

## **CONSTITUTION AND BYLAWS**

### **OF THE MARYLAND CLASSIFIED EMPLOYEES ASSOCIATION, INC.**

**AFT LOCAL 1935**

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### **CONSTITUTION**

#### **ARTICLE I- NAME AND AFFILIATION**

1. **Name:** This organization shall be known as the Maryland Classified Employees Association, AFT Local 1935, hereinafter referred to as "MCEA" or "the Union", which shall be organized into Councils made up of public employees throughout Maryland.
2. **Affiliation:** MCEA shall be affiliated with and participate actively in the American Federation of Teachers, the AFT Maryland, the Central Labor Bodies of the AFL-CIO, and the national AFL-CIO.

#### **ARTICLE II-OBJECTIVES**

The objectives of MCEA shall be those prescribed by the Certificate of Incorporation and by the Constitution and Bylaws of the American Federation of Teachers (AFT), including but not limited to the following:

1. To secure full union rights, including the rights to exclusive recognition and collective bargaining, for all employees who are eligible for membership.
2. To advance the economic, social, and political well-being of the membership.
3. To promote the improvement of standards in the employment situation of the

membership.

4. To encourage mutual understanding and cooperation among the membership.
5. To promote the interests of citizens who are served by the membership.
6. To promote the effectiveness and the quality of the institutions in which our members work.
7. To promote democracy, equality, and unionism in the society at large.
8. To secure legislative and administrative actions which will safeguard and promote the goals of our councils.

### **ARTICLE III - MEMBERSHIP**

#### 1. Eligibility

- A. An active member shall be an employee who has signed and filed with the Union a membership application, and who is a full, part-time, or contractual Maryland public employee, and who is in good standing. A member is "in good standing" so long as payroll deduction for MCEA dues is authorized, or instead of payroll deduction, a member has paid dues one year in advance.
- B. A retiree member shall be a member who has legally retired from public service.
- C. Only active members shall have the right to vote on Union matters.
- D. Only active members and incumbent retiree members in good standing may be elected or appointed as an MCEA Executive Officer.
- E. Only active members are eligible to serve as a Council President. Both active and retiree members may serve as Representative Assembly Members, and on committees of the Union. The Retiree Council will elect their own Council President who is a non-voting member of the Representative Assembly.

F. No person shall be denied membership, nor shall this organization ever discriminate against individual members or applicants for membership on the basis of race, creed, color, national origin, disability, gender identity and expression, sexual orientation and social, political or economic status.

2. Dues

Dues: The dues shall include per capita assessments for AFT, AFT Maryland, AFL-CIO, and the Central Labor Body. In addition to the due amount set pursuant to Article II of the MCEA Bylaw, dues shall automatically increase annually, as necessary, by the amount of any increase in per capita assessments.

**ARTICLE IV - ELECTION OF EXECUTIVE OFFICERS**

1. Officers: The Executive Officers of MCEA shall be President, Executive Vice President, Secretary, and Treasurer.
2. Election: Each of the Executive Officers shall be elected in September of every odd-numbered year beginning in 2023. Terms of office shall be two years. The newly elected officers shall take office at the close of the October Representative Assembly meeting following the election. Election for Officers shall be conducted pursuant to Article V of the MCEA Bylaws.
3. Eligibility for office: To be eligible for office a person must be a member of the organization for a period of one (1) year prior to the date of the election.
4. Vacancy: Any vacancy caused by death or resignation shall be filled by a member appointed by the next Representative Assembly.
5. Retirement: An officer who retires from public service during their term of office may serve until the completion of that term.

**ARTICLE V - EXECUTIVE BOARD**

The Executive Officers and the Council Presidents shall make up

the Executive Board.

## **ARTICLE VI- REPRESENTATIVE ASSEMBLY**

1. There shall be a Representative Assembly, comprised of the MCEA Executive Board Officers along with the Council Presidents and Representatives.

A. Council Presidents: Council Presidents shall be the elected presidents from the following Councils, and any Councils added pursuant Article IX Section 6 of the MCEA Bylaws:

- Salisbury University Non-Exempt
- Harford County General Government
- Harford County Detention Center
- University of Maryland Center for Environmental Science (UMCES)
- Bowie State University Police
- Maryland Transit Administration Police (sergeants and supervisors)
- Members At Large
- Supervisors Council
- Retirees (as non-voting council)

B. Each Council shall have one Council President, who shall also serve on the Executive Board. There shall also be one Council Representative for each Council, and one additional Council Representative for every 50 dues paying members beyond the initial 50, as provided below.

