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Constitution

of the

New York State Public Employees Federation

As Amended by the 2002 Convention

Article I NAME

This labor union shall be known as the New York State Public Employees Federation AFL-CIO, hereinafter referred to as PEF.

Name

Article II OBJECTIVES

PEF exists to promote the welfare of its members by representing them with respect to all terms and conditions of employment. PEF shall support and defend the concepts of individual merit and ethical performance as criteria for public service employees in order to best promote efficient delivery of services to the citizens of New York State. PEF recognizes that all power ultimately resides in the sovereignty of the citizens and shall therefore insist that the government operate to serve and not dominate its citizens. Similarly, it recognizes that PEF exists as sole bargaining agent for its members because of the mandate of this constituency and is hereby bound to serve the interests of its members by:

Organizational
purposes

- A. The securing of economic advantages, including better wages, hours, and working conditions, through organization, collective bargaining, legislative and political action, and the free flow and interchange of information and ideas, and other appropriate action;
- B. Organizing and uniting in this union all eligible for membership herein;
- C. Engaging in all such civic, social, political, legal, economic, cultural, educational and other such activities, whether on a local, national, or international level, as shall be consistent with the goals of PEF;
- D. Advancing the professional standards of its members;
- E. Cooperating with and assisting, by moral, monetary or other means, other labor organizations, or other groups of organizations, having objectives which are consistent with those of this union, or which are of a nature beneficial to this union and to its members, directly or indirectly;
- F. Exposing and fighting all forms of bigotry and discriminatory practices that tend to deprive persons of their human and/or civil rights;
- G. Promoting those aims and objectives in common with the American Federation of Teachers, hereinafter referred to as AFT, and the Service Employees International Union, hereinafter referred to as SEIU;
- H. Strengthening and safeguarding this union by every means so that it may carry out its purposes, objectives and obligations;
- I. Utilizing, in every way, including but not limited to every kind of use, expenditure and investment, the property and funds of this union, in order to achieve its purposes and objectives and perform its obligations, and for such other purposes directly or indirectly furthering the interests of this union and its members.

Terms &
Conditions of
employment

Professional concerns

Mutual
assistance

Oppose bias

Article III AFFILIATE RELATIONSHIPS

It is recognized that the New York State Public Employees Federation (PEF) is a self-governing affiliate created by the coalition of the American Federation of Teachers (AFT) and the Service Employees International Union (SEIU). It is appropriate in order to keep this relationship solidified that per capita taxes be paid to AFT and SEIU respective governance bodies in compliance with their Constitution and Bylaws.

Founded by
AFT & SEIU

There shall be an Affiliate Liaison Committee in order to insure that the interdependent relationship among PEF, AFT and SEIU is maintained and continued. The committee established by AFT and SEIU will continue in force as a consultative and advisory body to the PEF governance structure. In addition, the committee will also serve to facilitate any and all assistance to PEF flowing from AFT and SEIU.

*Continuing
AFT-SEIU
relationship*

Article IV AFFILIATIONS

- A. PEF shall be affiliated with the American Federation of Teachers (AFT) and the Service Employees International Union (SEIU), their subordinate bodies and the New York State AFL-CIO.
- B. Additional affiliations may be considered and approved by the Annual Convention.

*AFT, SEIU,
"Parent" unions*

Article V MEMBERSHIP

- A. Membership in PEF shall be open to any person eligible for inclusion in any one of the categories listed in this Article, provided, however, that membership may be maintained only through the payment of dues or their waiver, as specified in Article XV.
- B. Categories of Membership

Jurisdiction

- 1. Regular membership shall be open to any person employed by the State of New York in the Professional, Scientific, and Technical Unit, and additionally those in comparable titles employed by New York State Public Authorities, New York State Benefit Corporations, Political Subdivisions of the State of New York, and not-for-profit/charitable and for-profit organizations which provide services to New York State citizens by virtue of direct or indirect contractor relationships with NYS, its Public Authorities, Public Benefit Corporations and/or Political Subdivisions, including those laid off, on paid leave or unpaid leave, or any duly elected officer of PEF.
- 2. An active member shall be a regular member who has performed paid services during the preceding two years, plus one day, in a job title represented by PEF, or a duly elected Officer or Trustee of PEF.
- 3. Retired membership shall be open to all those retirees who were employees of New York State and who are members of the New York State Retirement System. Said members shall not be eligible to vote.
- 4. Associate membership, without vote, shall be open to PEF staff members, persons who have left employment while members of PEF, and all persons covered by Article V.B.I., above, who are not currently in a Bargaining Unit represented by PEF.

Classes of membership

*Regular
member*

Active members

*Retired
members*

Associate members

Article VI OFFICERS

- A. There shall be seventeen (17) Officers of PEF, all of whom shall be members of the Executive Board.
- B. Eligibility: No one shall be eligible to be an Officer or Trustee who is not an active member of PEF, as defined in Article V, on the date immediately preceding the final date for nominations or who voluntarily undergoes a change which removes him/her from membership in the constituency which he/she represents. This two year requirement is waived for the initial election and for any election for two (2) years following the founding Convention and for elections for new bargaining units for two (2) years after affiliating with PEF.
- C. The Officers of PEF shall be:
 - President
 - Secretary-Treasurer
 - Three (3) Vice Presidents
 - Twelve (12) Regional Coordinators

Qualifications

*Statewide
officers*

- D. President

The President shall be elected by vote of the entire membership except for the Founding Convention where he/she shall be elected by the delegates. The President shall:

*Presidential
duties*

1. Be the chief executive officer of PEF and shall serve full-time. It shall be his/her duty to administer all the affairs of PEF and to execute policies of the organization as determined by the Convention and the Executive Board;	<i>Chief Executive Officer</i>
2. Preside at all meetings of the Convention, the Executive Board and Special Meetings;	
3. Act as chief spokesperson of PEF;	
4. Head delegations and represent PEF at Conventions of organizations with which it is affiliated;	<i>Represent PEF</i>
5. Establish and assign regular duties to each Vice President with notification to the Executive Board;	<i>Establish V.P. assignments</i>
6. Appoint and establish the functions and duties of all committees with notification to the Executive Board; appointments to the Regular, Special and Delegate Election Committees shall be subject to the approval of the Executive Board;	<i>Committee establishment/ appointment</i>
7. Call regular and special meetings of the Executive Board;	
8. Call annual meetings of the Convention;	<i>Convene meetings</i>
9. Call special meetings of the Convention upon written petition of two-thirds (2/3) of the total members of the Annual Convention delegates or by a two-thirds (2/3) vote of the Executive Board;	
10. Appoint assistants, with notification to the Executive Board, who will serve at his/her pleasure, manage his/her office, speak for and represent him/her, and who, if at the time of appointment were regular members of PEF, shall retain all rights pertaining thereto; such appointments shall be limited to budgetary provisions for such employees;	<i>Staff</i>
11. Provide for the holding of Regular and Special Elections to fill any vacancies for Officers, Trustees, and Executive Board Representatives pursuant to Article X;	
12. Set and implement policy for this union between Executive Board meetings subject to the subsequent review of the Executive Board;	<i>Limited policy setting power</i>
13. Be an ex-officio member of all standing and special committees or designate his/her representative to same;	
14. Call and conduct membership meetings;	
15. Together with the Secretary-Treasurer or his/her designee, sign all checks and vouchers;	<i>Share fiscal controls</i>
16. Designate a signatory, with notification to the Executive Board, to sign checks and vouchers in his/her absence;	
17. Submit to the appropriate membership for ratification the complete text of any collective bargaining agreement between PEF and an employer, after such agreement has been approved by the Executive Board under Article VII.D.13. of this Constitution;	<i>Contract ratification</i>
18. Fulfill such other duties as his/her office requires and as are consistent with this Constitution and the Special Rules of Order.	
E. Secretary-Treasurer	
The Secretary-Treasurer shall be elected by vote of the entire membership except for the Founding Convention where he/she shall be elected by the delegates to the Convention. The Secretary-Treasurer shall serve on a full-time basis. The Secretary-Treasurer shall:	<i>Duties of the Secretary-Treasurer</i>
1. Assume the duties of the President in his/her absence;	<i>Act in President's absence</i>

