



**Ohio Association of  
Public School  
Employees**

**AFSCME Local 4/  
AFL-CIO**

# CONSTITUTION

*As Revised by the  
69<sup>th</sup> Annual Delegate Conference  
May 13 - 15, 2009*



## **OATH OF OFFICE**

*(To be read by the Installing Officer to the Membership.)*

“Members and friends of the Ohio Association of Public School Employees, you are about to witness the induction into office of those whom you have chosen to direct the affairs of your Union during the coming year.

You have shown by your vote, that you have confidence in these people and their judgment.

However, they alone cannot assure success for your Union. Without your help and support they are powerless.

Are you willing to give them that support to the best of your ability?

If so, please answer - **“I AM.”**

*(Continue to next page.)*

***(To be read by the Installing Officer to the Officers being Installed.)***

“You will now be administered the Oath of Office.

Let me assure you that it will in no way conflict with your religious or political beliefs.

Are you willing to take such an oath? If so, please raise your right hand.”

“Your Oath of Office is:

I solemnly and sincerely promise that I will - to the best of my ability - faithfully and impartially perform all duties belonging to the office for which I have been selected; that I will become familiar with the Constitution of this Union and will conform to its direction in conducting its affairs.

That I will uphold the Constitution of the United States of America at all times, and that I will do all in my power to further the interests and aims of our Union. This my solemn oath and obligation.”

Answer - ***“I SO AFFIRM.”***

“You may lower your hand(s).

This concludes the ceremony of your installation. By the power vested in me as installing officer, I now declare you duly installed and qualified to assume the duties of the office for which you have been selected.

My sincere congratulations to each of you.”

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# **CONSTITUTION**

## **ARTICLE I**

### **Name**

The name of this Union shall be the Ohio Association of Public School Employees, OAPSE/AFSCME Local 4/AFL-CIO. This Union may be organized in any number of divisions, including the Division of Ohio Association of Public Service Employees, also known as OAPSE.

## **ARTICLE II**

### **Headquarters**

The principal office of the Union shall be located at Columbus, Ohio. The Union may have other offices within the state.

## **ARTICLE III**

### **Union Year**

The fiscal year of the Union shall be from September 1 through August 31.

## **ARTICLE IV**

### **Objects and Purposes**

The objects and purposes of this Union shall be:

- A. To promote the interests of education, to advance the standard of union members, and to secure conditions necessary to promote the greatest efficiency and understanding of union members and the employer;
- B. To promote the economic and social welfare of union members through unity of action and mutual cooperation;
- C. To promote the welfare of membership, and to provide a voice in the determination of terms and conditions of employment;
- D. To secure economic advantages including better wages, hours and working conditions through organization and collective bargaining, and the utilization of other lawful means;
- E. To deal with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment or conditions of work;
- F. To do any and everything necessary and proper to carry out these purposes.

## **ARTICLE V**

### **Membership**

**5.01 Eligibility.** All persons — without regard to ancestry, age, color, creed, handicap, national origin, political belief, race, religion, or sex — who meet the requirements hereinafter listed shall be eligible for membership in the Union and its duly chartered Locals and organizations affiliated with the Union and all subordinate bodies.

**5.02 Active Voting Members.** The following persons shall be eligible to be an active member in the Union with full voting rights:

- A. All employees of public and private elementary, secondary and vocational schools;
- B. All employees of state-financed general and technical colleges;
- C. All employees of public libraries;
- D. All employees of manpower training facilities;
- E. All employees of boards of mental retardation and developmental disabilities;
- F. All employees of boards of community mental health;
- G. All employees of private employers or subcontractors who by virtue of contract or other arrangement have agreed to perform or are performing services which could be performed by the employees designated in this section;
- H. Private or public residential care facility employees;
- I. All employees of Head Start agencies.

**5.03 Local Membership.** All active members shall be members of a chartered Local except those individuals not within the jurisdiction of a Local but otherwise eligible for membership shall become members-at-large.

**5.04 Non-Voting Membership.** The following persons shall be eligible for non-voting membership in the Union and shall not be eligible to run for any office:

- A. **Retired Member** - Any member who retires may continue his/her membership in the Union and also his/her membership in the Local or affiliated organization from which he/she retired;
- B. **Institutional Member** - Any education related institution desiring to support the programs of the Union and receive periodicals or Conference materials,

and any advertiser in the periodicals of the Union desiring to further support the programs of the Union shall be eligible for membership. Membership shall be accorded only upon the approval of the Executive Board and payment of dues;

- C. **Associate Member** - Any member of the Union who is unable to maintain active membership by reason of resignation, termination, disability, leave of absence, or other similar reasons, and who must maintain membership in the Union to continue enrollment in any Union sponsored insurance program, shall be eligible for this membership;
- D. **Patron Member** - Any other person desiring to become a non-voting member of the Union who does not qualify for any other type of membership and who is approved by the Executive Board shall be eligible for this membership;
- E. **Member-at-Large** - Any person not within the jurisdiction of a Local, any person excluded from a collective bargaining agreement or any person excluded in accordance with Article XV, Section 15.03 of this Constitution;
- F. **Employees of the Union** - Employees of the Union, other than the Executive Director, shall be eligible for non-voting membership in the Union upon payment of dues in an amount equal to that paid by active voting members. The Executive Director's eligibility for membership shall be as provided in Section 5.05 of the Constitution.

**5.05 Executive Director-State Treasurer.** The Executive Director-State Treasurer shall have membership status in the Union in order to grant to him or her membership rights to qualify him or her to be elected to the position of International Vice President. This shall be a non-voting membership.

**5.06 Employees of the Union.** Employees of the Union, other than the Executive Director, shall not be eligible for any office in the Union or for the position of International Vice President.

## ARTICLE VI

### Affiliating Organizations of Public Employees

**6.01 Types of Organizations.** Upon approval of the Executive Board, any labor organization of public or private employees whose members do not meet the requirements of Article V existing in whole or part for the purposes of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment or conditions of work may affiliate with the Union.

**6.02 Terms and Conditions of Affiliation.** Each such organization approved by the Executive Board shall execute Articles of Affiliation which shall set forth the terms and conditions of affiliation as well as the rights, duties, privileges, responsibilities, and obligations of the affiliate and the Ohio Association of Public School Employees.

**6.03 Basis of Per Capita Dues or Fair Share Fees.** The per capita dues or fair share fee rates for an affiliate shall be based upon the number of members of the affiliate and shall be determined by the Executive Board. The amount due the Union shall be commensurate with the service obligations of the Union and the benefits derived therefrom by the affiliate.

**6.04 Amount of Per Capita Dues or Fair Share Fees.** The per capita dues or fair share fee charged to any affiliate plus Local affiliate dues shall equal or exceed membership dues of this Union specified in Article VII.

**6.05 Constitution or By-laws.** The Constitution or By-laws of the affiliate must comply with the provisions of Article V, Section 5.01 of this Constitution and must contain fair standards for members' rights and democratic procedures.

**6.06 Organizing in Surrounding States.** Efforts may be made by the Union to organize employees of the types listed in Article V, Section 5.01 employed in surrounding states in accordance with the policies established by the State Executive Board provided that such efforts do not diminish the services being provided to members within the state of Ohio. The expenses of such organizing shall be paid by the members in the state in which the organizing is being conducted.

**6.07 Purposes of Interstate Organizing.** All efforts in other states shall be directed toward strengthening the national and state legislative efforts, reducing basic program costs for all states and the broadening of increased economic benefits for school employees.