C. Councils will be represented in the Representative Assembly as follows:

<u>Council Size</u>	<u>No. of Representatives:</u>
50 or less	2 (Council President or designee plus 1 Representative)
51-100	3 (Council President or designee plus 2 Representatives)

101- 150	4 Council President or designee plus 3 Representatives)
151-200	5 (Council President or designee plus 4 Representatives)
201- 250	6 (Council President or designee plus 5 Representatives)
251-300	7 (Council President or designee plus 6 Representatives)
301- 350	8 (Council President or designee plus 7 Representatives)
351- 400	9 (Council President or designee plus 8 Representatives)

2. Election: The members of the respective Councils shall elect Representatives for a term of two years. The election shall be held between September 1 and September 20 in odd-numbered years. Representatives shall take office on October 1, following their election. Council Representatives shall be elected only from the Councils served. To be eligible to serve as Council Representative an individual must be a member in good standing of the organization for a period of six (6) months prior to the date of the election. The Council President shall be elected pursuant to Article IX of the MCEA Bylaws
3. Regular Meetings: The Representative Assembly shall hold two regular meetings annually. The meetings shall be held on the third Saturday in the months of April and October. The date and time of the meeting may be changed at any regular or special meeting of the Representative Assembly by a majority of those voting on the question. A quorum for doing business at a meeting of the Representative Assembly shall consist of representation from a majority of the Councils in existence at the time of the meeting.
4. Special Meetings of the Representative Assembly:
  - Special meetings may be called at the discretion of the President, or by petition.
  - The President shall call a special meeting within ten working days after receiving a written petition signed by at least 30% of the members of the Representative Assembly, provided at least one half of the Councils are represented among the petitioners.
  - All Representative Assembly members shall be notified at least

ten days prior to any special meeting.

5. Admission of New Councils: The Representative Assembly shall consider applications from prospective Councils who wish to affiliate with MCEA. A majority of those Representatives voting at any regular or special meeting shall be required for the admission of new Councils.

## **ARTICLE VII - CONVENTIONS**

1. A special single-issue convention may be called by the President, by a majority vote of the Representative Assembly, or by a petition signed by a majority of the Council Presidents.
2. Thirty (30) active members shall constitute a quorum required to conduct business at any convention.
3. AFT Convention Delegates: The Executive Board Officers are automatic delegates to the AFT Maryland Convention, and the AFT Convention. Additional delegates and alternates to the AFT Maryland Convention and the AFT Convention, for which MCEA is eligible, shall be elected by vote of the membership.

## **ARTICLE VIII- BUDGET**

The budget year of MCEA shall be from January 1 to December 31. The annual budget shall be prepared by the Finance Committee with the Treasurer as chairperson and then presented to the Executive Board for approval. The budget shall be presented for approval at the October Representative Assembly meeting.

## **ARTICLE IX - RECALL AND DISCIPLINE**

1. Recall Procedures:
  - A. Recall procedures of any Executive Board Officer, Council President, or Representative Assembly member shall be instituted

upon filing of a valid petition for recall with the Secretary of the Union, who shall give receipt for such petition.

B. The petition for recall shall provide a statement of cause. Cause will be defined as:

1. Having engaged in conduct or a course of activity hostile or contrary to the best interests of the members of the MCEA, AFT Maryland, AFT or any other affiliated labor organization;
11. Violation of the MCEA Constitution; or
111. Malfeasance or misfeasance in office or neglect of duty;

C. Any active member may file a petition for recall. It must be signed by at least thirty-five (35) percent of the total membership for recall of an Executive Board Officer, and by two-thirds (66%) of the Council for recall of a Council President or Representative Assembly member.

D. Upon receipt of the properly filed petition for recall, the Secretary shall present the petition to the Executive Board at its next scheduled meeting. The Executive Board shall determine by a majority vote whether the petition for recall merits a hearing.

2. Discipline Procedures:

The Executive Board may take appropriate disciplinary action, including the suspension or expulsion of any Executive Board Officer, Council President or Representative Assembly member, if cause is deemed warranted by a 2/3 vote of the full Executive Board, following a hearing at which the accused shall have been notified and provided a copy of the petition for recall not less than thirty (30) days in advance of the hearing. Both the accused and the charging party shall be afforded the opportunity to be heard and to present evidence. The decision of the Executive Board will be final and binding.

