded to the membership department office of the organization or office that the President so designates immediately after the election. Whenever chapter growth entitles a chapter to additional delegates, an election shall be held in November and the names of the additional delegates shall be forwarded to the membership department immediately. If a delegate resigns, or is unable to serve for any reason, the chapter shall elect a replacement and notify the union office immediately.

**SECTION 4.** A newly elected Delegate Assembly shall have its first meeting not later than October 31. The Delegate Assembly shall meet at least once a month during the remainder of the school year.

**SECTION 5.** Twenty percent (20%) of the Delegate Assembly shall constitute a quorum. Two thirds (2/3) of those present shall be required to overrule an act of the Executive Board, provided that the vote to over rule shall include at least ten percent (10%) of the Delegate Assembly, except that the power of the Delegate Assembly to review acts of the Executive Board shall not extend to the admission, suspension, or expulsion of members of this organization.

**SECTION 6.** The Delegate Assembly shall have the power to legislate all matters except those pertaining to the admission, suspension or expulsion of members of this organization. It shall, however, be subordinate to a decision arrived at by referendum vote of the entire membership.

**SECTION 7.** The Delegate Assembly or the Executive Board, in each case by a vote of the majority of those present, shall have the power to call a special meeting of the Delegate Assembly. The President also shall have such power.

**SECTION 8.** No delegates shall be seated at any meeting of the Delegate Assembly except on presentation of an official credential. Each delegate shall be entitled to one (1) vote and a majority of the delegates voting shall be required to pass any motion, except where a different requirement is provided by Roberts' Rules of Order, Newly Revised, or by this Constitution.

**SECTION 9.** Upon receipt of a written petition signed by at least one-third (1/3) of the membership of any chapter requesting the removal of a chapter delegate from office, the President shall assign a person who is not a member of the chapter to conduct a referendum. All members of the chapter shall be entitled to vote. If two-thirds (2/3) of the chapter members voting in a referendum favor the removal of the delegate from office, a vacancy in that position shall be declared and a new delegate shall be elected to take office immediately for the balance of the term of office.

## **ARTICLE VIII**

### **MEMBERSHIP MEETINGS**

**SECTION 1.** A meeting of the membership shall be called by the President at the request of the Executive Board, or of the Delegate Assembly, or of twenty percent (20%) of the members of this organization. The President also shall have the power to call a meeting of the membership.

**SECTION 2.** A membership meeting shall discuss only those matters for which it was convened.

## **ARTICLE IX**

### **CHAPTERS AND CHAPTER LEADERS**

**SECTION 1.** Each chapter shall have one chapter leader.

**SECTION 2.** Election of chapter leaders shall take place in May or June at the option of the chapter, by secret ballot. The term of office shall be three (3) years, commencing July 1, 2000. The membership department of the organization shall be notified immediately of the results of the election.

**SECTION 3.** The term of the chapter leaders shall begin on July 1 following the election.

**SECTION 4.** It shall be the duty of the chapter leader or his/her designated representative:

- (a) To collect dues, assessments, donations, and other moneys and forward them to the office of this organization.
- (b) To distribute literature.
- (c) To solicit membership in this organization.
- (d) To represent the union at the school level in accordance with the terms and provisions of the negotiated contract.
- (e) To present complaints or recommendations to the office of this organization.
- (f) To preside at chapter meetings.
- (g) To cooperate fully in all other matters with the duly constituted Authorities of this organization.
- (h) To certify chapter elections to the membership department of this organization.
- (i) To carry out the duties as formulated by the Executive Board.

**SECTION 5.** There shall be at least six (6) meetings a year in all chapters containing more than two (2) members. Additional meetings shall be held when called by the chapter leader or at the request of one-third (1/3) of the members in the chapter.

**SECTION 6.** No member or group of members may enact or publicly announce policies without the expressed approval of the President or of the Executive Board or of the Delegate Assembly.