## **ARTICLE VII**

### **Dues**

**7.01** Members shall pay the following annual dues. Except as provided in Division A and B below, the annual dues rate shall be two percent (2%) of the gross annual income as reflected on the employee's W-2 form received from the employer for the previous year and any deferred or tax-sheltered compensation.

**A. New Hires.** Employees who do not have a W-2 form from the employer showing an annual income from the previous year shall pay annual dues based

upon a projected gross annual income calculated by taking the employee's first full month's earnings and multiplying that figure by ten (10).

- B. **First Year Employees.** Employees who have a W-2 form from the employer which does not cover a full year of employment shall pay annual dues based upon a projected gross annual income calculated by dividing the gross earnings reflected on the W-2 form by the number of full months worked during the year represented by the W-2 and then multiplying that figure by ten (10).

In no event shall any individual pay less than one hundred forty dollars (\$140.00) nor more than three hundred ninety-five dollars (\$395.00) during the membership year.

Effective September 1, 1999, the annual dues rate and the minimum and maximum to be paid during any membership year shall be increased by:

1. Fifty cents (\$.50) per month for those members in the bottom six (6) percent of members by income;
2. Seventy-five cents (\$.75) per month for those members in the next nineteen (19) percent of members by income; and
3. One dollar (\$1.00) per month for those members in the top seventy-five (75) percent of members by income.

Effective September 1, 2000, the annual dues rate and the minimum and maximum to be paid during any membership year shall be increased by an additional:

1. Fifty cents (\$.50) per month for those members in the bottom six (6) percent of members by income;
2. Seventy-five cents (\$.75) per month for those members in the next nineteen (19) percent of members by income; and
3. One dollar (\$1.00) per month for those members in the top seventy-five (75) percent of members by income.

Effective September 1, 2001, the annual dues rate and minimum and maximum to be paid during any membership year shall be increased by an additional amount which equals any increase in the per capita tax payable to the AFSCME International Union which goes into effect after September 1, 2001, except that in no event shall such automatic increase during any membership year be more than:

1. Nine cents (\$.09) per month for those members in the bottom six (6) percent of members by income;
2. Twelve cents (\$.12) per month for those members in the next nineteen

(19) percent of members by income; and

3. Fifteen cents (\$.15) per month for those members in the top seventy-five (75) percent of members by income.

In addition, the annual dues rate and minimum and maximum to be paid during any membership year by every active member shall be increased by twenty-five dollars (\$25.00) effective September 1, 2009, and by an additional twenty-five dollars (\$25.00) effective September 1, 2010.

In addition, active members shall pay dues to the Local to which they belong, which dues shall not be less than fifty cents (\$.50) per active working month.

The Executive Director may establish an interim membership fee less than the amount specified in this section. Such reduced fee shall apply only to employees who join during an organizing effort and shall expire upon the ratification of a collective bargaining agreement. Application of the interim membership fee beyond one year shall be brought to the State Executive Board for consideration.

**7.02 Retired Member.** The annual dues for a retired OAPSE member shall be whatever will qualify the retired member to be a member of AFSCME Chapter 1184. Whenever an active member retires, the Local shall notify the State Office. The annual dues for the first year that a member is retired shall be paid for the retired member by the State Union.

**7.03 Associate Member.** The annual dues rate for an associate member shall be ten dollars (\$10.00).

**7.04 Institutional Member.** The annual dues rate for an institutional member shall be fifty dollars (\$50.00).

**7.05 Patron Member.** The annual dues rate for a patron member shall be twenty-five dollars (\$25.00).

**7.06 Member-at-Large.** The annual dues rate for members-at-large shall be the amount equal to the minimum State Union dues rate as established by Article VII, Section 7.01 of the Constitution and shall be payable directly to the Treasurer of the State Union.

**7.07 Membership Application.** No individual shall become a member of the Union until his or her application for membership has been received and approved by the State Treasurer.

**7.08 Membership Year.** Membership year shall be from September 1 through August 31.

**7.09 Payment of Dues and Fair Share Fees.** The annual Union and Local dues for the entire membership year shall be due and payable September 1 each year. Individuals who become members for the first time or new employees after the commencement of the membership year shall pay annual dues prorated from the first day of the month in which they join to the end of the membership year.

- A. **Checkoff.** Annual dues and fair share fees may be paid to the Union through a payroll deduction checkoff plan under which the employer deducts union dues from the employee's wages and remits them to the Union. All dues and fair share fees owed to the State Union and the Local shall be remitted by the employer directly to the State Treasurer at the time specified in the checkoff plan, however, no later than the 15th of each month. Dues payments remitted to the State Treasurer from an employer under a checkoff plan shall be accompanied by a list of members for whom payment is made. Dues checkoff authorizations and plans shall, where possible, contain a provision requiring that dues deduction authorization shall be irrevocable for a period of one year except that an employee may revoke the authorization in writing only in accordance with the terms of the collective bargaining agreement with the employer or where the agreement does not contain a procedure for revocation only during a ten day period from August 22 through August 31. A member desiring to revoke authorization for dues deduction must send timely written notice of revocation to the chief fiscal officer of the employer and the State Treasurer. Dues deduction authorizations not timely revoked shall automatically renew themselves for successive one year periods.
- B. In absence of **Checkoff, Local Installment Plan, or Local.** Members employed by an employer who does not agree to a dues checkoff plan, those members whose Local does not have a dues payment installment plan, and those members not within the jurisdiction of a Local, shall pay their dues for the entire year to the State Treasurer at the beginning of the membership year.
- C. **Local Installment Plan.** Where an employer does not agree to a check-off plan for dues payment, a Local may in its By-laws provide for the payment of annual dues in monthly installments not exceeding nine (9).
- D. **Local Obligations.** All dues are to be paid directly to the State Treasurer. If the Local Treasurer assists in the collection of dues, all dues collected shall

be transmitted by the Local Treasurer to the State Treasurer no later than the 15th of each month.

Local dues received by the State Union shall be remitted to the Local Treasurer within fifteen (15) days of receipt.

In the event a Local Treasurer fails within thirty (30) days to forward to the State Treasurer all funds due the State Union, the Local may be placed under trusteeship as provided in Article XIX.

Any Local whose Local Treasurer has failed to forward to the State Union all funds due the State Union shall be considered delinquent and shall not have Local representation at any annual or special delegate conference until all required payments are made.

**7.10 Member in Good Standing.** A member in good standing is a member who is current in payment of State and Local dues.

**7.11 Failure to Pay Dues.** Any member who fails to pay dues as they become due shall be considered delinquent, and upon failure to pay dues for two (2) consecutive months, shall stand suspended and shall thereupon lose all benefits of membership until fully reinstated by payment of all arrears of not more than one (1) year's dues and/or a reinstatement fee or not more than twenty-five dollars (\$25.00) unless waived by the Executive Director. Provided, however, that any person who is paying dues through a payroll deduction checkoff plan or Local installment plan shall, for so long as such person continues to pay through such plan, be considered in good standing.

**7.12 Fair Share Fees/Internal Rebate Procedure and Conscientious Objection Procedure.** Collective bargaining agreements negotiated on behalf of the Union shall, where possible, contain a provision requiring that as a condition of employment, on or after a mutually agreed upon probationary period or sixty (60) days following the beginning of employment, whichever is less, or the effective date of a collective bargaining agreement, whichever is later, that the employees in the unit who are not members of the Union pay to the Union a fair share fee in an amount determined by the Executive Board.

The Executive Board may establish internal procedures for determining rebates of fair share fees and for determining whether employees are exempt from joining or financially supporting this Union.