2. Keep accurate account of all receipts and disbursements and of all monies, securities and property owned by PEF;
3. Conduct official correspondence and be responsible for the seal and official papers;
4. Give timely notice and publish an agenda of all meetings and conventions as required by this Constitution and the Special Rules of Order;
5. Maintain financial and membership records and report to the President and Executive Board at regular meetings;
6. Prepare an annual line-item program budget for consideration by the Executive Board;
7. Provide membership accessibility to financial and membership records; the Executive Board shall adopt reasonable procedures for this process that shall not abridge this membership right nor unduly burden the Secretary-Treasurer;
8. Make a full report of all matters relative to his/her office at each Convention;
9. Be covered by an appropriate bond, and provide for the bonding of the President, his/her designee as provided in Article VI D. 15., and any other individual proposed by the Secretary-Treasurer and approved by the Executive Board. The cost of any such bonds shall be at PEF expense;
10. Receive, collect and deposit all monies due this organization;
11. Contract with an independent Certified Public Accounting firm to oversee and conduct a certified annual audit of all the financial transactions of PEF, and to publish the official yearly audit in the PEF union newspaper to be sent to all PEF members;
12. Together with the President, or his/her designee, sign all checks and vouchers for the withdrawal and disbursement of funds belonging to this organization. The Secretary-Treasurer may also designate a signatory, with notification to the Executive Board, to sign all checks and vouchers in his/her absence;
13. Maintain at PEF headquarters a membership roster, including as far as practical, specific rosters of departments, title groups, and other governance and service area membership groups; updates of these rosters shall be made in a timely manner as the information becomes available;
14. Assure that monies appropriated by the Convention or the Executive Board be actually disbursed and employed for the intended purposes, making report of any irregularities to the membership;
15. Assist the Trustees in the discharge of their duties;
16. Be a member of the delegation and represent PEF at conventions of organizations with which it is affiliated;
17. Be empowered to execute all secretarial functions of this union not specifically delegated.

Chief fiscal officer

Chief Secretarial Officer

Record Keeping

Budget

Records open

Reports

Bonded

Yearly Audit

Co-sign all disbursements

Membership lists

Spend monies consistent with policies

Represent PEF

F. Vice Presidents

The three (3) Vice Presidents shall be elected by vote of the entire membership except for the Founding Convention where they shall be elected by the delegates to the Convention. The Vice Presidents shall:

Statewide Vice Presidents

1. Insure proper and adequate service to the PEF membership statewide;
2. Perform those duties specifically delegated to them by the President, the Executive Board, the Constitution and the Special Rules of Order;

Membership service advocate Duties

<p>3. Be a member of the delegation and represent PEF at Conventions of organizations with which it is affiliated;</p>	<p><i>Represent PEF</i></p>
<p>4. Generally assist the President in his/her duties.</p>	<p><i>Assist President</i></p>
<p>G. Regional Coordinators</p>	<p><i>12 Regional Coordinators</i></p>
<p>There shall be twelve (12) Regional Coordinators, one from each region. Each Regional Coordinator shall be an active member of that regional constituency, elected by the members of his/her region and responsible to them. The Regional Coordinator shall:</p>	
<p>1. Insure that services are satisfactorily provided to all members and fee payers in the region he/she serves;</p>	<p><i>Membership Service advocates for region</i></p>
<p>2. Make quarterly reports to the President; present it to the Executive Board and distribute to his/her specific constituency on the level of service provided to the membership and make recommendations for the improvement thereof;</p>	<p><i>Report to Executive Board and Constituents</i></p>
<p>3. Prepare a proposed regional spending plan to be submitted to the Secretary-Treasurer; modify, if necessary, this spending plan based upon the monies actually allocated to the region in the annual budget adopted by the Executive Board and share this plan with the elected PEF leadership and stewards in the region;</p>	<p><i>Share Spending Plan, report same</i></p>
<p>4. Hold meetings as necessary;</p>	<p><i>Meetings</i></p>
<p>5. Serve as chairperson to all regional steward meetings and general membership meetings;</p>	
<p>6. Perform other duties as requested by the President, Executive Board or his/her constituency.</p>	<p><i>Implement policy</i></p>
<p>Article VII EXECUTIVE BOARD</p>	
<p>A. Purpose and Procedures:</p>	
<p>The Executive Board shall serve as the policy setting body between Conventions and will be a forum for the exchange of ideas between the representatives of the various membership constituencies to decide upon their common goals after deliberation.</p>	<p><i>PEF's Legislature</i></p>
<p>1. The Executive Board will meet at least once in each quarter of the year on a regular schedule and additionally when called by the President or convened by written petition of a majority of its members. The latter two will be known as special sessions. Minutes of each Board Meeting shall include an attendance list and will be recorded by the Secretary-Treasurer. The minutes will be distributed to the Board Members at least two weeks prior to the next meeting. The minutes, after approval by the Board at its next meeting, shall be maintained at all PEF offices and be available there for inspection by the PEF membership.</p>	<p><i>Meetings</i> <i>Minutes</i></p>
<p>2. The proposed agenda for regular meetings shall be sent two weeks before the meeting to all Board Members. Notice of special sessions shall include the proposed agenda and be sent in as timely a fashion as possible.</p>	<p><i>Agenda</i></p>
<p>3. A quorum of the Executive Board shall consist of a majority of the total number of Executive Board seats established by Article VII.C. of the PEF Constitution when such seats are filled.</p>	<p><i>Quorum</i></p>
<p>B. Eligibility: To be eligible to be an Executive Board Representative an individual must be:</p>	<p><i>Eligibility</i></p>
<p>1. A regular member of PEF who has performed paid services in a job title represented by PEF for at least one hundred eighty (180) days immediately preceding the final date for nominations, or a duly elected Officer or Trustee of PEF. This one hundred eighty (180) day requirement is waived for elections for new Bargaining Units for one hundred eighty (180) days after affiliating with PEF.</p>	
<p>2. Be eligible to vote for the Executive Board Representative seat for which he/she is a candidate.</p>	

C. Composition:

The Executive Board shall be composed of the Officers, Board Representatives, and a Retiree Representative appointed by the President.

