

Brownsville Educators Stand Together (BEST AFT) Constitution and By-laws

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Article I

Name of the Organization

This organization shall be known as Brownsville Educators Stand Together, Local 3877. The official abbreviation of the organization will be BEST AFT.

Article II

Objectives of BEST AFT

- Section 1.** To obtain the right to elected consultation with the Brownsville Independent School District.
- Section 2.** To defend and support legislation that upholds the working rights of all educational employees, and to ensure the compliance of educational standards and laws.
- Section 3.** To enhance the educational and professional development of the membership.
- Section 4.** To advance the economic, social, political well-being and safety of all school employees and students through political action.
- Section 5.** To encourage mutual understanding and cooperation among the membership for the good of the union.
- Section 6.** To promote the effectiveness and quality of the institutions in which our members work.
- Section 7.** To promote effective educational institutions and a quality education for our students and ultimately the community.

Article III

Membership

- Section 1.** Membership in this organization shall be open to all active employees of the Brownsville Independent School District or other workers as approved by the executive board; except any type licensed and certified in an administrative position, included but not limited to, Superintendent, Area Superintendents, Area Administrators, Principals, Assistant Principals, or any other employee with the ability to recommend hiring, firing or evaluating other staff.
- Section 2.** Members who are promoted to positions with these parameters shall be removed from an active membership role on the date of their promotion. Members refusing to drop shall remain a member with the understanding that they will not receive any representation from the Union.

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Section 3. 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, religion, sex, sexual orientation, disability, social, political, or economic status, or national origin.

Section 4. A member may be disciplined or expelled by the organization for actions contrary to this Constitution and Bylaws or to the interests of the Union or its membership. Such action may only be initiated by the bringing of written and signed charges to the Executive Board by two (2) or more members of the local. These charges must include a specific and detailed accounting, including any documentation of the allegations against the member.

Upon the receipt of such charges, the Executive Board shall cause a preliminary investigation to be conducted to determine whether the charges against the member have merit. In addition, at this time, the Executive Board shall give a copy of the charges to the accused member.

Following the preliminary investigation, the Executive Board shall vote on the question of whether a disciplinary hearing should be held. If a majority of the Executive Board votes to hold a hearing, the member shall be given at least ten (10) days written notice of the hearing.

At a disciplinary hearing, the accused member shall have the right to be represented by a person of their choice and shall have the right to question the charges and present evidence and witnesses to support their defense. Within the (10) days given of the hearing notice, if the member chooses to be represented by an attorney, written notice must be provided to the Executive Board, in order for BEST AFT to also have an attorney present for such a hearing. At the conclusion of the hearing, a majority vote of the Executive Board shall be required for discipline. If a member of the Executive Board has brought the charges against the member, that Board member shall recuse him/herself from the vote.

A disciplined member may appeal the decision of the Executive Board to the membership by requesting a vote at the next regular meeting a simple majority of the members present and voting shall be sufficient to overrule the decision of the Executive Board to discipline.

Section 5. A member shall be considered “not in good standing” if he/she falls sixty (60) days behind on his/her dues payments set for their classification of membership, for two monthly payments or four semi-monthly payments. A member not in good standing shall stand suspended from all rights and privileges of membership until all dues in arrears are paid. A member failing to reinstate himself/herself within sixty (60) days after written notice from the treasurer shall be dropped from the local membership.

Section 6. Membership shall be extended to retired employees following the guidelines for retiree membership, dues, and participation in the local in the form of a retiree chapter, in accordance with AFT guidelines.