## **ARTICLE VIII**

### **Annual and Special Delegate Conferences**

**8.01 Conference Powers; Time and Place.** All sovereign powers of this Union shall be vested in the Delegate Conference when in session. The time and place of future conferences shall be determined by the Executive Board. The Executive Board may change the site, time and place of the conference when, in their judgment, a change is necessary.

**8.02 Special Delegate Conference.** A special delegate conference may be called by the Executive Board acting upon a two-third vote of the Board. Notice of any special delegate conference shall be sent to all subordinate bodies entitled to choose delegates together with the specific purpose or purposes for the special conference at least forty (40) days prior to the opening day of the special conference.

**8.03 Delegates Named.** The delegates to all delegate conferences shall be the elected State Officers, immediate Past State President, Executive Board Members and Alternates, District Presidents, District Vice Presidents, District Secretaries, District Treasurers, Local Presidents, and Local delegates.

**8.04 Local Delegates.** Each Local shall be granted one delegate for each one hundred (100) members or a fractional part thereof. In the event the Local President cannot attend, the Local Vice President may attend as a delegate in the Local President's place. In the event of inability of both to attend, the Local shall be entitled to select an additional delegate from its membership.

**8.05 Delegate Selection.** All delegates shall, after due notice of nomination and election has been given, be elected by the respective subordinate body entitled to delegates.

Subordinate bodies shall also elect an alternate for each delegate. Election shall be by secret ballot except in instances where the nominee is unopposed. The names of delegates and of alternates shall be certified by the President and Secretary of each subordinate body to the State Treasurer at the State Office no less than sixty (60) days prior to the scheduled opening date of the Conference. The Credentials Committee shall have authority to waive the sixty (60) day requirement for valid and just reasons, and shall reduce this requirement for a special conference.

No nomination or election of delegates shall be more than one hundred twenty (120) days prior to the opening of a conference. No election of delegates shall be required for anyone who is a delegate, pursuant to this Constitution by virtue of the office therein. A delegate representing a Local or subordinate body must be a member in good standing of the Union and the subordinate body they represent.

#### **8.06 Conference Resolutions.**

A. A Conference resolution may be initiated by any active member in good standing. The member shall submit the proposed resolution to members of the Local or District for consideration. A resolution on behalf of a Local may be submitted to the Conference if the Local members by a majority vote determine at a meeting of the Local members that a proposed resolution should be submitted to the Conference. A resolution on behalf of a District may be submitted to the Conference if the District Executive Committee by a majority vote determines at a meeting of the District Executive Committee that a proposed resolution should be submitted to the Conference. The Secretary of the subordinate body shall send the resolution in the name of the subordinate body to the State Treasurer at the State Office. Resolutions submitted by a Local or District, may be submitted immediately following the close of the Annual Delegate Conference, however, in no event shall such resolution be submitted later than ninety (90) days prior to the next scheduled Annual Delegate Conference. Resolutions received in the Union's office at least thirty (30) days prior to the ninety (90) days deadline, that are deficient in content and form, shall be returned to the authorized submitting source by the Executive Director within five (5) days of receipt. The Executive Director shall identify any deficiencies and the authorized source may review, correct and resubmit the resolution prior to the deadline for submitting Conference resolutions. All resolutions shall be certified in the following manner:

"I, \_\_(Secretary's Name)\_\_ , being the Secretary of \_\_(Local Name)\_\_ , \_\_(Local Number)\_\_, of the Ohio Association of Public School Employees, hereby certify that the attached resolution was adopted at a meeting of said members, duly and validly held on the \_\_(#)\_\_ day of \_\_(Month)\_\_, at which a quorum of said members was present and in attendance throughout, and voted in favor of said resolution, and that no action has been taken to rescind or amend

said resolution. I also certify that the attached resolution is being submitted in proper form and structure similar to the example resolution form attached as an appendix to this Constitution.”

In emergency situations, the State Executive Board may introduce a resolution for consideration by the Conference at any time during the Conference.

- B. All resolutions that have been compiled and are to be submitted before the delegate floor for vote shall not contain any committee recommendation as to adopt or reject. If the committee feels the need to add a brief statement to a resolution of the pros and cons of an issue and how it would affect the Union, they may do so.

**8.07 Reference Committee.** There shall be appointed by the President a Conference Reference Committee composed of three (3) members in good standing, whose duties shall be: 1.) to review resolutions as to form; 2.) to determine that conference resolutions comply with Article 8.06; and 3.) to refer the resolutions to the appropriate Standing, Special, or Conference Committee for consideration prior to the Annual Delegate Conference. Any resolution rejected by the Reference Committee shall be returned to the sponsor together with specific reasons for rejection. A copy of the rejection statement shall be filed with the State Secretary.

**8.08 Credentials Committee.** The State President shall appoint a Credentials Committee consisting of five (5) persons. Three (3) of the members of the Credentials Committee shall be members of the Conference Committee and two (2) of the members of the Credentials Committee shall be members of the Executive Board. The State President shall designate one (1) of the members appointed to the Credentials Committee as Chairperson. The Credentials Committee of the Delegate Conference shall have the authority to oversee the registration of delegates and to review the credentials of all delegates to insure that only active members in good standing, elected in accordance with Article VIII, Section 8.05, shall be seated as delegates to the Conference. At the request of the presiding officer, the Chairperson shall report the number of delegates seated or denied the right to be seated. Persons denied the right to be seated as a delegate may appeal to the delegate assembly. The decision of the delegate assembly shall be final.

## **ARTICLE IX**

### **Executive Board**

**9.01 General Authority.** The Executive Board shall be the highest governing body of this Union except when a Delegate Conference is in session. The Board shall possess all the legislative and policy-making authority of the Conference except the power to amend the Constitution. The Executive Board shall have the authority to make binding interpretations of this Constitution and the ruling of the Board shall remain in full force and effect unless reversed by the Conference.

**9.02 Power Granted.** The Board is hereby authorized and empowered to take any and all lawful action not inconsistent with the Constitution to safeguard and protect the Union, the rights, duties and privileges of the officers, members, Locals, and subordinate bodies; to guide, manage, conduct and direct the activities, affairs, and functions of the Union; and to, in every way, including but not limited to expenditure, investment and management, utilize the property and funds of the Union toward the fulfillment of its purposes and objects.

**9.03 Specified Authority.** In addition to the general and specific powers conferred upon the Board elsewhere in this Constitution, and in addition to any other lawful power granted to it, the Board is specifically authorized to:

- A. Establish, adopt, prescribe and order such procedures, policies, rules and regulations, consistent with this Constitution as are required for the direction and management of the affairs of the Union and its subordinate bodies, and to repeal or amend the same;
- B. Delegate (consistent with the Constitution) to any of its officers, agents, and staff any functions and powers herein set forth except the power to fill vacancies in office;
- C. Establish and approve policies for the payment of salaries, wages, expenses and allowances, and disbursements for its officers, agents and employees;
- D. Take such legal action as it deems necessary to protect the interests of the Union, its officers, representatives, agents, employees, members, or subordinate bodies, including the initiation, prosecution, and defense of lawsuits and arbitrations, the settlement or compromising of any claim whether defended or prosecuted, and the payment of expenses and costs of all such proceedings and actions, or to abstain from enforcing any claim;
- E. Invest or reinvest the funds of this Union in such property, real or personal, tangible or intangible, as it shall consider desirable for the effectuation of the

purposes and objects of the Union, and the interests of its members, or permit such funds to remain uninvested;

