

Local Constitutional Changes
Recommended by the Election By-Laws Committee (Ad hoc)
(Based on Work completed from Dec 2008 – June 2009)

Order of Presentation – As Recommended by the Committee

Article VII: Elections

Current Wording

Article VII. Item 1. The Elections Committee provided for in (Article IX) shall be entirely responsible for conducting the voting for officers, chairpersons of standing committees, elected delegates, and building reps.

Recommended Changes

Article VII. Item 1. The Elections Committee provided for in (Article IX) shall be entirely responsible for conducting the voting for officers, chairpersons of standing committees, elected delegates, and **union** reps. **Elections will be conducted in accordance with the local Constitution, By-Laws, and federal election and campaign rules.**

Rationale: Changed building reps to union reps to match current language/position titles. Additional sentence reflects federal law and direct connection of the newly developed *Election By-Laws* (will be approved concurrently with these changes) to the Local's Constitution.

Current Wording

Article VII. Item 2. The Elections Committee shall seek and receive nominations and present nominations to the membership at the next-to-last scheduled membership meeting of the spring semester. The Election Committee shall publish the final ballot immediately following the meeting.

Recommended Changes

Article VII. Item 2. The Elections Committee shall seek and receive nominations and present nominations **received** to the membership at the **February General** membership meeting. **DELETE second sentence.**

Rationale: Changes reflect an earlier election process to allow efficient and effective placement of elected officers by July 1. Also, this additional time follows Department of Labor guidelines and federal labor law. Ballots are to be created by the Elections Committee and published by an independent professional organization, such as the *American Arbitration Association*.

Article VII. Item 3. No recommended changes.

Current Wording

Article VII. Item 4. Balloting shall be conducted at a polling place or by mailed absentee ballot (for those on sabbatical or leave of absence, or sick leave). If a polling place is used, due consideration shall be given to the varying schedules of the members in choosing polling hours, and provisions shall be made for the casting of absentee ballots. There shall be adequate notice of the time and place, and at least six calendar days notice in the case of change (other than extension) of time. All arrangements shall be made by or under the direction of the Elections Committee.

Recommended Changes

Article VII. Item 4. Balloting shall be conducted by **an independent professional organization, such as the *American Arbitration Association***.

Rationale: Changes reflect the desire of the Local in recent elections to use an outside, impartial, professional organization to conduct elections. This removes the perception that internal Local members are in any way manipulating the election process and/or results. Organizations such as the *American Arbitration Association* routinely conduct such elections and are required to follow federal labor law and to certify the election results.

Current Wording

Article VII. Item 5. The voting procedure will be determined Elections Committee and presented to the membership for ratification at the next-to-last scheduled membership meeting of the spring semester.

Recommended Changes

Article VII. Item 5. The **Election and Campaign Rules** will be determined Elections Committee and presented to the membership for ratification at the **first** scheduled membership meeting of the spring semester.

Rationale: Changes reflect current wording/languages used by the Department of Labor's election guide. As stated before, an earlier election process to allow efficient and effective placement of elected officers by July 1. This additional time follows Department of Labor guidelines and federal labor law.

Article VII. Item 6. Positions A, C-G. No recommended changes.

Current Wording

Article VII. Item 6. Position B. Four Vice Presidents.

Recommended Changes

Article VII. Item 6. Position B. **Five** Vice Presidents.

Rationale: Change reflects addition and approval of a new Vice President for Full-time Faculty.

Current Wording

Article VII. Item 6. Position H. Building Reps

Recommended Changes

Article VII. Item 6. Position H. **Union Reps and Alternates**

Rationale: Changed building reps to union reps to match current language/position titles. Also, like other delegate-type positions, the Local has used a practice of keeping an alternates list of “next highest amount of votes” for the position for replacement as principal office holders leave for various reasons.

Article VII. Item 6. Position I. No recommended changes.

Current Wording

Article VII. Item 6. Position J. Delegates to the Hudson County Central Labor Council.

Recommended Changes

Article VII. Item 6. Position J. Delegates **and Alternates** to the Hudson County Central Labor Council.

Rationale: Change reflects rationale of other delegate-type positions, the Local has used a practice of keeping an alternates list of “next highest amount of votes” for the position for replacement as principal office holders leave for various reasons.

Current Wording

Article VII. Item 7. Only members in good standing may vote. Ballots improperly marked so as to obscure the intention of the voter or violate the secrecy of the ballot shall be void for any or all offices affected. The Elections Committee shall have the authority to decide cases of questioned voters or ballots. Ballots shall be counted by at least three persons.

Recommended Changes

Article VII. Item 7. Only members in good standing may vote. *(Second sentence deleted)* The Election Committee shall have the authority to decide cases of questioned voters or ballots. *(Fourth sentence deleted)*

Rationale: Deletions reflect requirements of labor law and the use of an independent professional organization such as the *American Arbitration Association* that is mandated to follow federal labor law and to certify the election results.