3. Any elected or appointed Executive Board Officer or Representative Assembly member missing two consecutive regular meetings or four meetings within a twelve month period, without a written statement filed with the Secretary and approved by the Executive Board for each absence, shall be deemed negligent of duty and subject to recall by the Executive Board.

#### **ARTICLE X - LABOR BODY DELEGATES**

The President or designee shall be an automatic delegate to the Central Labor Council.

#### **ARTICLE XI- AMENDMENTS**

1. Proposals: Proposed amendments to this Constitution may be heard at any regular or special meeting of the Representative Assembly. Members of the Representative Assembly must receive a copy of the proposed amendments no less than 10 business days before the meeting.
2. Ratification: A two-thirds majority of those present at any meeting of the Representative Assembly shall be necessary to ratify the amendment. Within thirty (30) days of the conclusion of the assembly meeting the amendment will go to the membership for a ratification vote.

#### **ARTICLE XII-PARLIAMENTARY AUTHORITY**

The rules contained in Robert's Rules of Order Revised shall govern MCEA in all cases to which they are applicable, and in which they are not inconsistent with the constitution, bylaws, or the special rules of order of the Union and the constitution of affiliates.

#### **ARTICLE XIII- UNION POLICIES**

The Executive Board can adopt or repeal Union policies by a simple majority of those present at a regular or special Executive Board meeting, which policies shall be appropriately and timely disseminated and a copy of each maintained by the Secretary.

# MCEABYLAWS

## Article I - Meetings

1. Executive Board meetings shall be held at least eight times during the year. Special meetings of the Executive Board may be called by the President or by a majority of the Executive Board petitioning the President. The Executive Board meeting may be held remotely.
  
2. A quorum for doing business of the Executive Board shall consist of the President or Executive Vice President and fifty percent of the membership of the Executive Board.

## Article II - Dues and Membership

1. In addition to any automatic annual increase as provided in Article III., Section 2 of the MCEA Constitution, dues shall be determined by the Representative Assembly and approved by a vote of the membership.
  - A. Effective July 1, 2023 the dues for active employee members shall be \$25.00 biweekly.
  - B. Effective July 1, 2024 the dues for employee members shall be \$\_\_\_ biweekly
  - C. Effective July 1, 2023 the dues for retiree members shall be \$4.00 per month, \$48.00 per year.
2. Dues for all Councils of MCEA shall be collected and maintained by MCEA.
3. Members shall not be entitled to representation for matters arising prior to the effective date of membership. Membership is effective upon the receipt by MCEA of an individual's membership dues.

## Article III - Budget and Audit

- 1 The annual budget shall be prepared by the Finance Committee with the Treasurer as chairperson for Executive Board approval. The budget shall be presented for approval at the October Representative Assembly meeting.
- 2 The Executive Board shall provide annually for an independent audit of the financial records and funds of MCEA, conducted by an independent Certified Public Accountant which audit shall be available to the membership and, where required, to regulatory bodies.

#### **Article IV - Committees**

1. The standing committees of the organization shall be:
  - A. Finance: A finance committee composed of the Treasurer and four (4) other members appointed by the President and approved by the Executive Board shall prepare a budget in accordance with the MCEA policies to be presented at the October Representative Assembly meeting.
  - B. Representative Assembly Meeting: A Representative Assembly meeting committee shall be appointed by the President with the approval of the Executive Board and shall plan and convene the meetings of the Representative Assembly.
  - C. Election: The Elections Committee shall conduct all elections of Executive officers, and assist as necessary with elections of Council Presidents and Representative Assembly members. It shall consist of five (5) members in good standing appointed by the President with the approval of the Executive Board. Members of the election committee shall not be running for office in the union.
  - D. Legislative and Political Action: The Executive Vice President shall chair this committee and shall work in concert with AFT Maryland.
  - E. Organizing Committee: The organizing committee shall be chaired by the President and have four (4) additional members appointed by the President and approved by the Executive Board. The Committee shall be responsible for developing programs and activities that will focus on strengthening the union by increasing membership, and by creating an informed and engaged membership by working with Council Presidents,

shop stewards and staff.