- F. Lease, buy, or acquire on behalf of the Union all property, rights, and privileges as it shall think desirable for the effectuation of the purposes and objects of the Union and the interests of its members at such price, terms and conditions as this Board shall, in its sole discretion, determine;
- G. Sell, lease, rent, mortgage, pledge, exchange or otherwise dispose of any property, real or personal, tangible or intangible, and any rights or privileges appertaining or belonging to or in the possession of this Union or its membership, whenever, in its sole discretion, the Board considers the purposes and objects of the Union and the interests of its members will be thereby effectuated for such prices, upon such terms and conditions, and for such consideration as the Board, in its discretion, determines;
- H. Obtain loans from any banks, firms, corporations or institutions — upon such terms and conditions as the Board shall determine — and for the sums so borrowed issue promissory notes or other evidences of indebtedness;
- I. Enter into, issue or create, effectuate or terminate such mortgage deeds, trust agreements, negotiate instruments, bonds, however secured, as the Board, in its discretion, believes will effectuate the objects and purposes of the Union and the interests of its members;
- J. Affiliate this Union with such organizations and bodies, local, national or international, as the Board believes will effectuate the objects and purposes of the Union and the interests of its members;
- K. Enforce a strict observance of the Constitution of the Union;
- L. Confer retroactive membership status on the Executive Director in order to make the Executive Director eligible to be a candidate for the position of International Vice President.

**9.04 Relationship With Executive Director.** The Executive Board shall have the power to hire and fix compensation of the Executive Director who shall be responsible for the hiring and fixing of compensation of additional employees with prior authorization and approval of the Executive Board.

**9.05 Use of Consultant; Liability.** The Executive Board in carrying out its function, is entitled to rely on the opinion of any attorney, accountant, or other professional consultant or expert hired pursuant to this Constitution and such opinion shall be the full and complete authority, and protection in respect to any action taken, suffered, or omitted by this Board or member thereof in good faith, and in accordance with

such opinion. The Executive Board, or any member of it, shall not be liable to any person or organization for any act, which is not willful misconduct or in bad faith, done by this Board or said member in effectuation of the purposes and objects of this Constitution and the interests of the members of the Union.

**9.06 Make-Up of Board.** The Executive Board shall consist of the elected State Officers, the immediate Past President, and the Board Member from each District.

**9.07 Executive Board Meeting.** Meetings of the Executive Board shall be bimonthly and such other times as called by the President. Seven (7) members shall constitute a quorum for the transaction of business. The President shall call meetings of the Executive Board upon written request of three (3) or more members of the Board at all times other than designated above.

## **ARTICLE X**

### **Executive Board Qualifications, Elections, and Term**

**10.01 Qualifications.** Any active member in good standing having been an active member in good standing for a minimum of two (2) consecutive years at the time of declaring candidacy, shall be eligible to run for the office of Executive Board Member or Alternate representing that member's District; provided, however, affiliation with or membership in any employee organization competitive to this Union will disqualify such person from election as an Executive Board Member or Alternate and shall be grounds for removal from office.

**10.02 Nominating Procedure.** There shall be appointed by the District President from among members of the District a District Nominating Committee whose duty it shall be to notify all Locals in the jurisdiction of the District at least ninety (90) days prior to the District meeting at which an election of an Executive Board Member and Alternate to represent the District is scheduled. Each Local shall notify its members of the scheduled election. This District meeting shall be scheduled at a time which allows members a reasonable opportunity to vote. Not less than fifteen (15) days prior to the election, notice thereof shall be mailed to each member at his or her last known home address. The notice may be placed in a publication. Declaration of Candidacy Forms indicating the intent to run for the office of Executive Board Member and Alternate must be submitted to the District Nominating Committee at least sixty (60) days prior to the scheduled date of election. Upon receipt of a Declaration of Candidacy Form, the District Nominating Committee shall mail to the candidate all materials describing the election procedures, the time and place of

election, and other election rules and guidelines.

It shall be the duty of the District Nominating Committee to review all candidates for office and determine, whether or not the qualifications set forth in Article X, Section 10.01 above have been complied with. The District Nominating Committee shall submit a report showing the names, addresses, Local affiliations and other qualifications of each candidate to the District Executive Committee, with a copy mailed to all Local Presidents, no later than thirty (30) days prior to the District meeting scheduled for an election. In the event no Declaration of Candidacy Forms are filed, it shall be the duty of the District Nominating Committee to seek out and nominate one or more persons for the office of Executive Board Member and Alternate, who meet the qualifications set forth in Article X, Section 10.01 above.

No individual shall be a candidate for Executive Board and Alternate at the same time.

**10.03 Election.** Elections shall be held for the office of Executive Board Member in even numbered years in the following Districts: East Central, Eastern, Northwest, Southeast, and Western. Elections for the office of Executive Board Member shall be held in odd numbered years in the following Districts: Central, North Central, Northeast, Northwest Central, and Southwest.

At the scheduled District meeting, in a year when the Executive Board Member for that District is to be elected, a secret ballot election shall be conducted for the offices of Executive Board Member and Alternate. Prior to such election at the scheduled District meeting, each candidate will be given time to speak to the membership. Only verified members in good standing of the District shall be given an official ballot and be entitled to vote.

A majority of the votes cast for any office shall be required to elect. If no candidate receives a majority, then a new ballot shall be prepared and a run-off election shall be held. The new ballot in a run-off election shall contain only the names of the two candidates receiving the greatest number of votes. In the event of a tie for the greatest number of votes for a particular office after one (1) run-off election, the candidate having the greatest continuous period of membership at the time of the election shall be declared the winner. If the tie is not broken in that manner, a flip of a coin shall determine the winner. All election records, including ballots, shall be retained by the District Secretary for at least one (1) year after the election.

**10.04 Term.** Beginning in 2007, the term of office of an Executive Board Member and Alternate shall commence at the close of the annual fall District meeting at which the person is elected and shall continue for a period covering the next four (4) annual fall District meetings and shall end with the close of the fourth of those four annual fall District meetings. There is no limit in the number of terms to which an individual may be elected and serve.

**10.05 Alternate.** Each Executive Board Member shall have an elected Alternate. The Alternate must have the same qualifications for office as the Executive Board Member and shall be elected pursuant to the same procedure and at the same time as the Executive Board Member.

The Alternate shall attend all Executive Board meetings as an observer and shall stand in for and in the stead of the Executive Board Member with full voting privileges in the absence of the Executive Board Member at any such meeting.

In the event of a permanent vacancy in the office of Executive Board Member, the Alternate shall immediately assume the position of Executive Board Member for the remaining portion of the term.

**10.06 Vacancies in Office.** In the event of a vacancy in the position of Executive Board Member Alternate, the District Executive Committee — at a meeting specially called for such purpose with not less than ten (10) days notice to each member of the committee — shall have the power to appoint a member of that District meeting the qualifications set forth in Article 10.01 above to such vacancy. The District Executive Committee shall fill the vacancy within thirty (30) days of the vacancy.

## **ARTICLE XI** **Loans and Conflict**

The Union, Districts, Locals or any other subordinate bodies may not make loans to any officers or agents of the Union, Districts, Locals or any other subordinate bodies. Business or financial dealings or interests of officers and agents of the Union, Districts, Locals or subordinate bodies, their spouses, minor children, parents, or otherwise, which conflict with the fiduciary obligation of such persons to their respective organizations are prohibited.

## **ARTICLE XII**

### **Executive Director**

**12.01 Executive Director's Responsibilities.** The Executive Board shall appoint and employ an Executive Director of the Union, who shall be designated as the Chief Executive Officer. It shall be the duty and responsibility of the Executive Director to enforce a strict observance of the Constitution of this Union and to direct the work of the staff of the Union and act as General Manager for the Union. The Executive Director shall supervise and conduct the daily activities and directions of the Union within the policies established by the Executive Board.