Current Wording

Article VII. Item 8. Electioneering within the voting area as designated by the Election Committee is prohibited.

Recommended Changes

Article VII. Item 8. *(DELETE existing narrative and replace with the following :)*

Any member in good standing may challenge a local union officer election by filing a protest in writing with the Election Committee within 10 days after election results are posted.

Rationale: Deletion reflects the use of an independent professional organization such as the *American Arbitration Association* that is mandated to follow federal labor law and to certify the election results. Electioneering is prohibited and inappropriate using this voting mechanism. The added article places a protest of election results component heretofore missing from the Local's Constitution and required by federal labor law.

Current Wording

Article VII. Item 9. Should vacancies occur in office between regular elections, they shall be filled by a majority vote at a membership meeting. In emergencies between membership meetings, the Executive Committee can fill an office on an acting basis, but the office must be filled on a permanent basis by a majority vote at the next membership meeting.

Recommended Changes

Article VII. Item 9. Should vacancies occur in office between regular elections, they shall be filled by **the candidate with the highest number of votes from those present** at a **General Membership** meeting. **Notice of such a vacancy and impending vote will be made to the entire membership at least 30 days prior to the election.** The Executive Committee can fill an office on an acting basis, but the office must be filled on a permanent basis by **the candidate with the highest number of votes from those present** at the next **General Membership** meeting **and within 75 days of the vacancy. Ties will require a run-off election.**

Rationale: Changes reflect the reality of practice in the Local. The wording stated majority and in fact, practice was a system of plurality (highest amount of votes vs. a majority of all votes combined). The Committee went back and forth on using the recommended procedure for a regular election as in Article VII. Item 4. It was decided the system would be too unwieldy for fill multiple vacancies and the previous Local practices made sense. The 30 day notice is added to match federal labor law and to allow the General Membership to know about the vacancy and impending vote for a replacement. The 75 day time limit was added to preclude a situation where acting becomes de facto permanent. In the event of a tie, the procedure should be specified per Department of Labor guidelines, e.g. coin-toss or run-off. The Committee agreed a run-off is a better procedure.

Article IX: Committees

Current Wording

Article VII. Item 2. Subparagraph C. The Elections Committee shall have five members selected by the Executive from member volunteers solicited at the March meeting of the Local.

Recommended Changes

Article VII. Item 2. Subparagraph C. The Elections Committee shall have five members **in good standing**, selected by the Executive **in November of the year preceding an election** from member volunteers solicited **from the membership of the Local**. **Members of the Election Committee cannot run for office in the election they superintend.**

Rationale: Changes reflect an earlier election process to allow efficient and effective placement of elected officers by July 1 of the election year. The Election Committee will be comprised of full dues paying members and they have multiple responsibilities including notice of nominations and election in January of the election year. Also, this additional time follows Department of Labor guidelines and federal labor law. To preclude from the perception of a conflict of interest, Election Committee members are restricted from running for office in the same election they superintend. Although past practice, this was not stated in the Local's previous Constitution.

Article III: Membership

Current Wording

Article III. Item 5. Membership in good standing is required to hold office or to vote in elections or at membership meetings. Good standing is defined as those members whose dues are not more than 60 days in arrears. These members have all rights and privileges of membership except where specifically stated otherwise.

Recommended Changes (Option #1)

Article III. Item 5. For the purposes of voting and holding office, members are in good standing if either of the following criteria is met:

- a. Currently a full dues paying member (not agency member) and not 60 days in arrears. Dues paying membership requires signature of an *Authorization to Withhold Union Dues* card.**
- b. Not currently under contract, but has been a full dues paying member (not agency member) for 60 days by the conclusion of one academic semester or session, within the past 12 months.**

Rationale: Changes specify a previous loose definition of a full dues paying member and b. allows the widest inclusiveness for adjunct faculty and part time members that don't have a spring contract during the election year. This option implies a spring semester subsidy from the Local to the State for those members without a spring contract – currently about \$30-\$35 per member in this category; In Spring 2008 over 200 members were in this category.

Recommended Changes (Option #2)

Article III. Item 5. For the purposes of voting and holding office, members are in good standing if either of the following criteria is met:

- a. Currently a full dues paying member (not agency member) and not 60 days in arrears. Dues paying membership requires signature of an *Authorization to Withhold Union Dues* card.**
- b. In January of the election year, on behalf of the Election Committee, the local will send out a notice to all members regarding elections for that academic year. This notice will inform adjunct faculty and part time members they must pay union dues for the spring semester in order to vote or hold office.**

Rationale: Changes specify a previous loose definition of a full dues paying member and b. establishes requirement for adjunct faculty and part time members without a spring contract during the election year they must pay their dues to vote or hold office currently about \$30-\$35 per member.