1. Executive Board Representatives shall be Departmental representatives. For the Founding Convention, all Board Members shall be apportioned on a Departmental basis. This and all subsequent apportionments shall allow, regardless of membership size, a minimum of one representative to each Department, as defined in the New York State Legislative Manual. For the purposes of representation under Article VII, all agencies within the Executive Department with 300 or more PEF members shall each be deemed a single Department, all New York State Public Authorities shall be deemed to be a single Department; all New York State Public Benefit Corporations shall be deemed to be a single Department; all Political Subdivisions of New York State shall be deemed to be a single Department; all not-for-profit/charitable organizations shall be deemed a single Department; and all other private sector employers shall be deemed a single Department.
2. All apportionments shall require that each representative have a specific membership constituency to whom he/she is responsible and of which he/she is an active member. This constituency size shall have a five hundred (500) membership basis.
3. If a Department has a membership size greater than seven hundred fifty (750), an extra representative shall be provided for each additional five hundred (500) members or any fraction thereof. This multiple representation shall be defined at a caucus of the Department's delegates to achieve an equitable internal sub-division, which creates a specific constituency for each representative. This constituency division may be based on facility location, work station, professional function, title classification groupings, regional areas, any combination of these, or any other basis acceptable to a majority of a quorum of the delegates attending the caucus.
 - a. At each Annual Convention held immediately prior to the next Regular Election of Executive Board Representatives, the delegates representing each Department must, prior to the close of that Annual Convention, present to the Secretary-Treasurer their plan for the election of Executive Board Representatives from their Department.
 - b. Such plan must demonstrate that:
 - (1) No member of the Department is eligible to vote for more than one Executive Board Representative, and;
 - (2) That each member of the Department is eligible to vote for a single, specific Executive Board Representative.
4. The Founding Convention apportionment for Executive Board Representatives may be modified with time following the alternatives outlined in the Article on Divisions, the only requirement being that a local unit coalition have five hundred (500) members and that these members be subtracted from the Departmental membership rolls before apportionment for the next election.
5. On the date when a duly elected Executive Board member transfers, is promoted or otherwise undergoes a change which removes him/her from membership in the constituency which he/she represents, that Executive Board seat will become vacant.

D. Powers and Duties

The Executive Board shall:

1. Adopt an agenda for each meeting;
2. Approve and adopt all minutes of its meetings;
3. Set the policy for this union between Conventions;

17 officers, retiree & departmental reps

Executive Board representatives – departmental basis

One rep per 500 basis

Constituency determination process

Vacancy defined

Duties

Set policies

4. Interpret the Constitution, the Special Rules of Order and all policies;
5. By a majority vote at two successive regular meetings establish standing procedures, consistent with this Constitution, to be known as the PEF Special Rules of Order.
 - a. To be considered, all such proposed Special Rules of Order shall be submitted in writing to the Secretary-Treasurer at least three (3) weeks prior to the scheduled date of the regular Board meeting. Such proposed Special Rules of Order shall be appended to the proposed agenda and distributed pursuant to Section A. 2. above.
 - b. Adopted Special Rules of Order shall be appended to the Constitution;
6. Approve the annual budget, the quarterly financial reports and act upon expenditures and transfers which may require modification of the budget;
7. Establish and provide for the implementation of procedures for special elections to fill all vacancies for Officer, Trustee, and Executive Board Representative positions which occur, and establish and provide for the implementation of schedules and procedures for nominations and elections for all other elective union positions, consistent with this Constitution and the Special Rules of Order;
8. Consider and approve nominations for appointments to the Regular, Special, and Delegate Elections Committees;
9. Recommend an Order of Business and Rules of Procedure to the Convention;
10. Recommend a Legislative Agenda to the Convention;
11. Provide for the implementation of general policies established by the Convention;
12. Establish procedures to allow the membership to review PEF membership records and financial documents;
13. Review and approve or disapprove the complete text of all collective bargaining agreements between PEF and any employer. Only approved agreements are then submitted to the appropriate membership for ratification pursuant to Article VI.D.17;
14. Review and approve or disapprove the complete text of any and all collective bargaining agreements and/or any employment contracts between PEF (as an employer) and any PEF staff and/or their certified collective bargaining agent(s).
15. Establish and provide for the implementation of policies and procedures for the selection and/or election of Departmental, Agency and all other Labor-Management committees as may be provided for in any collective bargaining agreement, if such agreement does not specify the composition of same. Such policies and procedures shall provide for equitable representation from the Divisions representing PEF members in the said Department, Agency or other Labor-Management committee's constituency. Such policies shall provide for the participation of Departmental Executive Board Representatives and Division Council Leaders to the extent feasible, subject to contractual and fiscal constraints. Executive Board Representatives shall serve on their respective agency-level labor/management committee.
16. Perform other duties as provided for in this Constitution and the Special Rules of Order.

*Interpret
Constitution
Set standing
policies*

Adopt budget

Election Rules

*Legislative
agenda*

*Ensure open
records*

*Approve
contracts*

Article VIII TRUSTEES

There shall be three (3) Trustees elected by vote of the entire membership.

*Statewide
Trustees*

The Trustees shall:

- A. Periodically review the fiscal records no less than semi-annually, in cooperation with the Secretary-

*Fiscal/organiza-
tional review*

Treasurer and a Certified Public Accountant;

- B. Document and report to the membership any activities of this Federation they perceive as not being in the interest of the membership;
- C. Attend all Executive Board meetings, and have the right to address that body.

Reports

Article IX NOMINATIONS

A. For Founding Convention

*Nomination
for offices*

Nominees for election to the offices of this union, the Trustee positions, and Executive Board Members shall be regular members of PEF. Nominations shall be made by the delegates of the Annual Convention in the following manner:

- 1. President, three (3) Vice Presidents, Secretary-Treasurer and three (3) Trustees shall be nominated by any member of the Delegate Convention.
- 2. Candidates for the Executive Board and Regional Coordinators shall be nominated by the delegates in their respective constituencies. Eligible candidates must be selected from within the constituency.
- 3. No person shall be nominated for more than one office or position.

B. Subsequent Nominations

- 1. Nominations for all subsequent elections shall require a petition signed by 10% of the membership of the appropriate constituency. Regular nominations shall begin on the last Monday in March and continue for thirty (30) days in each election year.
- 2. No person shall be nominated for more than one office or position.
- 3. When only one person is duly nominated for a position, that person shall be deemed elected upon the date of the close of the nomination period.

Article X ELECTIONS

Elections for all offices in this union shall be voted on by the appropriate constituency. Regular Elections shall be held every three (3) years.

*Regular Elections -
every 3 years, by
Constituency*

A. Regular Elections

- 1. For Founding Convention, the Officers, Executive Board Members and Trustees shall be elected by majority balloting of the delegates of the appropriate constituency at the Convention.
- 2. Subsequent elections shall be by membership vote of the appropriate constituency. Statewide and Executive Board elections shall be by secret ballot and certified by the American Arbitration Association. The election balloting shall commence on the first Monday in June and continue for three (3) weeks. Elections shall be by majority vote of regular members of PEF voting in any election.