The Executive Director shall be the Treasurer of the Union and shall be bonded in such amounts as determined from time to time by the Executive Board.

**12.02 Treasurer's Duty.** It shall be the duty of the Treasurer to prepare annually a budget for the Union for presentation to and approval by the Executive Board prior to the Annual Delegate Conference. The Treasurer is responsible for maintaining the financial integrity of the Union. The Treasurer shall keep accurate accounts of all income and expenses, prepare an annual financial report, and keep open for inspection by any member of the Union the accounts of the Union. Such inspection may only be made during normal business hours.

All accounts of OAPSE shall be audited immediately following the close of each fiscal year, or at the direction of the OAPSE Executive Director or the State Executive Board at more frequent intervals, by a certified public accountant, who shall be appointed by the OAPSE Treasurer with the approval of the OAPSE State Executive Board. The audit report shall be transmitted to the OAPSE Treasurer and to each member of the State Executive Board. The certified public accountant shall meet with the OAPSE State Executive Board, at the Board's request, at its next regular meeting to report on the financial records and the financial condition of OAPSE.

**12.03 Bonds.** The Executive Director shall secure on behalf of the Union a bond for all officers who handle funds, subject to the provisions of applicable law, in amounts determined by the Executive Board.

## **ARTICLE XIII**

### **Elected Officers**

**13.01 Officer Named.** The elected officers of this Union shall be a State President, a State Vice President, and a State Secretary. The elected officers by virtue of their office are members of the Executive Board.

**13.02 State President.** Subject always to the direction of the Executive Board, the State President shall enforce a strict observance of the Constitution of this Union, assist in carrying out the policies of the Annual Delegate Conference and the Executive Board, and confer with and give advice and counsel to the Executive Director. The State President shall preside at meetings of the Annual Delegate Conference and the Executive Board. The State President shall appoint all committees of this Union necessary for its efficient operation and shall be an ex-officio member of all committees. The State President shall submit an annual report of activities to the Annual Delegate Conference.

The State President is not charged with executive or administrative responsibilities in the continuing conduct of the affairs of the Union.

**13.03 State Vice President.** The State Vice President shall enforce a strict observance of the Constitution of this Union, shall assist the State President and in the absence of the State President shall discharge the duties of the office of State President. The State Vice President shall be a member of the Executive Board and shall have such additional duties as the State President from time to time may delegate.

**13.04 State Secretary.** The State Secretary shall enforce a strict observance of the Constitution of this Union, shall be a member of the Executive Board, and shall keep all records of the proceedings of Conferences and of Executive Board meetings.

**13.05 Qualifications.** Any active member in good standing having been an active member in good standing for a minimum of two (2) consecutive years at the time of declaring candidacy shall be eligible to run for the position of State Officer.

Affiliation with or membership in any employee organization competitive with this Union shall serve to disqualify such person from election to state office and shall be grounds for removal from office.

**13.06 Nominating and Election Procedure.** The Executive Board shall establish a date for election of State Officers which shall be the final date that ballots may be submitted. Declaration of candidacy forms or nominations for any state office will be accepted no later than the fifteenth (15th) day of January of the year in which the elections are to take place. Any eligible member may send a declaration of candidacy form to run for a particular state office and any member in good standing may nominate any eligible member for a particular state office by submitting such declaration of candidacy form or nomination to the Nominating Committee in care of the OAPSE State Office in Columbus no later than the fifteenth (15th) day of January of the year in which the elections are to take place. If the fifteenth (15th) day of January falls on a Saturday, Sunday, legal holiday, or a day or part of a day on which the OAPSE State Office in Columbus is closed, the last day for submitting a declaration of candidacy form or nomination shall be the next day which is not a Saturday, Sunday, legal holiday, or a day or part of a day on which the OAPSE State Office in Columbus is closed. A candidate may not send a declaration of candidacy form to run or be nominated for more than one state office. Nominees shall be afforded the opportunity to decline, and the name of any person so declining shall not appear on the ballot.

It shall be the duty of the Nominating Committee to review all declarations of candidacy and nominations and to determine whether or not the qualifications set forth in Article XIII, Section 13.05 have been met. Persons meeting the qualifications of Article XIII, Section 13.05 shall be included on a proposed slate of officers. If only one declaration of candidacy form or nomination is received for any particular office, the Nominating Committee shall have the right to nominate an individual for that particular office and whose name may appear on the ballot. In the event that no valid declarations of candidacy forms or nominations have been received by the Nominating Committee, then it shall be the duty of the Nominating Committee to nominate one or more persons meeting the qualifications of Article XIII, Section 13.05 for each elective state office for which there is no candidate.

The Nominating Committee shall prepare a ballot which shall be used for the election of State Officers. The ballot shall contain the names of all candidates with instructions to vote for not more than one (1) candidate for each office. Any ballot containing votes for more than one (1) candidate for a particular office shall not be counted when tabulating the results for that particular office.

Write-in votes shall not be permitted.

The ballots shall be mailed to all members in good standing at his or her last known home address. To assure secrecy a double envelope system shall be used. The voted ballot shall be placed inside a blank envelope. The necessary voter identification shall appear only on the outer return envelope. The members in good standing who return ballots shall be required to place on the outer return envelope their name, address and Local number. All voted ballots shall be postmarked or received at the State Office no later than the date established by the Executive Board. Voted ballots shall be returned to the place designated by the Executive Board. The Executive Board may contract with an independent agency for preparation and/or mailing of the ballots and/or opening and counting of the ballots. Candidates are permitted to have an observer present at the preparation and mailing of the ballots, their receipt by the counting agency, and at the opening and counting of the ballots. Payment of election observers is the responsibility of the candidate. The candidate receiving the greatest number of votes for a particular office shall be declared the winner. A majority of the votes cast for any office shall not be required to elect. In the event of a tie for the greatest number of votes for a particular office, the candidate having the greatest continuous period of membership at the time of the election shall be declared the winner. If the tie is not broken in that manner, a flip of a coin shall determine the winner.

If there is only one candidate for an office, that individual may be declared elected without the need to incur the expense of a secret ballot mail election.

The results of the election shall be announced before or at the Annual Delegate Conference so that the elected officers can be installed during the Annual Delegate Conference.

No individual shall be a candidate for more than one (1) state office at the same time.

**13.07 Term.** Beginning in 2009, the term of office for State Officers shall be for four (4) years and shall begin at the close of the Annual Delegate Conference in which the officers are installed and shall continue until the adjournment of the next succeeding Annual Delegate Conference at which their successors are installed. There is no limit in the number of terms to which an individual may be elected and serve.

**13.08 Vacancies in Elected State Office.** In the event of a vacancy in the office of President, the Vice President shall succeed to the office of President, filling out the unexpired term of the President.

In the event both the offices of President and Vice President are vacant, the immediate Past President shall assume the office of President for the unexpired term.

In the event of a vacancy in the office of Vice President or Secretary, the Executive Board may fill that office until an election to name a successor may be held.

## **ARTICLE XIV**

### **Districts**

**14.01 Boundaries.** The district boundaries are as follows:

**Central District** — Champaign, Delaware, Fairfield, Fayette, Franklin, Licking, Logan, Madison, Marion, Pickaway, Ross, Union Counties.

