

# CONSTITUTION OF THE UNITED SCHOOL EMPLOYEES OF PASCO

ADOPTED FEBRUARY 19, 1980. AMENDED JANUARY 30, 1986; NOVEMBER 10, 1987; DECEMBER 12, 1991; NOVEMBER 13, 2007; DECEMBER 17, 2018

**PREAMBLE** - United School Employees of Pasco is an organization that embodies Unity through the power of collective voice, by honoring diversity and equality, and honoring and promoting integrity and respect for all.

## ARTICLE I: Name, Purpose, Affiliations

### Section 1:

This organization shall be known as the United School Employees of Pasco (USEP).

### Section 2:

Its mission shall be to promote public education by advocating the interests of its members by advancing the professional status and improving the working conditions and welfare of its members.

### Section 3:

Any changes in the affiliations of this organization shall be determined by two-thirds (2/3) of those voting in a total membership vote.

## ARTICLE II: Membership

### Section 1: Membership

**Active Members:** All employees of the District School Board of Pasco County for whom the USEP is or may be the legally recognized bargaining agent, and who have paid all dues and assessments of this union shall be eligible for membership in the active member category. An active member who is on an approved leave of absence from the District School Board of Pasco County shall continue to be considered an active member entitled to the rights and benefits thereof and shall pay dues as if the member were not on leave. An active member who is laid off from employment from the District School Board of Pasco County may maintain status as an active member by paying membership dues associated therewith.

**Inactive Members:** This member status shall be granted temporarily to any active member who is granted a time certain unpaid leave status of more than 30 days and will return to Active Member status once the member is moved back to paid status with the District. Cash Members who are more than 30 days delinquent in dues shall also be placed in this category pending Executive Board action. Inactive Members will be entitled to such privileges as are authorized by the Representative Council but may not vote or hold USEP office.

**Retired Members:** USEP shall provide a membership category for its members who have retired from active service, or who are retired members of the AFT and/or NEA. Retired Members shall be entitled to such privileges as are authorized by the Representative Council.

**Associate Membership:** Associate Membership may be awarded to any individual not in USEP's current bargaining units. Associate members shall pay dues and be entitled to such privileges as are authorized by the Representative Council but may not vote or hold USEP office.

**Honorary Membership:** Upon recommendation of the USEP Executive Board, the Representative Council is granted the power to bestow honorary membership for individuals who otherwise are not eligible for USEP membership but who subscribe to the mission, goals and objectives of USEP. Honorary members shall not pay dues, vote, or hold USEP office.

### Section 2: Suspension or Expulsion of Members

Members in any category of membership may be suspended or expelled by the organization for non-payment of dues for more than 60 days, actions contrary to the Constitution By-Laws, Policies, or the overall interests of the Union and its membership. The Executive Board shall be the final determining body for any action of suspension or expulsion. A two-thirds (2/3) vote of the Executive Board shall be required for action to be taken.

## ARTICLE III: Governance

### Section 1: Membership

The membership shall retain the ultimate control of this organization through its elected officers and representatives. Further, the right of popular initiative or referendum shall be vested in the membership of the organization. The initiative or referendum petitions shall set forth in full the proposed measure and any existing measures which would be modified by the proposed change. The petition must be signed by at least 25% of the members and must be filed with the President. It shall be the President's duty to check the signatures with membership rolls and publish the proposed change to the Representative Council within ten (10) school days and the entire membership within twenty (20) school days of receipt of the petition. The election shall be held within twenty (20) school days after the proposed measure is published. Voting shall be by secret ballot under direction of the Executive Board. If two-thirds (2/3) of the members voting on the question vote in favor of the measure, it shall go into effect as designated in the text of the proposal.

### Section 2: Representative Council

The Representative Council, consisting of the Executive Board and representatives elected by the members shall be the legislative body of this organization, empowered to approve budget matters, set the dues, establish official policy and rules of the organization, adopt resolutions; recommend ratification of collective bargaining agreements to bargaining units; establish qualifications for delegate, officer and Executive Board elections and retain all powers not specifically delegated to any other body or individual in this document.

### Section 3: Executive Board

The Executive Board shall consist of the President, Vice President for the SRP unit, Vice President for the Instructional unit, Secretary-Treasurer, and Executive Board members at Large to be elected as specified in the By-Laws. The Executive Board will act on behalf of the organization between Representative Council meetings and shall review and recommend to the Representative Council the budget and dues, the adoption of policies and programs, conduct all hearings for the determination of either suspension or expulsion of members and oversee the recall procedures for all Officers, Executive Board Members at Large, and Building Representatives. The Executive Board shall be responsible for directing the implementation of policies as adopted by the Representative Council. The Executive Board shall approve expenditures not within the approved budget and establish parameters for the management of USEP property and operations upon the recommendation of the President, approve the hiring recommendation of all staff as presented by the President, negotiate and ratify contracts with staff and

officers, act as an appeal/review board in matters of USEP policies and programs including but not limited to elections, grievances, and staff matters. The Executive Board is authorized to hire staff as is deemed necessary, subject to personnel policies adopted by the Representative Council.