2. The Executive Board, either on its own initiative or at the direction of the Representative Assembly or the Convention, may establish special committees.
3. Except for the Election Committee, the President shall be an ex-officio member of all committees.

### **Article V - Elections Procedure**

1. Elections shall be conducted in accordance with the MCEA Constitution, the AFT Constitution and the standards set out by the Labor-Management Reporting and Disclosure Act (LMRDA).
2. The Elections Committee shall conduct all MCEA statewide elections and provide support for council elections if requested. The appointment and approval of the Elections Committee shall be completed no later than February 15 before the September elections. The committee will choose its chair. Any member of the elections committee nominated for or seeking office must vacate their position and be replaced by a member nominated by the President and approved by the Executive Board.
3. Executive Board Nominations Procedure
  - a) On or about July 1 in election years, but in no event less than sixty (60) days prior to the date of the election, the Elections Committee shall notify all active members of the opening of nominations, the positions to be filled, the qualifications to hold office and the date of the election. Notice shall be sent by first class U.S. mail to the members' last known home address or by some other appropriate means reasonably calculated to provide maximum participation by members, with the means selected by majority vote of the Elections Committee.
  - b) Written nominations must be submitted to the Elections Committee no later than thirty (30) days following the notice of the opening of the nominations.

- c) Members nominated to run for office must affirmatively accept their nomination, in a notice provided to the Election Committee.
  - d) The Election Committee shall determine whether the nominations were timely and if nominees are eligible for office.
4. At least fifteen (15) days prior to the election, the Election Committee shall notify all members of the election date, the process to be used for the election, and the candidates for office.
  5. Should an election provided for in this Article be uncontested, the nominees shall be considered elected by acclamation and no balloting shall be conducted for that office.
  6. The Elections committee shall prepare ballots and oversee elections, which shall be conducted via U.S. Mail to the members' last known home address or by some other appropriate means selected by majority vote of the Elections committee; all members in good standing shall be eligible to vote, and all elections shall be conducted by secret ballot.
  7. A majority of the votes cast shall determine the outcome of the election. In the event that no candidate receives a majority of the votes cast, the Elections Committee shall conduct a run-off election between the two candidates who have received the most votes for the office in question. The Elections Committee shall oversee the preparation and sending of ballots by the same means the initial election was conducted. In the event of a mail ballot election, the period between the mailing and return date for the ballot shall be no less than twenty (20) calendar days.
  8. Challenges and objections to the election must be submitted in writing to the Elections Committee, along with a statement of supporting reasons that includes specific facts as well as any

documentation within seven (7) days of the announcement of the election results. The Elections Committee shall issue its written opinion regarding the objections no later than ten (10) days after receipt of such objections, which decision shall be the final decision of the Union.

9. The final election results will be published and distributed to the membership within thirty (30) days of the vote count. All elections materials, including the ballots, will be kept in a secure location for one (1) year.
10. Successful candidates shall assume office at the close of the October meeting of the Representative Assembly.

#### **Article VI - Duties of the Officers**

1. The President shall:
  - A. Be the presiding officer over all regular and special meetings of the membership, Executive Board, and Representative Assembly;
  - B. Be an ex officio member of the Councils;
  - C. Take general responsibility for and general supervision of the functioning of the relations to other organizations and of the functioning of the Councils;
  - D. Receive, report and respond to correspondence of the Union;
  - E. Supervise all employees of the organization;
  - F. Be one of the responsible financial officers of the organization and be authorized to co-sign financial instruments and make regular and usual disbursements of funds;
  - G. Represent the Union before bodies of the employer, executive and legal officials;
  - H. Represent the Union before the public, community organizations

and the news media;

- I. Be, by office, a delegate to the Central Labor Council and the state AFL-CIO body;
- J. Be, by office, a delegate to the convention of the American Federation of Teachers and meetings or conventions of its affiliate bodies;
- K. Make an annual report to the Union membership;
- L. Perform other duties as are ordinarily incumbent upon the office or as directed by the Executive Board.

2. The Executive Vice President shall:

- A. Assume the duties of the President in the event of the absence or illness of the President;
- B. Succeed the President in office, in the event of death, inability to perform the duties of the office, or resignation of the President;
- C. Be the Chair of the Legislative Committee;
- D. Co-sign financial instruments in the absence of the President, Secretary, or Treasurer;
- E. Perform other duties as delegated by the President.