**East Central District** — Carroll, Columbiana, Holmes, Stark, Tuscarawas, Wayne Counties.

**Eastern District** — Belmont, Coshocton, Guernsey, Harrison, Jefferson, Monroe, Muskingum, Noble Counties.

**North Central District** — Ashland, Crawford, Huron, Knox, Morrow, Richland, Seneca Counties.

**Northeast District** — Ashtabula, Cuyahoga, Geauga, Lake, Lorain, Mahoning, Medina, Portage, Summit, Trumbull Counties.

**Northwest Central District** — Allen, Auglaize, Hardin, Mercer, Putnam, Van Wert Counties.

**Northwest District** — Defiance, Erie, Fulton, Hancock, Henry, Lucas, Ottawa, Paulding, Sandusky, Williams, Wood, Wyandot Counties.

**Southeast District** — Athens, Gallia, Hocking, Jackson, Lawrence, Meigs, Morgan, Perry, Pike, Scioto, Vinton, Washington Counties.

**Southwest District** — Adams, Brown, Butler, Clermont, Clinton, Hamilton, Highland, Warren Counties.

**Western District**— Clark, Darke, Greene, Miami, Montgomery, Preble, Shelby Counties.

Locals may be moved upon the approval of the Annual Delegate Conference from one geographical District to another.

The Local must first pass a resolution requesting the move at a meeting called for that purpose with notice given to all members of the local at least forty-eight (48) hours in advance of the meeting. A two-thirds (2/3) vote of the members present and voting is required for passage of the resolution.

**14.02 Purpose.** The District shall act as a liaison between Locals and the State Union. The District shall have no legislative or dues levying power and shall be governed by the Constitution and lawful orders of the State Union. Districts may adopt additional By-laws governing the District provided such By-laws do not conflict with the Constitution of the State Union.

Each District shall send its By-laws to the Executive Director by January 1 after the Annual Delegate Conference. The By-laws shall be reviewed by the Executive Director for compliance with this Constitution. Those Districts not submitting their By-laws by January 1 shall be governed by the State Constitution only until the By-laws are submitted and approved.

**14.03 Funds.** On April 1, of each year, the Treasurer of the State Union shall forward to each District Treasurer one (1) per cent of all dues collected from the respective District. A supplemental check shall be issued in October of each year covering one percent (1%) of all dues collected from April 1 through August 31 of each year.

The District may charge a registration fee to help defray the expense of the annual meeting of the District.

**14.04 Officers.** The officers of the District are District President, District Vice President, District Secretary, and District Treasurer.

**14.05 Annual District Meeting.** The annual meeting of the District shall be at a time selected by the District Executive Committee. Written notice of the date, time and place of the annual meeting of the District shall be sent to each Local at least fifteen (15) days prior to the meeting. All members in good standing in attendance shall be entitled to vote at the Annual District meeting.

**14.06 Qualifications for Office.** Any active member in good standing having been an active member in good standing for a minimum of two (2) consecutive years at the time of declaring candidacy, shall be eligible for nomination and election to a district office. No member shall hold two elective offices concurrently in the District. Affiliation with or membership in any employee organization competitive with the Union shall serve to disqualify any member from election as a District Officer or shall be grounds for removal from office.

**14.07 Nominating and Election Rules and Regulations.** All District Officers shall be nominated and elected in accordance with the nominating and election rules and regulations as adopted by the State Executive Board. The District Meeting at which the elections are held shall be in September or October.

No individual shall be a candidate for more than one (1) district office at the same time.

**14.08 Term of Office.** The term of office for District Officers shall be for four (4) years in odd numbered years for Central, North Central, Northeast, Northwest Central and Southwest Districts and in even numbered years for East Central, Eastern, Northwest, Southeast, and Western Districts and shall commence at the meeting of the District in which the officers are installed and continue until the meeting of the Districts when their successors are installed. Installation of officers shall be made at the September or October meeting of the District at which the officers are elected. There is no limit in the number of terms to which an individual may be elected and serve.

In the event of a tie for the greatest number of votes for a particular office after one (1) run-off election, the candidate having the greatest continuous period of membership at the time of the election shall be declared the winner. If the tie is not broken in that manner, a flip of a coin shall determine the winner. All election records, including ballots, shall be retained by the District Secretary for at least one (1) year after the election.

**14.09 Duty of the District President.** The District President shall preside at the meetings of the District and at the meetings of the District Executive Committee.

The District President shall:

- A. Be responsible for the activities of the Locals in the District, and act as liaison between said Locals and the State Union;

- B. Appoint all committees and enforce a strict observance of the Constitution of this Union and all orders from proper authority;
- C. Call meetings of the District Executive Committee when necessary for the welfare of the District;
- D. At the expiration of a term of office, give all current and pertinent materials of the office to the new District President;
- E. Appoint a committee consisting of three (3) members who shall be responsible to annually audit the financial records of the District and render a report of such audit to the District Executive Committee for its approval at a regular meeting. A copy of such audit report shall be forwarded to the Budget/Finance Advisory Committee no later than October 1 of each year. In addition, a report of such audit shall be made to the membership at the next annual meeting of the District;
- F. Turn over to the District Secretary for presentation to the membership all directives, orders, and communications affecting the District or its members.

**14.10 Duty of the District Vice President.** The District Vice President shall enforce strict observance of the Constitution of the Union and shall assist the District President and, in the absence or disability of the District President the District Vice President shall discharge the duties of that office. The District Vice President shall act as Chairperson of the District Membership Committee and any other duties assigned by the District President.

At the expiration of office, the outgoing District Vice President shall give all current and pertinent material of the office to the new District Vice President.

The District Vice President shall turn over to the District Secretary for presentation to the membership all directives, orders, and communications affecting the District or its members.

**14.11 Duty of the District Secretary.** The District Secretary shall enforce a strict observance of the Constitution of this Union and shall keep in books or files:

- A. A copy of the Constitution of the Ohio Association of Public School Employees;
- B. A record of all proceedings of the meetings of the District and the District Executive Committee after the same shall have been corrected and approved;
- C. All orders and communications received.

The District Secretary shall read to the membership at a meeting all directives, orders, and communications affecting the District or its members.

The District Secretary shall mail to the State Union Headquarters, not later than ninety (90) days prior to the meeting of the Delegate Conference, all copies of the resolutions and amendments to the Constitution approved by the District.

The District Secretary shall transfer to the succeeding officer all records and books of the office within fifteen (15) days after the election.

The District Secretary shall attest by signature all actions of the District and the District Executive Committee. The District Secretary shall, prior to the next District Executive Committee meeting, report to the State Executive Board and the Local President or Secretary any Local not represented for two consecutive District Executive Committee meetings.

At the expiration of a term of office, the outgoing District Secretary shall give all current and pertinent materials of the office to the new District Secretary.

**14.12 Duty of the District Treasurer.** The District Treasurer shall be the fiscal officer of the District, shall enforce a strict observance of the Constitution of this Union, and shall report at the annual meeting of the District the financial status of the District.

In addition, the District Treasurer shall:

- A. Be the custodian of the funds, securities, and other property of the District;
- B. Keep a correct account of all monies due and receivable from all sources;
- C. Disburse all monies authorized by the District or District Executive Committee upon submission of vouchers;
- D. Keep a record of all liabilities of the District;
- E. Deposit all current funds received by the District at once in a depository designated by the District Executive Committee;
- F. Turn over to the District Secretary for presentation to the membership all directives, orders, and communications affecting the District or its members.

At the expiration of a term of office, the outgoing District Treasurer shall give all current and pertinent materials of the office to the new District Treasurer.

**14.13 The District Executive Committee.** The District Executive Committee shall meet a minimum of six (6) times yearly. They shall develop and maintain

programs to recruit new membership and inform, educate, and develop effective leadership within the membership.