**SECTION 7.** The Executive Board may establish functional chapters for employees in institutions not under the direct control of the Board of Education, or whose functions in the school system differ from those of the regular teaching staff. The constitution of such a chapter shall be approved by the Executive Board, and a copy shall be placed on file in the office of

this organization. A functional chapter may designate and elect such officers as it deems proper. It shall receive the full support of the United Federation of Teachers and have free access to the office and other facilities of this organization. A functional chapter may adopt policies and carry on activities it deems proper, provided that such policies and activities are not contrary to the established policy of this organization. A functional chapter established pursuant to this Constitution shall function in accordance with its constitution. Each functional chapter so established shall have one (1) chapter leader.

**SECTION 8.** If the position of chapter leader becomes vacant or if the chapter leader becomes an acting supervisor, the President shall assign a person to conduct an election. Only members eligible to vote shall be eligible to be candidates for the office. The chapter leader so elected shall take office immediately and shall serve for the balance of the term of office.

**SECTION 9.** Upon receipt of a written petition signed by at least one-third (1/3) of the membership of any chapter requesting the removal of the chapter leader from office, the President shall assign a person who is not a member of the chapter to conduct a referendum. All members of the chapter shall be entitled to vote. If two-thirds (2/3) of the chapter members voting in the referendum favor the removal of the chapter leader from office, a vacancy in that position shall be declared and a new chapter leader shall be elected to take office immediately for the balance of the term of office.

## **ARTICLE X**

### **DUES**

Except as otherwise provided by law, all matters pertaining to dues and assessments, such as the amount, frequency and manner of collection, and punishment for non-payment, shall be decided by the Executive Board and majority approval of two (2) successive Delegate Assemblies.

## **ARTICLE XI**

### **AMENDMENTS**

**SECTION 1.** A proposed amendment to this Constitution must be sponsored in writing by not less than one-third (1/3) of the entire membership of the Executive Board, or by not less than ten percent (10%) of the membership of the organization, or by not less than ten percent (10%) of the entire membership of the Delegate Assembly.

**SECTION 2.** It shall then be submitted at a meeting of the Executive Board for which notice containing a verbatim statement of the proposed amendment shall have been sent at least ten (10) days in advance. It shall then be submitted to the Delegate Assembly on similar notice within the next three (3) school months.

**SECTION 3.** If the proposed amendment is approved by a two-thirds (2/3) vote of the members voting in both the Executive Board and the Delegate Assembly, it shall be deemed to have become a part of this Constitution.

**SECTION 4.** If the proposed amendment did not receive a two-thirds (2/3) vote in both the Executive Board and the Delegate Assembly, but did receive at least a majority vote of either body, it shall be referred to a referendum vote of the entire membership of this organization within the next six (6) school months. If it receives at least a majority of the votes cast in the referendum, it shall be deemed to have become a part of this Constitution.

## **ARTICLE XII**

### **BY-LAWS**

By-laws to implement this Constitution shall be enacted by a two-thirds (2/3) majority of the Executive Board, except that any by-laws dealing with procedures for the conduct of the Delegate Assembly shall be enacted by a two-thirds (2/3) vote of that body.

## **ARTICLE XIII**

### **DEFINITIONS & INTERPRETATIONS**

**SECTION 1.** The vote necessary to adopt policies or enact measures shall be by majority of those present, except where a different requirement is clearly indicated.

**SECTION 2.** All disputes in connection with the meaning, construction, or interpretation of this Constitution shall be decided by a majority vote of the Executive Board.

**SECTION 3.** Roberts' Rules of Order, Newly Revised, shall govern the conduct of all meetings of all bodies, except where otherwise provided in this Constitution or in the by-laws.

## **ARTICLE XIV**

### **SUPREMACY OF THE CONSTITUTION**

**SECTION 1.** This Constitution and every part thereof shall take precedence over any by-law, motion, resolution, or any other act or measure adopted by any body or agency of this organization.

**SECTION 2.** No part of this Constitution may be eliminated, suspended, revised, or limited in force and effect, except by an amendment to this Constitution duly adopted.



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