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Article IV Membership Meetings

- Section 1.** The rules of parliamentary practice contained in Roberts' Rules of Order Revised shall govern the proceedings of BEST AFT provided they do not conflict with the intent of the constitution.
- Section 2.** A general meeting of the membership may be held monthly from August through May. A meeting's time and place shall be announced to the membership at least ten (10) days prior to the meeting as directed by the Executive Board. Dues rates for active members will be set annually during a regularly scheduled meeting of the membership. Retiree dues rates shall be set in accordance with the governing provisions of the retiree chapter.
- Section 3.** A special meeting of the membership may be called by the Executive Board. The purpose of the meeting shall be stated in the call to the membership. In addition, the membership may petition the president to call a special meeting if the petition contains no fewer than 15% of membership in good standing signatures. The special meeting shall occur within fifteen (15) days of the receipt of the completed petition on a date set by the President.
- Section 4.** A quorum shall consist of not fewer than ten (10) of the local members who are in good standing.

Article V Election of Officers

- Section 1.** Elections shall be conducted in accordance with the AFT Constitution and the standards set out by the Labor-Management Reporting and Disclosure Act (LMRDA). To be eligible for office a person must be an active member in good standing of the organization for a period of twelve months prior to the date of the election.
- Section 2.** The Executive Board shall be made up of nine elected officers which are the following: President, Vice President, Secretary, Treasurer, Parliamentarian, one (1) Elementary Representative, one (1) Secondary Representative, one (1) Certified Non-Teacher Representative, one (1) Classified Representative. Officers shall be elected in May, every three (3) years, staggered, and will take effect July 1st. Terms of office shall be three (3) years.
- Section 3.** The Elections Committee shall conduct all general and special elections and referenda of the organization, nominated by the Executive Board, and approved by the committee. The Elections Committee shall consist of three members in good standing, recommended by the Executive Board and approved by membership present at a Membership Meeting. The Elections Committee shall elect its Chair.

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Any member of the Elections Committee nominated for or seeking office must vacate their position and be replaced by an alternate nominated by the membership and approved by the Executive Board.

Section 4. The Election Committee shall notify all members forty-five (45) days prior to the election that nominations for office will be open, the offices to be filled and of the date of the election by first class U.S. Mail or electronic mail to the members' last known home or physical or mailing address.

Nominations may be made by written request or by verbal nomination, to the Elections Committee at an open meeting to be held prior to the election for which proper notification has been provided.

Section 5. At least fifteen (15) days prior to the election, the Election Committee shall notify all members of the election date and the candidates for offices. (NOTE: provided the local has already provided notice by U.S. Mail and electronic mail as required in Section 4, this reminder about the election could be distributed by other means such as, member mailboxes, union bulletin boards, electronic newsletter, email and/or the local's website).

Section 6. The Elections Committee shall conduct an election for officers at the May Membership Meeting. The vote shall be by secret ballot. The majority of the ballots cast shall determine the outcome of the election. Early voting may take place the week of the May Membership Meeting.

The Elections Committee shall have the following election rules known, posted and distributed during elections:

- There will be no campaigning within 100 yards of the election site
- There will be no campaigning inside the BEST AFT office
- Not wear campaign paraphernalia in the BEST AFT office or at the election site
- Any and all electronic and telecommunication device must be put away and turned off prior to receiving a ballot
- A member will need to show a picture ID and check in upon entering the election site.
- After the member has checked in, the member will receive a ballot. The member will be called to the designated voting room to cast their ballot and place the ballot in a sealed ballot box.
- There will be no discussions about candidates or ballot items while in the BEST AFT office or election site before votes are tallied, unless such discussion is for the purposes of procedural clarification.
- The Election Chair will close voting at the prescribed hour.

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- When ballots are being counted by the Election Committee, each candidate may be present or have a representative present for them. Candidates must send a clear written message designating their representative. Each representative must check in with the Election Chair.
- Any unconfirmed member will receive a different color ballot to vote with until membership has been confirmed with AFT.
- No canvassing of any ballots, or names by anyone until the election is completed.
- The union e-mail system may not be used to campaign for officers, delegates, or specific amendments to the constitution.
- A membership list can and will be provided upon request by each candidate.

Section 7. Challenges and objections to the election must be submitted in writing, with a statement of supporting reasons that includes specific facts as well as any documentation, to the Elections Committee, within five (5) days of the count. The Elections Committee shall issue its written opinion regarding the objections no later than ten (10) days after receipt of such objections.