The District Executive Committee shall be composed of the District President, the immediate Past District President, the District Vice President, the District Secretary, the District Treasurer, the Executive Board Member and Alternate of the District, and the Local Presidents from the District. In the absence of the Local President, the Local Vice President shall represent the Local. In the event the Local Vice President cannot attend, the Local President shall appoint a representative. Only members of the District Executive Committee are entitled to vote at the District Executive Committee meetings.

The District Executive Committee shall represent the District in the interval between annual meetings of the District.

The District Executive Committee shall meet upon the call of the District President and the members of the Committee present shall constitute a quorum for the transaction of business.

The District Executive Committee shall carry into effect all orders and mandates of the District not inconsistent with the Constitution of the Union and procedures, policies, and rules and regulations of the Executive Board of the Union.

The District Executive Committee shall have the power to set the time and place of the annual meeting of the District.

The financial records of the District shall be audited annually by a committee of three (3) members appointed by the President, and a report of the audit shall be presented and approved at a regular meeting of the District. A copy of such audit report shall be forwarded to the State Union.

A District's financial records shall at all times be subject to audit as directed by the Executive Board's Finance Committee. The District shall require that checks written on the District checking account be signed by two officers one of whom shall be the District Treasurer.

The District Secretary shall keep full records of the proceedings of the District Executive Committee and present same in a report at the Annual District meeting.

In the event of a vacancy in the office of District President, the District Vice President shall at once succeed to the title and duties of that office.

In the event of a vacancy in the office of District Vice President, District Secretary, or District Treasurer, after ten (10) days written notice has been given all members of the District Executive Committee, the District Executive Committee is empowered to elect a member to fill the office for the balance of the term remaining. A majority of the votes cast by the members of the District Executive Committee present shall be required to elect. The District Executive Committee shall fill the vacancy within thirty (30) days of the vacancy.

## **ARTICLE XV**

### **Locals**

**15.01 Formation.** A Local may be formed by the authority of the President of the Ohio Association of Public School Employees on the application of not less than ten percent (10%) of the persons or, in any event, not less than five (5) persons eligible to hold active membership in the Ohio Association of Public School Employees, and no Local shall be recognized by the members unless acting under a legal and unforfeited charter.

**15.02 Membership.** All active members must belong to a Local.

**15.03 Supervisors.** Local membership shall be limited to those school employees whose positions of employment are covered under the provisions of the agreement. School employees in supervisory positions, excluded from the Local's negotiated agreement, shall be members of the State Union only — unless accorded honorary membership at the invitation of the Local as determined by a majority vote of the Local members present and voting at a meeting called for that purpose.

Supervisors shall not be eligible to hold an elected office in the Local or serve on the Executive, Negotiations or Grievance Committees of the Local. In some instances where the Local does not have a negotiations agreement no such exclusion may apply.

Notwithstanding the above, persons excluded from Local membership may apply for a separate Local charter upon meeting the prescribed requirements for chartering.

**15.04 Consolidated Bargaining Local.** Upon approval of the State Executive Board, two or more existing Locals recognized as a bargaining representative in a school district may form a consolidated bargaining Local

made up of all members of the constituent Locals. The consolidated bargaining Local shall be responsible for all matters concerning negotiations and collective bargaining. A consolidated bargaining Local may elect officers, collect dues, process grievances, or handle arbitrations. A consolidated bargaining Local shall not be entitled to send delegates to any Delegate Conference. No consolidated bargaining Local may be dissolved without prior approval of the State Executive Board.

**15.05 Charter.** Application for the charter for a Local shall be made in writing to the Executive Director on a blank form furnished for that purpose and shall contain the proposed name of the Local, its location, and the school district or districts it represents. Upon signing an application for charter for a new Local each prospective new member shall pay the annual dues as prescribed in the Constitution. A Local Charter Committee shall be appointed annually by the State President comprised of members of the elected State Executive Board. The Local Charter Committee shall review each charter application to determine if issuance of said charter is in the best interests of the school employees in the school district and make its recommendation known to the State President within fifteen (15) days after the meeting. The State Executive Board shall act on the recommendation of the Committee. The results of each decision shall be made known to the applicants following the Executive Board's action. These decisions may be appealed by the applicants only to their respective Executive Board Member.

All Local charters shall be signed by the President of the Ohio Association of Public School Employees and countersigned by the Secretary, and bear the seal of the Ohio Association of Public School Employees.

**15.06 Optional Local Merger.** When two (2) or more Locals — under the same employing authority — in good standing wish to consolidate, written notice of such proposed action shall be given all members in good standing at least two (2) weeks prior to the date of the meeting for consideration of such proposition in each of said Locals.

If said proposition shall then be adopted by a vote of two-thirds (2/3) of the members present at such meeting, the fact shall then be certified by resolution by each Local to the President of the Ohio Association of Public School Employees.

The President of the Ohio Association of Public School Employees shall then issue a new charter upon the approval of the Executive Board.

**15.07 Required Local Merger.** The Executive Board may require that any existing subordinate bodies of the Union, whether presently or hereafter chartered, to merge or consolidate with one or more other subordinate bodies in the same area, such consolidated or merged subordinate bodies to function thereafter as a single subordinate body under an existing or newly granted charter. Any subordinate bodies so directed to merge or consolidate shall, at their request, be granted a hearing before the Executive Board prior to the effective date of the required merger or consolidation and shall, in any case, be given a reasonable period of time in which to accomplish such merger or consolidation.

**15.08 Local Meetings.** Each Local shall hold a minimum of six (6) regular meetings during the calendar year.

The Local President may call a special meeting whenever, in the President's opinion, the same may be necessary for the welfare of the Local. The Local President shall call a special meeting of the Local upon a request in writing signed by five (5) members in good standing. A special meeting called upon request of five (5) members shall be held within fourteen (14) calendar days of the request.

The Local Secretary shall cause all members to be notified of the time and place of any special meeting and of the business to be transacted, at least forty-eight (48) hours in advance of the time set for meeting.

A Local may meet with less notice in emergency situations concerning matters of negotiations and collective bargaining. No business shall be transacted at any special meeting except that for which the meeting was called.

The Local By-laws may specify the minimum number of members required to constitute a quorum for the transaction of business; however, in no case shall the number be less than five (5).

**15.09 Officers Eligibility and Election Procedures.** Officers— The officers of the Local shall be the Local President, Local Vice President, Local Secretary, and Local Treasurer. A Local officer shall continue to hold office for the period of time for which elected provided he remains in good standing in the Local or

unless removed in accordance with the State Constitution.

**Eligibility**— Any active member of the Local who has been a member in good standing in the Local for a minimum of one year at the time of declaring candidacy, except in the initial election held in the Local, shall be eligible to hold any office in the Local, however, no member shall hold two (2) local elective offices at the same time. Affiliation with or membership in any employee organization competitive with the Union shall serve to disqualify any member from election as a Local Officer or shall be grounds for removal from office.

**Election of Officers**— The elective officers shall be nominated and then elected by secret ballot at a Local meeting in accordance with the nominating and election rules and regulations as adopted by the State Executive Board. The balloting shall be conducted in a manner which affords all members a reasonable opportunity to vote.

All Local Officers shall be elected in March or April of even numbered years and names submitted to the State Headquarters before the end of April. A majority of the votes cast for any office shall be required to elect. If no candidate receives a majority, then a new ballot shall be prepared and a run-off election shall be held. The new ballot in a run-off election shall contain only the names of the two candidates receiving the greatest number of votes. In the event of a tie for the greatest number of votes for a particular office after two (2) run-off elections, the candidate having the greatest continuous period of membership at the time of the election shall be declared the winner. If the tie is not broken in that manner, a flip of a coin shall determine the winner. All election records, including ballots, shall be retained by the Local Secretary for at least one year after the election.