*AAA secret
ballot*

B. Special Elections

- 1. Special Elections to fill vacancies shall be scheduled on a quarterly basis, with elections commencing on or about the first of January, April, July and October for vacancies occurring within the previous quarterly election period.
- 2. Vacancies occurring on or after January 1 in the year of the Regular Elections will not be filled by a Special Election. These vacancies will be filled by the Regular Elections.

*Specifications
for filling
vacancies*

3. Persons elected in Special Elections shall take office immediately upon certification of the election count by the American Arbitration Association (AAA) and shall serve until the expiration date of the term.

Article XI TERM OF OFFICE

- A. The term of office for all Officers, Trustees and Executive Board Representatives shall be for three (3) years, except for those elected by special election in which case the term of office will run until the next Regular Election.
- B. For the Founding Convention, the term of office shall commence on October 12, 1979. All subsequent regular terms of office shall commence on August 1 in each election year.
- C. The term of office of all Stewards and Division Officers shall be established pursuant to Article XX, Section B., Paragraph 6.
- D. Upon the expiration of their term of office, each Officer, Trustee or Executive Board Representative shall turn over all PEF records and property in their possession to their successor in an orderly fashion.

Terms of office

Article XII RECALL

A petition signed by 60% of the regular membership in any constituency, which requests the removal of that constituency's officer or representative, shall remove that person from office upon certification of the petition by the Secretary-Treasurer; provided, however, that should the Secretary-Treasurer be the subject of the recall, the President shall provide such certification. A vacancy which occurs as a result of a recall shall be filled pursuant to Article X, above.

Removal by popular demand

Article XIII IMPEACHMENT

- A. Impeachment proceedings may be initiated in circumstances of criminal actions or actions which are detrimental to union interest. Such proceedings shall be initiated by any one of the following:
 1. A petition of 25% of the regular membership of the appropriate constituency;
 2. An affirmative vote of 60% of the PEF Executive Board;
 3. An affirmative vote of 60% of the Annual Convention.
- B. Proceedings shall include hearings before the PEF Executive Board. Upon two-thirds (2/3) vote in favor of impeachment, the Executive Board shall send a mailing to the members with a statement for and against impeachment based upon the hearing. The statement against must be prepared with input from the person against whom the proceeding is held.

Removal for cause

No false information shall be knowingly allowed into this statement. The statement in favor of impeachment must be based upon available evidence and facts brought forth during the hearing.

Members are then to be polled under the auspices of the American Arbitration Association. A majority vote of those members voting would consummate the act of removal from office. A vacancy which occurs as a result of this process shall be filled pursuant to Article X, above.

Article XIV CONTRACT AND NEGOTIATIONS COMMITTEES

For each bargaining unit represented by PEF there shall be established a Contract and Negotiations Committee of unit members which shall be charged with collecting the input and expertise of its membership for negotiations purposes.

Contract committees by bargaining unit

These committees shall be appointed pursuant to Article VI.D.6 and shall have a broad-based composition to ensure that both the terms and conditions of employment and professional concerns of the unit are considered.

Composition

The Contract and Negotiations Committee of each unit shall approve any tentative collective bargaining agreements before referral to the Executive Board for action pursuant to Article VII D.13.

First level approval

Article XV DUES

PEF shall finance its operations by the receipt of membership dues and agency fees as provided by New York State law.

Revenue: dues and agency fees

Membership shall be maintained by the regular payment of dues. Dues for all categories shall be set by a sixty percent (60%) vote of the Convention. Members not paying dues by payroll deduction shall pre-pay dues on a quarterly basis. Members with dues in arrears for more than one quarter shall lose their membership status.

Required for membership

Regular members who are part-time or hourly employees shall pay pro-rata dues. It is the duty of such employees to notify PEF of such status. For the purpose of establishing a division, the requirement of the payment of dues may be waived by the Executive Board for members of newly organized groups. This waiver shall not extend beyond the time required to negotiate an initial contract between the employer and PEF.

*Part-time dues
Dues Waiver*

Article XVI CONVENTION

A. Procedures

1. The Convention shall meet once annually between September 1st and November 30th at a time and place determined by the Executive Board and at such other times as prescribed by this Constitution.
2. A parliamentarian appointed by the President shall be in attendance at all sessions of the Convention. The Convention shall be conducted according to the rules established by the Convention delegates. In any matter not addressed, Robert's Rules of Order as most recently revised, shall prevail.
3. A list of elected delegates including department, agency, title, title groupings, division and region shall be printed in the official union publication at least 30 days prior to the convention.
4. A record of the proceedings shall be maintained at the headquarters of PEF and be available for inspection by any PEF member.
5. On all voting, including roll calls, in the Annual Convention, each delegate shall be entitled to one (1) vote. No transfer or substitution of voting rights shall be allowed.
6. A majority of the registered delegates shall constitute a quorum.
7. A one-third (1/3) vote of the registered delegates present and voting shall be required in order to have a roll call vote on any matter before the Convention.

*Annual Autumn
Convention*

Rules

Delegate lists

Open records

Voting

Roll call

B. Composition

The Convention shall be composed of:

1. All duly registered delegates;
2. Officers, Executive Board Representatives and Trustees.

Composition

C. Representation

1. Representation to the Convention shall be assigned on a one member/one vote basis with one delegate per fifty (50) regular members or major fraction thereof.

Representation

Delegates from the departmental and agency level followed by work location shall be elected according to the schedule and procedures established by the Executive Board to achieve a broad based accountability. The schedules and procedures shall specifically provide for delegate eligibility, delegate apportionment, nomination and election rules, and any other matters

deemed necessary, and shall be furnished at the same time and in the same manner as the nomination petitions for delegate elections.

2. Representation for the Convention shall be based on the number of regular members paying dues as of the first pay period in March proceeding the Convention.
3. Delegates to the Convention shall be elected by a secret ballot vote of the members of their respective constituencies as established by the Executive Board in the schedule and procedures submitted with nominating petitions.
4. Delegates must be regular members in good standing in order to be elected and serve as delegates. When an alternate is available to serve, an elected delegate transferred out of his/her constituency between the final date of nominations as a delegate and the date of the annual convention shall be ineligible to serve as a delegate at that convention, provided, however, that this shall not apply to involuntary transfers or layoff situations.

D. Power and Duties

Powers & duties

The delegates shall:

1. Except for matters decided by referendum, have the final power of authority in the organization. A matter decided by referendum may not be taken up again at a Convention before two (2) years have elapsed;
2. Act on seating of contested delegates;
3. Adopt an Order of Business and Rules of Procedure for its operation;
4. Require, receive and approve reports;
5. Adopt a legislative program;
6. Act on amendments to the Constitution of PEF;
7. Establish general policies through resolutions and act on other business as necessary;
8. Meet upon call of the President;
9. Serve until the next Annual Convention;
10. Direct the President to call a special meeting of the Convention upon a written petition of two-thirds (2/3) of the total delegates of the Annual Convention.