Section 8. The election results will be published and distributed to the membership within thirty (30) days of the count. All elections materials, including the ballots, will be kept in a secure location for five (5) years.

Section 9. Successful candidates shall assume office within thirty (30) days of the conclusion of the election. [Alternatively, depending on the schedule of membership meetings, the constitution could specify that candidates assume office at the next regularly held membership meeting.]

Section 10. With the exception of the President, or in case of a recall, the Executive Board will have the power to fill vacancies in its membership until the next general election of officers.

Section 11. A petition signed by twenty-five percent (25%) of the membership, and alleging constitutional violations, fiduciary breaches or acts clearly detrimental to the union, shall be sufficient to require the Executive Board to vote on whether to conduct a recall election of the officer identified in the petition. The officer subject to recall and any Executive Board member signing the petition shall not vote on the question of a recall election. If a majority of the Executive Board approves a recall election, the Elections Committee shall supervise the recall election.

Article VI Duties of the Officers

Section 1. The President shall and be able to delegate:

- A. be the presiding officer at all meetings of the membership and the Executive Board;
- B. be an ex-officio member of all standing committees except the Elections Committee;

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- C. delegate and appoint, with the approval of the Executive Board, the chairs of all standing and special committees except the Elections Committee;
- D. be the principal executive officer of the organization;
- E. delegate, receive, report and respond to correspondence of the organization;
- F. delegate and supervise all employees of the organization;
- G. be one of the responsible financial officers of the organization and shall be authorized to co-sign financial instruments and make regular and usual disbursements of funds;
- H. represent the organization before bodies of the employer, executive and legislative officials;
- I. represent the organization before the public, community organizations, and the news media;
- J. be, by office, a delegate to the Central Labor Council, and the state AFL-CIO body;
- K. be, by office, a delegate to the convention of the American Federation of Teachers and meetings or conventions of its affiliated bodies;
- L. make an annual report to the organization's membership; and
- M. be able to delegate the responsibilities of the office except where otherwise specified by the Constitution.
- N. shall not support/endorse any political candidate without approval by the Executive Board.

Section 2. The Vice President shall:

- A. assume the duties of the President in the event of the absence, illness, or death of the President;
- B. oversee the work of and receive regular reports from the Organizing and
- C. Leadership Development Committees;
- D. perform other duties as delegated by the President or assigned by the Executive Board; and
- E. co-sign financial instruments in the absence of the President or Treasurer;
- F. shall not support/endorse any political candidate without approval by the Executive Board.

Section 3. The Secretary shall:

- A. maintain the non-financial files and records of the organization;
- B. be the custodian of the seal and charter of the organization;
- C. record and keep accurate minutes of meetings of the membership and the Executive Board;
- D. assist the President in handling the correspondence of the organization;
- E. oversee the work of, and receive and certify the reports of, the Elections Committee;
- F. perform other duties as delegated by the President, or assigned by the Executive Board;

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- G. shall not support/endorse any political candidate without approval by the Executive Board.

Section 4. The Treasurer shall:

- A. receive, record and deposit all dues monies and other income in the name of the organization;
- B. maintain accurate membership records, membership dues, and issue delinquency notices to let members know they have a failed transaction or their membership is interrupted;
- C. be one of the responsible financial officers of the organization and be
- D. authorized to co-sign financial instruments and make regular and usual disbursements of funds;
- E. maintain all financial records of the organization;
- F. arrange for an independent audit of the finances of the organization annually and make same available to the Executive Board and membership;
- G. transmit per-capita payments on a regular basis to the Secretary-Treasurer
- H. of the American Federation of Teachers and similar officers of all other bodies with which the organization is affiliated;
- I. oversee the work of and receive reports from the Finance Committee;
- J. perform other duties as delegated by the President or assigned by the Executive Board;
- K. perform duties of the office as required by the Labor-Management Reporting and Disclosure Act, and the guidelines developed by the AFT; and
- L. shall not support/endorse any political candidate without approval by the Executive Board.