3. The Treasurer shall:

- A. Be the chair of the Finance Committee;
- B. Receive, record and deposit in the name of MCEA all monies from dues and other sources;
- C. Be one of the responsible officers of MCEA and be authorized to co-sign financial instruments and make regular and usual disbursements of funds;
- D. Arrange for an independent annual audit of the books and records as required by the AFT Constitution and these Bylaws;

- E. Forward all per capita dues and current membership lists to the AFT, AFT Maryland and all other bodies with which the local is affiliated;
- F. Present a written report to the membership annually;
- G. Perform other duties as delegated by the President or assigned by the Executive Board;

4. The Secretary shall:

- A. Maintain the non-financial files and records and be the custodian of the seal and charter of the organization;
- B. Record and keep accurate minutes of meetings of the membership, Executive Board and Representative Assembly;
- C. Oversee the work and receive and certify the reports of the Elections Committee, and disseminate the certified results received from the Chair of the Elections Committee to the membership;
- D. Assist the President in handling the correspondence of the organization;
- E. Co-sign financial instruments in the absence of the President, Executive Vice-President, or Treasurer;
- F. Perform other duties as delegated by the President.

**Article VII - Executive Director**

The Executive Board may hire an Executive Director, who shall report to the President and the Executive Board.

**Article VIII - Duties of the Representative Assembly**

- 1. Membership in the Representative Assembly shall be as outlined in the Constitution.
- 2. The President shall serve as chair at all regular or special meetings of the Representative Assembly
- 3. The Representative Assembly shall be responsible for approving the

annual budget and expenditures of the MCEA, approving the filling of a vacancy caused by death, resignation of an officer or removal according to Article IX of the Constitution, approving any changes to the MCEA Constitution and Bylaws, approving the acceptance of a new council into the MCEA, and advising the Executive Board of the MCEA in regards to any of the duties of the local.

### **Article IX - Councils**

1. MCEA shall be union Local composed of distinct councils. Councils are subordinate entities within MCEA that shall enjoy the rights and privileges devolved to them.
2. Each Council of this organization shall:
  - A. Hold meetings and administer its own affairs so long as they are not contrary to the constitution, policies, and welfare of MCEA.
  - B. Adopt bylaws that do not conflict with law or the Constitution or Bylaws of MCEA or the governing documents of the AFT Maryland or the AFT, which shall be reviewed for sufficiency by the Executive Board and approved by the membership of the Council prior to taking effect;
  - C. Elect its own Council President to the Executive Board and delegate (s) to the Representative Assembly pursuant to the procedures outlined in Article VI of the Constitution and Article V of these Bylaws.
  - D. Conduct elections of Council President and council officers in a democratic manner on a regular basis.
  - E. Conduct regular meetings of the council's membership.
  - F. Assist MCEA in the maintenance of current and accurate membership information and
  - G. Unless dues are submitted by members through payroll deduction, submit its dues

to the organization monthly.

3. All Executive Board Officers of MCEA shall have the right to meet with council members at any time.
4. Each Council of MCEA shall have the power and duty to carry out on behalf of its members the following: elect bargaining team members and participate in the conduct of negotiations with the approval of the MCEA Executive Board;
5. Each Council may apply to the Executive Board for a grant of funds to be used for organizing, member appreciation functions, Council events, etc. Grant applications shall be made on a form provided by the Executive Board, and may be submitted annually on or before August 1; the Executive Board will evaluate applications and respond on or before September 1. Councils may seek an annual grant for an amount not to exceed \$20.00 per council member. Each council receiving a grant will be subject to annual audit by MCEA.
6. Newly formed councils may apply to the Executive Board for admission as a council of this organization and admission shall be approved by majority vote of the Representative Assembly at a duly called meeting. All new councils must be composed of current employees in good standing who meet the membership definition set forth in the Constitution.

#### **Article X - Rules of Order**

1. The rules of parliamentary practice comprised in Robert's Rules of Order, Revised, shall govern all official proceedings of the MCEA and its councils subject to any special rules which may have been adopted.
2. A Parliamentarian may be appointed at the discretion of the President.

## **Article XI - Amendments**

These Bylaws may be approved and amended by a majority of the delegates present at a meeting of the Representative Assembly and approved by a vote of the membership.