Decision makers

Amend Constitution

Special conventions

Article XVII REFERENDA

- A. The highest level of governance in PEF shall be the referendum of the entire regular membership. Positions or policies established by referendum shall not be subject to reversal or modification by any PEF governing body nor be subject to a subsequent referendum for a period of at least two (2) years.
- B. A referendum shall be called by a vote of two-thirds (2/3) of either the Executive Board or the Convention, or by a petition signed by twenty (20) percent of the regular membership, this membership size being the total taken for the last Annual Convention delegate election.
- C. Matters not subject to referendum are:
 1. Employment, assignment, promotion, discharge or compensation of staff;
 2. Issues or programs requiring a budgetary expenditure of funds or a change in PEF's dues structure.

Power of referenda

How called

Limitations

D. Procedure for Referendum shall be as follows:

1. For the purposes of this Article, the term "Referendum Statement" shall mean a clear statement of the issues on which the referendum is to be held, or in the case of a Constitutional provision or substitution, a complete copy of the new Constitution, or provision.
2. Within thirty (30) days of a vote for a referendum by the Executive Board or Convention, the Secretary-Treasurer shall mail a copy of the referendum as it will appear on the ballot to every regular member; or, in the alternative, have the referendum published in the official PEF newspaper with copies of the newspaper sent to each member.
3. In the case of a membership petition, a copy shall be filed with the Secretary-Treasurer prior to the first day of circulation by any member. The petition shall conform to the rules in effect for petitioning during the last Presidential Election except that each petition shall be dated and the date of each signature shown. The completed petition showing the required number of signatures shall be filed with the Secretary-Treasurer within ninety (90) days of the original filing of the petition copy with the Secretary-Treasurer.
4. The Secretary-Treasurer upon receipt of a petition containing the required number of signatures shall have thirty (30) days to validate the signatures before mailing or publishing a copy of the referendum statement.
5. The referendum shall be held by secret ballot and certified by the American Arbitration Association. All ballots are to be mailed within fifteen (15) days of the mailing or publication of the referendum statement.
6. The results of a Referendum shall not be considered valid unless at least forty percent (40%) of the regular membership of PEF have returned ballots.
7. Amendments to this Article approved by the 1985 Convention will become effective April 1, 1986.

Article XVIII AMENDMENTS

- A. An amendment to this Constitution may be proposed by a majority vote of the Executive Board. An amendment to this Constitution may also be proposed by a petition of ten percent (10%) of the regular membership, this membership size being a total taken for the last Annual Convention delegates' election; or by a petition of twenty-five percent (25%) of the delegates to the previous Annual Convention. However, any Referendum affecting this Constitution shall be conducted pursuant to Article XVII.
- B. In order to be considered for adoption, a proposed amendment shall be submitted in writing to the Secretary-Treasurer at least sixty (60) days prior to the Annual Convention at which it is to be considered.
- C. A proposed amendment shall be published in the official publication of PEF at least thirty (30) days prior to the Annual Convention at which it is to be considered.
- D. Copies of a proposed amendment to be acted upon shall be available for each member of the Convention at least three (3) hours prior to the vote upon the amendment.
- E. This Constitution may be amended pursuant to Article XVII, or by a two-thirds (2/3) vote of the members of the Convention present and voting, provided that an affirmative vote shall represent at least a majority of the registered delegates to the Convention.

How proposed

Article XIX PARLIAMENTARY AUTHORITY

- A. Meetings of all duly constituted bodies of this union shall be governed by this Constitution, the Special Rules of Order, and for the Convention, the Convention Rules; any matters not addressed by the Constitution or the Convention Rules, Robert's Rules of Order, as most recently revised, or the Special Rules of Order as authorized in Section B of this Article or other procedural rules, as

Meeting rules

appropriate shall prevail.

- B. A compilation of all Special Rules of Order in effect at the time of the publication shall be appended to the Constitution: such Special Rules of Order shall be adopted by the Executive Board by majority vote at successive meetings, provided, however, that a proposal for any such Special Rule of Order shall have been submitted in writing to the Secretary-Treasurer at least three weeks prior to the scheduled date of any regular Executive Board meeting at which its initial consideration is proposed so that it may be included in the Proposed Agenda for such Board meetings in accordance with the provisions of Article VII. Section A.2 of this Constitution.

Article XX PEF STRUCTURE

A. Division Composition

1. A Division, which shall consist of a minimum of fifty regular PEF members, may be formed by a petition to the Secretary-Treasurer of the regular PEF members in Departments; Facilities; Agencies; Authorities; NYS Benefit Corporations; Political Sub-divisions; not-for-profit/charitable, for-profit organizations or geographical areas, subject to a ratification vote by the proposed Divisional constituency and subsequent approval of the PEF Executive Board. Exceptions to the provisions of this Section 1. may be granted by a majority vote of the PEF Executive Board, provided that no person may be a member of more than one Division.

Divisions

Each proposed Division shall establish a Division Constitution which shall be consistent with the PEF Constitution and Special Rules of Order and which shall be approved by the PEF Executive Board. Any subsequent amendment to a Division Constitution must be consistent with the PEF Constitution and Special Rules of Order and must also be approved by the PEF Executive Board.

2. An official designation of a Division, to be known as a Division Charter, shall be issued, suspended or revoked for cause by a majority vote of the PEF Executive Board.

Establishment

B. Division Steward Council

1. Stewards elected by the PEF membership of a chartered Division shall constitute that Division's Steward Council, except as otherwise provided by that Division's Constitution. Nominees for positions of Steward and Division Steward Council member shall be regular PEF members of the Division's constituency.
2. In order to provide for orderly spending consistent with PEF fiscal policies and to adequately project for needed funding each Division Steward Council shall approve an annual budget based upon available funding – per capita payments and all reserve funds, if any. A copy of the Division's approved annual budget shall be filed with the PEF Secretary-Treasurer within 30 days of adoption.
3. The PEF Executive Board shall establish and publish reasonable policies, procedures, rules and guidelines for the expenditure of all monies and the reimbursement of incurred expenses by chartered Divisions.

*Divisions
Divisional
constitutions*

*Fiscal rules
Budget*

Division Policies

Such policies and procedures shall provide for two signatories for all disbursements; receipts for all expenditures; accounting of all revenues; compliance with applicable NYS and federal statute and regulations; and be in conformance with general AFL-CIO union local accounting practices. The PEF Secretary-Treasurer shall provide an initial start-up fund of \$500.00 for each newly chartered Division.

*Division Fiscal
Rules*

4. Each Division Steward Council shall meet at least four (4) times a year.

4 meetings per year

5. A quorum of the Division Steward Council shall be a majority of its members.

Quorum

6. The term of office for all Stewards and Division Officers shall be three (3) years, unless a shorter term of office is specified in the Division's Constitution.

Term of office

7. In the event a Division Steward Council fails to schedule an election when due, the PEF President shall take whatever action deemed necessary to ensure that the election is held.