#### **Section 4: Chief Executive Officer**

The President, is the Chief Executive Officer (CEO), and shall have primary responsibility for carrying out and overseeing the policies and programs of the USEP and shall be the highest ranking officer. The President shall chair meetings of general membership, Representative Council and Executive Board, and shall be an ex officio member of all union committees. He/she shall represent the organization before the public, district, media, and affiliates either personally or through delegates. He/she shall be the top-ranking delegate to all affiliate governing conventions and bodies. The implementation of policies adopted by the Representative Council or administered by the Executive Board is the responsibility of the President. The President shall be responsible to the Executive Board for the administration of the USEP between Executive Board Meetings and in accordance with the USEP Constitution, Bylaws, and Policies

#### **Section 5: Recall**

Elected officers, Executive Board Members-at-Large, and Building Representatives of this organization shall be subject to recall by their respective constituency. A recall vote can be initiated by a petition signed by one-third (1/3) of the membership affected. Upon receipt of the petition, a membership vote will be scheduled within twenty (20) school days. If a two-thirds (2/3) majority of those who vote are in favor of recall, the position shall be declared vacant. All elected officers or representatives, as leaders of USEP, are accountable to the membership for their actions. Any discipline, other than recall, that is deemed appropriate by a governing body, shall follow the guidelines set forth in the USEP Member Discipline Policy.

### **ARTICLE IV: Amendments**

#### **Section 1: Constitution**

An amendment to the USEP Constitution may be proposed any USEP member in good standing and delivered to the President in writing. The President will provide all proposed amendments to the Constitution and By-Laws Committee at its next regularly scheduled meeting. After the review, the President will send the proposed amendment to the Executive Board with the CBL Committee recommendation. The Executive Board will review and forward the amendment, with their recommendation, to members of the Representative Council at least 30 days prior to the next regular meeting at which the amendment will be considered. Upon approval by the Representative Council in attendance (50% + 1), a copy of the proposed amendment shall be published to each member of the union. After a lapse of at least fifteen (15), but no more than thirty (30) school days, the proposed amendment shall be submitted to the entire membership. A two-thirds (2/3) majority of those voting is required to adopt the proposed amendment.

#### **Section 2: By-Laws**

An amendment to the USEP By-Laws may be proposed by any member in good standing and delivered to the President in writing. The President will provide all proposed amendments to the Constitution and By-Laws Committee at its next regularly scheduled meeting. After the review, the President will send the proposed amendment to the Executive Board with the CBL Committee recommendation. The Executive Board will review and forward the amendment, with their recommendation, to members of the Representative Council at least 30 days prior to the next regular meeting at which the amendment will be considered. Upon approval by the Representative Council in attendance (50% + 1), a copy of the proposed amendment shall be published to each member of the union. After a lapse of at least fifteen (15), but no more than thirty (30) school days, the proposed amendment shall be submitted to the entire membership. A 50% + 1 majority of those voting is required to adopt the proposed amendment.

### **BY-LAWS OF UNITED SCHOOL EMPLOYEES OF PASCO**

ADOPTED FEBRUARY 19, 1980. AMENDED MAY 11, 1982; NOVEMBER 10, 1987; MAY 31, 1989; DECEMBER 12, 1991; FEBRUARY 5, 1992; NOVEMBER 13, 2007; DECEMBER 17, 2018

#### **ARTICLE I: Meetings**

##### **Section 1: Executive Board**

There shall be regular meetings of the Executive Board.

##### **Section 2: Representative Council**

There shall be regular meetings of the Representative Council. The agenda for each meeting shall be the responsibility of the President with approval by the Executive Board.

##### **Section 3: Special Meetings**

Special meetings of the Executive Board, the Representative Council and a General Assembly may be called by the President of the union or shall be called upon request of a majority of the Executive Board, or twenty (20) members of the Representative Council, or ten percent (10%) of the membership of the union. Any topic of business for which a special meeting is called must be stated in the call.

##### **Section 4: Meeting Conduct**

The rules contained in the current edition of *Robert's Rules of Order, Newly Revised*, shall be the parliamentary authority in business meetings of this union, when not inconsistent with the USEP Constitution, By-Laws or any special rules of order which this organization may adopt.