Section 5. Parliamentarian shall:

- A. use Robert's Rules of Order to enforce or ensure that meetings are in compliance.
- B. train the Executive Board annually on the use of Robert's Rules of Order.
- C. perform other duties as delegated by the President or assigned by the Executive Board;
- D. shall not support/endorse any political candidate without approval by the Executive Board.

Section 6. All officers elected by the general membership of the organization shall serve as members of the Executive Board and may perform duties as delegated by the President or assigned by the Executive Board. At large Representative positions shall serve in the best interest of their constituencies.

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Article VII Executive Board

- Section 1.** The Executive Boards shall meet monthly, at the call of the President, or at the call of two (2) or more of its members, for the purpose of initiating, overseeing, or revising the program of the organization and to conduct other business of the organization that is within its authority. A quorum for the Executive Board shall be one-half of its members.
- Section 2.** The Executive Board shall determine the agenda for all Membership Meetings where information will be shared, and concerns can be addressed. When representing the local before public, the President will designate a spokesperson if needed.
- Section 3.** The Executive Board shall appoint or employ all professional, technical, clerical and support staff of the organization.
- Section 4.** The Executive Board shall establish the salary, benefits, and expense guidelines of any general officer who is employed by the organization, and review budget disbursements. Compensation will be dependent on membership growth or decline, taking into consideration the annual budget plan by the Executive Board.
- Section 5.** The Executive Board shall be empowered to make contracts and incur liabilities including the purchase of services, equipment, and real property, to borrow money to secure such obligations by mortgage or other instrument, and to otherwise engage in financial transactions to the extent permitted by applicable law or statute. The Executive Board shall have the power to sue, complain and defend on behalf of the membership.
- Section 6.** The Executive Board shall approve the Chairperson and membership of all standing and special committees of the organization, except the Elections Committee, and receive regular reports from such committees.
- Section 7.** The Executive Board shall be responsible for adherence to and enforcement of the Constitution and By-Laws of the organization.
- Section 8.** The Executive Board shall issue regular reports, including an annual report, to the membership.
- Section 9.** Three unexcused absences from an Executive Board meeting within a year, counted from the date of assumption of office, shall be grounds for an Executive Board member's suspension and/or replacement. (Note: under the circumstances that the Executive Board Member cannot be physically present, electronic means of communication which includes but is not limited to Face Time, Skype, or Zoom is acceptable.)

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- Section 10.** Final authority in all matters and affairs of the local rests with the Executive Board. The Board has the responsibility to ensure that no policy or position of the local shall be detrimental to the membership of either unit.
- Section 11.** In the event that the membership reaches or exceeds 1,200, a stipend could be given to each of the four (4) main board officers which are, President, Vice President, Secretary and Treasurer. The amount of the stipend will be determined by the Executive Board at the budget planning meeting and approved by the membership.

Article VIII Committees

- Section 1.** The standing committees of the organization shall be:
- A. Elections
 - B. Grievance
 - C. Organizing and Communications
 - D. Social Committee
 - E. Political Action Committee
 - F. Retiree Committee
- Section 2.** The Executive Board, either on its own initiative, or at the direction of the Membership Meeting may establish special committees.
- Section 3.** The President, with the approval of the Executive Board, shall appoint all committee chairs and committee members except for the Elections Committee members.
- Section 4.** Each committee chair shall submit a written report on activities completed and elaborate on the progress of other activities at each meeting of the Executive Board and the Membership Meeting.
- Section 5.** The Election Committee shall conduct and supervise all elections of the organization. The Election Committee shall work with the committee members as established by the constitution. The Election Committee shall also tabulate the results of an election and make recommendations for changes to election procedures to the Executive Board.
- Section 6.** The Grievance Committee shall work with the officers in the resolution of the contractual and non-contractual disputes in the workplace; shall maintain records of grievances and their disposition; and shall be responsible for the processing of grievances and disputes beyond the immediate work location. The grievant may appeal these last decisions to the Executive Board. The Executive Board shall develop and adopt a policy that governs how it shall approach

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grievances not referred to arbitration, as well as other litigation and or administrative appeals. The Grievance Committee shall follow this policy.