*Presidential
oversight*

Article XXI REGIONS

- A. There shall be twelve (12) regions of PEF. This regionalization is intended to keep PEF services and organization at a reasonable proximity to the membership. These regions shall allow general membership meetings to be held within a reasonable travel time/distance for all members of the regional constituency. Further, these regions shall assure that all regular members shall have the representation and service guarantee of their Regional Coordinators, no matter how remote their location or small their constituency size. The regions shall be comprised as follows:
 - 1. Region One shall include the counties of: Niagara, Erie, Wyoming, Cattaraugus and Chautauqua;
 - 2. Region Two shall include the counties of: Allegany, Steuben, Yates, Schuyler and Chemung;
 - 3. Region Three shall include the counties of: Orleans, Genesee, Monroe, Livingston, Ontario and Wayne;
 - 4. Region Four shall include the counties of: Seneca, Cayuga, Cortland, Onondaga, Oswego and Jefferson;
 - 5. Region Five shall include the counties of: Tompkins, Tioga, Broome, Chenango, Otsego and Delaware;
 - 6. Region Six shall include the counties of: Oneida, Lewis, Herkimer, Hamilton, Fulton, Montgomery and Madison;
 - 7. Region Seven shall include the counties of: St. Lawrence, Franklin, Clinton, and Essex;
 - 8. Region Eight shall include the counties of: Albany, Warren, Washington, Saratoga, Schenectady, Schoharie, Rensselaer, Greene and Columbia;
 - 9. Region Nine shall include the counties of: Ulster, Sullivan, Orange, Rockland, Dutchess, Putnam and Westchester;
 - 10. Region Ten shall include the counties of: New York and The Bronx;
 - 11. Region Eleven shall include the counties of: Richmond, Queens and Kings;
 - 12. Region Twelve shall include the counties of: Nassau and Suffolk.

NYS divided into 12 regions, by counties

Article XXII BILL OF RIGHTS FOR PEF MEMBERS

- A. No person, otherwise eligible for membership, shall be denied membership on the basis of race, color, sex, age, creed, national origin, disability, prior union membership, sexual preference or political persuasion.
- B. Members shall have the right to receive accurate information relating to the affairs of the union.
- C. An annual financial report will be printed in the union’s publications.
- D. Members shall not be restricted in the exercise of their right of freedom of speech concerning the operation of this union or any other. Active and open discussion of union affairs and the expression and/or publication of views of union members shall be protected within this union.
- E. Members shall be encouraged to participate in the affairs, management and administration of this union.
- F. A constituency, be it statewide, regional, departmental, division, title group or sub-division thereof, shall have the sole right to determine its leadership.

Member rights guaranteed

Anti-Bias

Truth/accuracy

Free speech

Participation

Self-determination

- | | |
|--|--------------------------------------|
| G. All collective bargaining agreements shall require ratification by majority of the votes cast by the regular membership of the appropriate constituency. Ample notice shall be given prior to the ratification vote in order to allow the membership time to review the complete text of the collective bargaining agreement. | <i>Contracts ratified by members</i> |
| H. The membership shall be given 60 days written notice of the pending consideration by an upcoming Convention of any change in the dues or dues structure. | <i>Dues notice</i> |
| I. PEF shall provide adequate and competent staffing necessary for serving the membership. Membership service shall be a primary goal of PEF. | <i>Staffing guarantee</i> |
| J. Communication to the membership shall on all matters be timely and accurate. | <i>Timeliness</i> |
| K. When acting in their official capacity all officials of PEF shall act only in the best interests of PEF and its members. | <i>Conflict of interest</i> |

Article XXIII DUTIES OF A STEWARD

Duties of a steward shall include but are not limited to:

- | | |
|--|---|
| A. Completing as soon as possible after his/her initial election, the Steward Training Certification Program as prescribed by PEF; | <i>Stewards
Training Requirements</i> |
| B. Communicating union news and policy to the membership at the site he/she represents and all information that comes to him/her from the union, and conveying to the PEF leadership the concern, new developments and problems of the membership or the Division; | <i>Communication</i> |
| C. Acting as the first-line liaison between management, the union leadership and membership for the resolution of problems and the handling of grievances; | <i>Liaison</i> |
| D. Being able to prepare a meeting agenda, conduct an effective meeting following that agenda; to familiarize himself/herself with PEF rules of parliamentary procedure and Robert's Rules of Order and be able to comply with the same; | |
| E. Making himself/herself knowledgeable with the respective PEF collective bargaining agreement(s), the steward manuals, departmental/agency procedures and policies as well as the Civil Service Law, if applicable; | <i>Knowledge</i> |
| F. Posting all information he/she receives from the union; and making every effort to fully understand the contents in order to be prepared for questions from the membership; | <i>Posting</i> |
| G. Recruiting new members and seeing that new employees are given the proper orientation to both their work and their union. This orientation should encourage new employees to get involved in union activities; | <i>Organize and orient new members</i> |
| H. Interact knowledgeably and appropriately with management and his/her peers, keeping in mind that his/her physical appearance, promptness and courtesy help to make the task less of a challenge; | |
| I. Representing his/her constituency at divisional, regional and meetings of organized labor in the community; | <i>Representation</i> |
| J. Developing personal skills and competencies to provide valuable contributions and sincere and dedicated service to the union and his/her constituents, demonstrating at all times the professional attitude this union exemplifies; | <i>Personal Responsibility</i> |
| K. Conducting his/her PEF activities with honesty and integrity. | |

APPENDIX A

PEF Job Title Groupings

- A. Nurses and Related Nursing Titles
- B. Engineers, Right-of-way Agents, Designers, Architects, Drafting and Related Engineering Technicians, Pilots and Conservation Titles
- C. Teachers, Librarians, Trainers, and Related Educational Titles
- D. Doctors, Dentists, Psychiatrists, Psychologists, Dieticians, Veterinarians, Pharmacists, Health Care, Home Economist and Related Medical Researchers
- E. Social Workers and Social Services
- FQS. Chaplains, Scientists, Cultural Affairs Specialists, Related Arts and Sciences Professionals, Management Personnel and Related Administration Specialists, Planners and Supervisors
- G. Attorneys, Referees, Hearing Officers, Hearing Examiners, Mediators and Judges
- H. Therapists—Rehabilitation
- J. Parole Officers, Drug Abuse Counselors, and Related Law Enforcement Professionals
- KR. Computer Professionals, Superintendents, Maintenance Specialists, Technicians and Skilled Tradesmen
- M. Claims Examiners, Investigators and Inspectors
- N. All Counselors
- O. Interviewers, Manpower Specialists, OJT Specialists, Apprenticeship Representatives, Consultants and Field Representatives
- P. Accountants, Auditors, Estimators, Examiners, Appraisers, Analysts, Reporters, Statisticians, Economists and Head Clerks

Note: This list is reprinted from the Affiliation Agreement of September 1979 among PEF, AFT and SEIU. Title Groups A, B, C, D, F, Q, and S are eligible to run and vote for AFT convention delegates, while groups E, G, H, J, K, M, N, O, P and R are eligible to run and vote for SEIU convention delegates.

APPENDIX B

SPECIAL RULES OF ORDER

1. Convention Rules

A. Convention Hours

The hours of the convention during which convention business shall be conducted in the convention hall shall be from 9:00 a.m. through 5:30 p.m. unless otherwise determined by the Chair. The Convention hall is defined as that area in which plenary sessions are held, including designated delegate, staff, and visitor sections.

B. Credentials

Convention badges must be worn at all times while in the convention hall. The credentials of all delegates, staff, guests, and visitors must be displayed in a manner so that they may be easily seen by the Sergeants-at-Arms attending the doors. All questions concerning the legitimacy of the delegates' credentials shall be directed to the Credentials Committee.