#### **ARTICLE II: Quorum**

##### **Section 1: Executive Board**

A quorum for meetings of the Executive Board and all committees shall be a majority of its members, respectively.

## **Section 2: Representative Council**

A quorum of the Representative Council shall consist of a number of representatives equal to a majority of the number of building units having at least one (1) union member.

## **ARTICLE III: Elections**

### **Section 1: Elections Committee**

The Elections Committee shall consist of five (5) members in good standing representing the various groups of USEP (Instructional, SRP, Retired) nominated by the President and approved by the Executive Board. No member seeking office will be nominated for or shall serve on the Elections Committee. The Elections Committee shall be formed for the purpose of qualifying candidates, conducting the election and certifying the results of the election. Written policies shall be promulgated by the Elections Committee and submitted to the Representative Council for final approval, which will:

- a) guarantee a secret ballot,
- b) provide a responsible time schedule for the election and of the vacancies to be filled,
- c) insure that election information and nomination forms are made available to the membership,
- d) provide to any candidate for officer or Executive Board, access to a list of members, excluding those who have requested that their membership be kept confidential,
- e) provide an opportunity for the candidates or their representatives to observe the counting of the ballots, and,
- f) provide an equal opportunity for all candidates to distribute campaign literature.

### **Section 2: Election Cycle**

USEP Officer elections shall be held during the spring of every third year beginning with the 2008 elections. Beginning with the 2020 election, to provide continuity to the organization and promote unity in leadership, the election process will be as follows:

- a) Officers will be elected every three (3) years as in the past and serve three (3) year terms.
- b) Executive Board members will be elected annually on a staggered basis. After the initial election in 2020, all terms will be three (3) years.
- c) One third of the Instructional Executive Board members will be elected each year.
- d) One third of the SRP Executive Board members will be elected each year.

### **Section 3: Initiation of Staggered Terms**

To provide continuity to the organization and promote unity in leadership, USEP will initiate staggered three (3) year terms for all Executive Board Members at Large during the 2020 election cycle. The process is as follows:

- a) Instructional –
  - i. The three (3) candidates with the highest number of votes will serve a three (3) year term.
  - ii. The three (3) candidates with the next highest number of votes will serve a two (2) year term.
  - iii. The three (3) candidates with the next highest number of votes will serve a one (1) year term.
- b) SRP –
  - i. The one (1) candidate with the highest number of votes will serve a three (3) year term.
  - ii. The one (1) candidate with the next highest number of votes will serve a two (2) year term.
  - iii. The one (1) candidate with the next highest number of votes will serve a one (1) year term.

Beginning in 2021 and for all subsequent yearly elections, Executive Board Members at Large elections will serve three (3) year terms.

## **ARTICLE IV: Officer and Executive Board**

### **Section 1: Term of Office**

Except in the 2020 election as described in Article III: Section 3 of the USEP Bylaws, the term of office for President, Vice President for the SRP unit, Vice President for the Instructional unit, Secretary-Treasurer, and Executive Board members at Large shall be three (3) years. All Officers and Executive Board members at Large shall assume office June 1, following their respective elections.

### **Section 2: Constituencies**

The election for offices of President, Vice President for the SRP unit, Vice President for the Instructional unit, and Secretary-Treasurer shall be voted upon by all active union members in good standing. The candidates for the offices of Vice President for the SRP unit and Vice President for the Instructional unit shall come from the respective units. The candidates receiving the majority of votes cast shall be declared elected. Executive Board Members at Large shall be elected from the total membership of each unit.

### **Section 3: Board Ratio**

The number of Executive Board members shall be twelve (12) with the composition determined by the ratio of Instructional and SRP membership. The number of Executive Board members shall remain constant until the following election at which time the Representative Council may add an additional seat for ratio purposes. The candidates for Executive Board members at Large shall be chosen from and by the members of the respective unit. The candidates for Executive Board at Large who have the plurality of votes from their unit shall be declared elected. Only active members of USEP shall elect Executive Board members.

### **Section 4: Vacancies**

Except as provided herein, any vacancy which occurs on the Executive Board of the USEP, or in any other elected position within the union, shall be filled by appointment by the President upon confirmation by the Representative Council until the next regular election. Upon recommendation of the President, the Representative Council may vote to leave vacant an Executive Board Member at Large position. Appointments to fill any Executive Board member at Large vacancy must be from the appropriate unit.

If a vacancy is created within the first two years of the term in the offices of Vice President for the SRP unit, Vice President for the Instructional unit, or Secretary-Treasurer who are serving in a full-time release capacity, the President shall recommend for Representative Council approval a member from the appropriate unit to act as temporary officer. If necessary, a special meeting of the Representative Council may be called. If called for by a majority vote of the Representative Council, a general membership election shall be scheduled to fill the vacancy within ninety (90) calendar days after said vacancy occurs.