- Section 7.** The Organizing and Communications Committee shall develop programs and activities that shall cause all eligible persons to join and participate in the organization. Communication shall be designed, produced, and distributed in a timely manner to the membership by either mail, e-mail, social media, a regular bulletin, a newsletter, and any other material for the organization as necessary.
- Section 8.** The Social Committee shall conduct activities that promote the social well-being of the membership, are attractive to potential members, and promote community among organized labor and in the society at large.
- Section 9.** The Political Action Committee shall secure voluntary contributions to support the political work of the organization; screen and recommend endorsement of candidates for state and federal office to the Executive Board; educate members on the issues of importance to the organization, its membership and clients; and develop programs to promote voter registration and to support the election of candidates who support the interests of the organization, its membership, and the people they serve.
- Section 10.** The Retiree Committee shall conduct activities that promote the well-being of retiree members. Information, events, initiatives, and any other activity done by the committee needs to be brought before the Board to be discussed and voted on in a timely manner.

Article IX Revenues

- Section 1.** The dues of this organization shall be in accordance with Texas AFT guidelines, plus mandated increases in required affiliation fees, including the AFT, state federation and local and state affiliates. Whenever the dues of a required affiliate increase, the dues of the local shall automatically and simultaneously increase by the same amount.
- Section 2.** Special assessments for specific purposes may be levied by the Executive Board provided that the actions required for the referendum have not been initiated within thirty (30) days of the decision of the Executive Board.

Article X Affiliations

- Section 1.** This organization shall maintain affiliation with the following organizations:

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- A. The American Federation of Teachers, and the AFL-CIO. Whenever possible, the local will send delegates to the AFT's convention. The delegates will be elected by procedures consistent with Article IV of this Constitution.
- B. The appropriate state federation of the American Federation of Teachers, AFL-CIO. Whenever possible, the local will send delegates to the state federation's convention. The delegates will be elected by procedures consistent with Article IV of this Constitution.
- C. The state American Federation of Labor-Congress of Industrial Organizations.

Article XI Amendments

- Section 1.** The Executive Board may vote to present a proposed amendment to the members at the next Membership Meeting. The Secretary shall notify the membership and send a copy of the proposed amendment no later than fifteen (15) days prior to the next Membership Meeting.
- Section 2.** A quorum for any meeting at which constitutional amendments are to be considered and adopted shall consist of ten percent (10%) of the membership of the organization.
- Section 3.** The membership shall vote on all amendments to the constitution:
 - A. The Elections Committee will hold a (secret ballot) vote on the amendment at the next Membership Meeting.
 - B. In the alternative, following the membership meeting at which the proposed amendment was introduced, a special membership meeting for the purpose of voting on the proposed amendment may be called by the Executive Board.
 - C. The Elections Committee will tally the results. The amendment shall pass upon two thirds (2/3) vote of approval by the members present and voting at the meeting.

Article XII Availability of Constitution and By-Laws

- Section 1.** Three (3) copies of this Constitution and By-baws and all subsequent amendments shall be submitted to the office of the Secretary of the American Federation of Teachers.
- Section 2.** One (1) copy shall be sent to the similar officer of each organization with which this organization is affiliated.
- Section 3.** The Secretary shall make available upon request a copy to any member of the organization.

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**Article XIII
Rules of Order**

Roberts Rules of Order, Newly Revised shall govern this organization and all its subordinate bodies in all matters not expressly covered by this constitution or the by-Laws of this organization.

This Constitution and By-laws were adopted by the membership on _____.

Brownsville Educators Stand Together (BEST AFT), Local 3877

Signed: _____.

President

Attest: _____.

Secretary

DRAFT