C. Sergeants-at-Arms

1. Sergeants-at-Arms shall be in attendance at all sessions and stationed at the entrance doors and floor microphones.
2. Those Sergeants-at-Arms assigned to the entrance doors of the convention shall not admit any person to the hall when a vote is in progress.
3. The Sergeants-at-Arms shall not allow any individual into the convention hall who does not have the appropriate badge displayed on his/her person. They shall keep proper check on delegates, staff, guests, and visitors and see that all are seated in their designated areas.
4. In the case of a call for quorum, or if the need for a counted vote occurs, the Sergeants-at-Arms will ensure that all doors to the Convention hall are closed and delegates are seated in their designated areas.
5. The Sergeants-at-Arms are charged to see that order and decorum is maintained in the convention hall by all those in attendance at all times. At least one Sergeant-at-Arms shall be assigned to each floor microphone in order to facilitate their proper use.
6. The Sergeants-at-Arms shall limit the display of placards and banners to the visitors' section, and shall ensure that no delegate distributes printed material in the Convention hall unless directed by the Convention Chairperson.
7. No alcoholic beverages or firearms shall be permitted in the Convention hall during plenary sessions.
8. No artificial noise makers including whistles will be used on the Convention floor or in the hallway.

D. Floor Microphones

1. Each floor microphone shall have an identifying number and the Chair shall recognize speakers in successive numerical order of the microphones.
2. Delegates desiring to speak on the question before the body shall line up at the microphone and wait to be recognized by the Chair.
3. There shall be no more than four delegates desiring to speak on the question lined up at any one microphone at one time.
4. All microphones must be cleared and all delegates shall return to their seats prior to a vote being taken on any particular issue.

E. *Procedure for Recognition to Speak on Convention Floor*

1. Only delegates and invited guest speakers may address the convention. Guest speakers shall be introduced when any matter currently under consideration is disposed of.
2. A delegate may speak to a question on the floor only when he/she is recognized by the Chair.
3. Prior to speaking on the subject and upon recognition by the Chair, a delegate must state his/her name, agency, region, and whether he/she is speaking for or against the motion.
4. No delegate may speak on the same motion more than once.
5. When the Chair entertains a point of order, no further points of order may be raised until the point before the body has been disposed of.

F. *Tellers*

1. Delegates shall be appointed by the Chair of the Convention to serve as Tellers for the purpose of taking an accurate delegate count when required. Each teller shall be responsible for an assigned section of the hall.
2. Only delegates seated in the designated delegate area will be counted. Delegates will stand until counted and notified by the teller to be seated. Delegates serving as Sergeants-at-Arms, Tellers and Timekeepers shall be counted in the sections to which they are assigned. Tellers will stand in front of the section to be counted and delegates will face the teller.
3. Tellers will report the vote count in their assigned sections to the Chair of the Tellers Committee. The Chair will tabulate the vote and notify the Chair of the Convention who will announce it to the delegate body.
4. Any delegate who believes an error has occurred during the count must inform the Sergeant-at-Arms before the vote is tallied and announced. The Sergeant-at-Arms will approach the podium and inform the Chair of the Convention of any problems.
5. Should the count be challenged, the Convention Chair, after consultation with the Sergeant-at-Arms and the Tellers, will determine if a new count shall be taken.

G. *Timekeepers*

Delegates shall be appointed by the Chair of the Convention to serve as Timekeepers to monitor the length of debate and to advise the Chair accordingly. In addition, the time keepers shall perform other functions as assigned by the Chair.

H. *Motions*

1. A motion must be read to the convention by the Chair or designee prior to any discussions and again prior to a vote being taken.
2. When requested by the Chair, a motion must be submitted in writing.
3. The maker of a motion will have the right to speak first or last on the motion, such election being made when the motion is presented and seconded. Such right shall not be abridged by a motion to move or call the question.
4. Debate on each motion will be limited to a maximum of twenty minutes, equally divided between for and against (10 minutes for each side). Each speaker will be limited to two minutes. Notification will be given to the speaker at the end of one minute, and again at the end of two minutes. There upon, the speaker must return to his/her chair. The Chair may not recognize a motion to close debate or table until there has been an opportunity for at least one speaker to speak on each side of the motion. A motion to close debate or move the question is non-debatable and shall be carried by two-thirds of the delegates present. At the end of the ten minute limit for either side, no more speakers for that side will be recognized.
5. A two-thirds vote of the delegates present may extend debate on any issue for an additional ten minutes which is to be allocated five minutes for each side. The extended time is in addition to any time remaining from the original debate. Such a motion is non-debatable.
6. When the difference for a standing count is less than 25 votes between the yeas and nays, an

immediate recount shall occur. The motion shall be determined when either the pro or con has received the majority vote twice, regardless of the difference between the opposing votes.

7. A maximum of 15 minutes shall be allotted for each resolution.

I. *Appeals*

1. An appeal of the ruling of the Chair has preference and must be recognized prior to any other order of business being recognized.

2. An appeal of a decision of the Chair is nondebatable and must be carried by a majority.

J. *Suspension or Amendment of Rules*

Any rule may be suspended or amended by a two-thirds vote of the delegates present. Such a motion is non-debatable.

K. *Committee Meetings of the Convention*

1. The Committee Chair shall at the opening of the first session of the Committee meetings, appoint a secretary, timekeeper, a sufficient number of Sergeants-at-Arms to maintain order in the Committee meeting room, and a sufficient number of tellers to assist the Chair in determining committee votes.

2. Attendance shall be taken in writing at each committee meeting.

3. Only those delegates and other persons properly assigned to the committee in question shall be permitted to remain in the committee meeting and to participate in committee business.

4. The procedures for the governance of the committee meeting shall be governed by these rules of this convention. These procedures shall include but shall not be limited to, limitations on debate, appeals from the decision of the Chairperson, procedures for voting, and procedures for motions.

5. The designated PEF headquarters shall be available for duplication and distribution to delegates of any written committee report for consideration by the delegate body.

6. The recommendations and report of each committee to the convention shall be on the basis of a majority vote of the committee members present and voting.

L. *Unfinished Agenda*

Any Convention resolutions not dealt with by the delegate body shall expire at the close of the Convention.

M. *Applicability*

These rules will remain in effect and govern until such time as superseding rules are adopted at the next annual convention.

ADOPTED: December 3, 1992 Executive Board Meeting
Adopted by the Executive Board
July 27, 1992 and December 3, 1992

SPECIAL RULES OF ORDER

2. Special Rule of Order for the Administration of PEF Constitution Article XII: Recall

PEF Constitution, Article XII, Recall:

"A petition signed by 60% of the regular membership in any constituency, which requests the removal of that constituency's officer or representative, shall remove that person from office upon certification of the petition by the Secretary-Treasurer; provided, however, that should the Secretary-Treasurer be the subject of the recall, the President shall provide such certification. A vacancy which occurs as a result of a recall shall be filled pursuant to Article X, above."