If a vacancy is created within the first two years of the term in the office of the President, the Executive Board shall recommend for Representative Council approval one of the Vice Presidents to act as temporary President. If necessary, a special meeting of Executive Board and Representative Council may be called. A general membership election shall be scheduled to fill the vacancy within ninety (90) calendar days after said vacancy occurs. If a vacancy is created within the last year of the term in the office of the President, the Executive Board shall recommend for Representative Council approval one of the Vice Presidents to fill the office of President.

#### **Section 5: Staff Positions**

No officer or Executive Board member, other than the President, shall hold a paid staff position for the United School Employees of Pasco. Upon appointment of an officer or Executive Board member to a staff position, said officer or Executive Board member shall resign his/her office. An Executive Board member may fill-in on a temporary basis for a specific period of time as a staff member. USEP officers on union-leave of absence from the District School Board of Pasco who serve as full-time release-time officers shall not be considered staff.

#### **Section 6: Duties**

**President** - The President shall be responsible for the duties as stated in the Constitution and By-Laws. The President shall advance the mission, vision and goals of USEP by working with USEP affiliates, governance, staff and membership to provide continuity in the activities of USEP and to ensure the best possible service and programs to members. The President shall oversee the collective bargaining process and contract enforcement for the bargaining units, develop, promote, and maintain a mutually beneficial relationship among USEP and its affiliates, and manage the USEP office by determining and overseeing the daily office procedures, assigning duties and responsibilities to officers as applicable and staff, evaluating the performance of staff, making hiring recommendations, negotiating with staff, and coordinating all aspects of staff contract administration.

**Vice Presidents** - The Vice Presidents shall be the second highest ranking officers of USEP. They shall work under the direction of the President to advance the mission, vision and goals of USEP. They shall advise and assist the President, preside over meetings in the absence of the President, act as the President's designee when requested by the President, and be responsible for duties as delegated by the President.

**Secretary-Treasurer** - The Secretary-Treasurer shall monitor the USEP budget, accounts, properties investments and dues collection; oversee audits and preparation of all reports required by governmental agencies or affiliates; record minutes of all official meetings and policies, report to the Executive Board and Representative Council when deemed necessary and be responsible for other duties as delegated by the President.

**Executive Board** - The Executive Board Members at Large shall represent their respective units on the Executive Board and Representative Council and take action for the good of the organization as a whole to advance the mission vision and goals of USEP. Executive Board members have a vote at Representative Council and on the Executive Board, shall attend such meetings, and are responsible for other duties as delegated by the President.

### **ARTICLE V: Election and Duties of Building Representatives**

#### **Section 1: Election**

a) Union members at each worksite in each unit shall annually elect one (1) Building Representative, plus one (1) Building Representative for each twelve (12) union members or major fraction thereof. Each worksite having at least one (1) member shall be entitled to at least one (1) Building Representative. Where more than one (1) Representative is elected, Building Representatives at each worksite will select a Contact Building Representative from each unit to receive worksite-based literature from USEP. A member elected to the Representative Council of this union shall take his/her seat at the first Council meeting held in the subsequent school year.

b) If in any worksite the election of Building Representatives is not properly held, the President shall be authorized to conduct an election. Upon further failure of the worksite to elect Representatives, it shall be the duty of the President to appoint up to the number of Representatives to which the worksite is proportionately entitled. Further, the President is authorized to appoint Building Representatives up to the number of Representatives to which the worksite is proportionately entitled at newly opened worksites until such time as an election of Building Representatives can be properly held.

#### **Section 2: Duties**

Each duly elected Building Representative has a vote at Representative Council. Building Representatives shall serve as worksite leaders to ensure and facilitate communication between the membership and USEP leadership; protect members' rights and interests; develop support for USEP's programs and positions; and create a strong USEP presence at the worksite by attending USEP training and meetings, conducting ratification and election balloting, overseeing Instructional and SRP of the Year processes; and recruiting, retaining, organizing, and mobilizing members. Building Representatives shall hold meetings of the union members at their respective worksites; supervise, in respective worksites, subsequent elections of Building Representatives; and perform any other duties as delegated by the President.

### **ARTICLE VI: Committees**

Committees of the union will be formed on an ad hoc basis and will not exist automatically from year to year. The President, with approval of the Executive Board may establish committees. Executive Board or Representative Council may direct the establishment of a committee and adopt its charges and responsibilities. The President is responsible for recommending the members of all committees with the concurrence of the Executive Board and shall have the authority to remove any of his/her appointees and shall so notify the Executive Board at its next meeting following such removal. The reasons for this removal shall be written by the President and shall include good and sufficient reason for the removal.