1.) INITIATING RECALL:

Any regular member of PEF may initiate the recall of an elected officer or other elected representative (the "subject of the recall") providing that the initiator of the recall is a member of that officeholder's constituency. To initiate the formal recall process an "intent to recall" notice must be filed with the PEF Secretary-Treasurer, or with the PEF President if the Secretary-Treasurer is the object of the recall, (i.e., filed with the "certifying officer"). The "intent to recall" notice shall list the name of the subject of the recall, the title of the office from which she/he is being recalled, and the name, daytime phone number and address of the PEF constituency member initiating the recall process.

The certifying officer shall send a written notice to the elected individual who is the subject of the recall at her/his address of record immediately upon the receipt of an "intent to recall" notice. The certifying officer shall be responsible for the administration of the procedures contained in the Special Rules of Order.

2.) PETITIONING:

A petitioning period of 45 calendar days shall commence 10 business days after the receipt of the "intent to recall" notice by the PEF certifying officer as described in section 1, above. The purpose of the 10 day delay is to allow an opportunity for the individual who is the subject of the recall to become aware of the intended recall action, and to allow PEF time to prepare petition forms for recording the signatures. Refusal by the subject of the recall to accept notice pursuant to the requirements of the last paragraph of section 1, above, shall not delay the start of the petitioning period.

Signatures shall be gathered on official recall petition forms provided by PEF or on photocopy reproductions of such PEF recall petition forms. All recall petitions shall contain the name of the subject of the recall, his/her elected position (title) and the constituency description for the office as used during the election process. All constituency members wishing to recall the elected official shall personally sign the petition form and legibly print their name and social security number. Illegible names and/or social security numbers shall render the signature invalid. Only original signatures will be accepted; the signing member shall complete all required information.

Only regular PEF members in good standing who are members of record (reference: PEF Constitution Article VI, Section E, paragraph 14.) of the specific constituency shall be eligible to sign a recall petition. The membership roster as of two full payroll periods prior to the date of filing of the "intent to recall" notice shall serve as the official list of all possible signatories (the "constituency") for the recall effort. In the unlikely event that such a list of constituency members cannot be assembled by PEF in the ten business day period between the filing of the "intent to recall" notice and the beginning of the 45 calendar day petitioning period, the constituency shall be defined as those regular PEF members of record who were eligible to vote for the officeholder at the time she/he was elected. For this purpose it shall be PEF policy to have the Secretary-Treasurer keep on file such constituency lists as used for elections for the duration of term of office plus six months. It shall be the responsibility of all elected

PEF officeholders and election committees to assist the Secretary-Treasurer in the maintenance of these constituency lists, pursuant to PEF policies. The constituency list shall be available at the beginning of the petitioning period and shall be provided to both the recall initiator and the subject of the recall, immediately upon request.

Recall petitions may be circulated only by regular PEF members who are eligible to sign the recall petitions, i.e., constituency members. The circulating member shall witness all signatures and required identifying information, etc., as noted above. The circulating member must legibly complete the information requested at the bottom of each recall petition submitted; only original (not photocopied) circulator information will be accepted. A circulator may not witness her/his own signature. Failure to comply with these requirements shall render the entire petition invalid.

3.) INSPECTION:

Recall petition forms submitted to PEF shall be available for inspection at PEF Headquarters by the subject of the recall, the initiator, or their designees, by appointment. The inspection period shall commence with the submission of the first signed recall petition and shall extend to ten business days after the close of the petitioning period for all positions except for those of the PEF Officers and Trustees (reference: PEF Constitution, Articles VI and VIII). The inspection period for PEF Officers and Trustees shall close twenty business days after the end of the petitioning period.

4.) CERTIFICATION:

Petition certification by the certifying officer as defined by the PEF Constitution shall take place during the inspection period; the results shall be reported in writing to both the initiator and the subject of the recall within five business days after the end of the inspection period. The certification of the signatures of 60 percent or greater of the constituency members as defined in section 2, above, shall immediately remove the subject of the recall from the elected office named on the petition.

A vacancy which occurs as a result of a recall shall be filled pursuant to the PEF Constitution, Article X, or as provided by the appropriate Division Constitution.

5.) APPEALS

Appeals to the Executive Board may be made for procedural irregularities only. Such appeals shall be filed in writing with the PEF certifying officer within ten business days of the certification of a recall. Appeals received at least 20 calendar days prior to the next regularly scheduled Executive Board meeting shall be placed on the meeting agenda for consideration. Notice of such appeal shall be immediately sent to both the initiator and the subject of the recall.

An affirmative vote of 1/3 of the Executive Board members present and voting shall be required to hear an appeal. If the Executive Board votes not to hear the appeal, the decision of the certifying officer shall be final.

If the appeal is heard, equal time, up to ten minutes, shall be granted to each of the three parties: the certifying officer, the initiator of the recall, and the subject of the recall. The certifying officer shall not chair the meeting during an appeal. The parties shall present their own arguments or have another PEF member present their case. The decision of the Executive Board shall be final.

*ADOPTED: December 4, 1996 Executive Board Meeting
Adopted by the Executive Board
August 22, 1996 and December 4, 1996*

3. Special Rule of Order on Transition

The purpose of this Special Rule of Order is to establish policy for the orderly transition from one PEF administration to the next. It applies to a change in the Office of the President and/or the Office of the Secretary-Treasurer.

Article XI, Term of Office, D, of the PEF Constitution states:

“Upon the expiration of their term of office, each Officer, Trustee or Executive Board Representative shall turn over all PEF records and property in their possession to their successor in an orderly fashion.”

The transition period for the regular elections is defined as the time between the ballot count by AAA and August 1st. In a Special Election, no transition period would exist.

A transition from one administration to the next should be an open and systematic process which includes regular meetings, shared records, and discussions on current issues. In order to accomplish an orderly transition, the following conditions will be implemented during the transition period.

- Access to all PEF files, books, documents, and records will be made available to the incoming Officer/Officers. All PEF records and property will be turned over to the new Officer/Officers no later than August 1st.
- An outgoing and incoming President will each appoint a staff person to act as the liaison between PEF staff and incoming Officers and/or staff. All staff contacts will be coordinated through these individuals.
- A newly elected President and/or Secretary-Treasurer or their respective designees will each receive ten (10) days of Employee Organizational Leave to use for transitional purposes.
- Office space at PEF headquarters will be provided for a newly elected President and/or Secretary-Treasurer.
- Any long term agreements, such as rent and equipment contracts and MOU's, major payments, or expenditures that could reasonably be postponed until after August 1st may not be executed by an outgoing Officer or Officers.
- No political action contributions shall be made during the transition period without concurrence from the newly elected President and/or Secretary-Treasurer.
- No PEF property may be purchased by outgoing officers or non-unionized staff during the transition period. Outgoing officers or staff may purchase PEF property at fair market value after August 1st.
- No remuneration beyond regular payroll, expense vouchers, other regularly occurring expenditures, or payments in accordance with established Executive Board policies may be made during this period. Severance/separation payments for staff may be made before August 1st, only with the concurrence of the newly elected President and/or Secretary-Treasurer, but no later than August 31st.

ADOPTED: March 2, 2000 Executive Board Meeting

*Adopted by the Executive Board
December 1, 1999 and March 2, 2000*