**Term of Office**— The term of office for Local Officers shall be for two years and shall begin when they are installed at the May meeting following their election and shall continue until the May meeting of the second year thereafter at which time their successors who have been elected are installed. There is no limit in the number of terms to which an individual may be elected and serve.

**Vacancies in Office**— In the event of a vacancy in the office of Local President, the Local Vice President shall at once succeed to the title and duties of the President, and the Local shall proceed in the regular manner to elect a Local Vice President.

In the case of a vacancy in the office of the Local Vice President, Local Secretary or Local Treasurer, the Local President may appoint a member to the office to serve until it is possible to elect a successor in the regular manner.

Absence from two (2) consecutive regular meetings without just cause by any officers are grounds for removal.

A Local may fill any vacancy in any office at any regular meeting, notice of such contemplated action having been given at a previous meeting.

No individual shall be a candidate for more than one (1) local office at the same time.

**15.10 Duty of the Local President.** It shall be the duty of the Local President to preside at all meetings of the Local, and to enforce a strict observance of the Constitution of the Union and all orders from proper authority. The Local President shall turn over to the Local Secretary for presentation to the membership all directives, orders, and communications affecting the Local or its members. The Local President may appoint all committees. In the event the Grievance and Negotiating Committees are appointed rather than elected by the membership, the membership shall then or at a specific meeting called for that purpose vote its approval for those committee appointments. The Local President is, by virtue of the office, an accredited delegate to the Delegate Conference. The Local President shall attend or send a representative to all District Executive Committee meetings. Any Local which is not represented for two (2) consecutive meetings will be reported to the State Executive Board and their Local President or Secretary prior to their next District meeting. At the expiration of a term of office, the outgoing Local President shall give all current and pertinent materials of the office to the new Local President.

**15.11 Duty of the Local Vice President.** The Local Vice President shall enforce a strict observance of the Constitution of the Union and assist the Local President, and, in absence or disability of the Local President, shall discharge the duties of this office. The Local Vice President shall turn over to the Local Secretary for presentation to the membership all directives, orders, and communications affecting the Local or its members. The Local Vice President is the alternate for the Local President to the Delegate Conference and shall serve as the delegate if the Local President cannot attend. At the expiration of a term of office, the outgoing Local Vice President shall give all current and pertinent materials of the office to the new Local Vice President.

**15.12 Duty of the Local Secretary.** The Local Secretary shall keep in books or files:

- A. A copy of the Constitution of the Ohio Association of Public School Employees;
- B. The names of every member admitted to the Local;
- C. A record of all the proceedings of each meeting of the Local after the same shall have been corrected and approved;
- D. All orders and communications received.

The Local Secretary shall attest by signature all actions of the Local. The Local Secretary shall enforce a strict observance of the Constitution of the Union. The Local Secretary shall read to the membership at a Local meeting all directives, orders, and communications affecting the Local or its members.

The Local Secretary shall transfer to the succeeding officer all records and books of the office within fifteen (15) days after the succeeding election.

At the expiration of a term of office, the outgoing Local Secretary shall give all current and pertinent materials of the office to the new Local Secretary.

**15.13 Duty of the Local Treasurer.** The Local Treasurer shall receive and hold all monies, securities, vouchers, and such other property of the Local as may pertain to the Local Treasurer's office. The Local Treasurer shall pay out monies only after the Local has authorized payment. The Local Treasurer shall collect all monies due the Local giving a receipt and deposit all current funds received by the Local at once in a depository designated by the Local Executive Committee. The Local Treasurer shall enforce a strict observance of the Constitution of the Union. The Local Treasurer shall turn over to the Local Secretary for presentation to the membership all directives, orders, and communications affecting the Local or its members.

The Local Treasurer shall keep records of all financial transactions as set forth in the Local Treasurer's handbook supplied by the Union. The Local Treasurer shall submit, at least monthly, State Union monies to the State Office and further shall cause to have opened an account, either checking or savings, from which checks may be drawn. All payments of dues paid directly to the Local Treasurer shall be immediately sent to the State Treasurer along with transmittal forms supplied by the State Union.

The financial records of the Local shall be audited annually by a committee of three (3) members appointed by the Local President and a report of the audit shall be presented and approved at a regular meeting. A copy of such audit report shall be forwarded to the Budget/Finance Advisory Committee no later than October 1 of each year. A Local's financial records shall at all times be subject to audit as directed by the Budget/Finance Advisory Committee. The Local shall require that checks written on the Local checking account be signed by two officers one of whom shall be the Local Treasurer.

The Local Treasurer shall insure that all monies paid out by the Local must be approved by the members at a Local meeting. Under no circumstances shall officers or members pay bills without authorization by a Local, nor shall the members authorize payment of any bill or incur any obligation for which funds are unavailable.

At the expiration of a term of office, the outgoing Local Treasurer shall give all current and pertinent materials of the office to the new Local Treasurer.

**15.14 Local By-laws.** Locals may adopt By-laws governing the Local, provided such By-laws do not conflict with this Constitution. All Local By-laws shall provide for and be consistent with the following: In the event Grievance and Negotiating Committees are appointed rather than elected by the membership, the membership shall then or at a specific meeting called for that purpose vote its approval for those committee appointments.

After each Delegate Conference at which this Constitution is amended, the Executive Director shall notify each Local to amend its By-laws if required and each Local shall send its amended By-laws to the Executive Director by the next January 1 after notice of change is sent. Whenever a Local changes or amends its By-laws, other than as set forth in the preceding sentence, the Local must send a copy of the By-laws to the Executive Director within thirty (30) days after the changes or amendments are adopted. The By-laws shall be reviewed by the Executive Director for compliance with this Constitution. Those Locals not submitting their By-laws by January 1 shall be governed by the State Constitution only until the By-laws are submitted and approved.

**15.15 Local Dues.** A Local shall levy a uniform dues for Local membership which shall be not less than fifty cents (\$.50) per active member per working month. No action to change Local dues shall be taken except after written notice

has been given to the membership that a purpose of the meeting is to consider dues. Any action to change dues shall require a majority vote by secret ballot.

## **ARTICLE XVI**

### **Standing Committees**

**16.01 Committee Names.** The standing committees of the Union shall be Budget/Finance Advisory Committee, Constitution, Departments, Leadership, Legislative/Retirement, Memorial Scholarship, Nominating, and Resolutions. Further committees may be set forth by proper resolution at the Delegate Conference.

**16.02 Make-up of Committees.** These committees shall be appointed by the State President from recommendations furnished by each Executive Board Member. The Constitution, Memorial Scholarship, Nominating, and Resolutions committees shall be composed of one (1) Executive Board Member representing their District and one (1) member in good standing from each of the remaining nine (9) districts. The Budget/Finance Advisory Committee shall be composed of seven persons, four (4) of whom shall be Executive Board Members and three (3) of whom shall be members in good standing; one of the committee members shall be designated Chairperson. The Leadership Committee shall be composed of one (1) Executive Board Member and the District President or designee from each District. The Legislative/Retirement Committee shall be composed of one (1) Executive Board Member and ten (10) other members in good standing. The Department Committee shall be composed of a total of fifty (50) members in good standing being one representative from each district for each of the five (5) following categories: Food Service, Secretarial/Clerical, Paraprofessionals/Educational Assistants, Custodial/Maintenance and Transportation.

The Executive Director shall serve as a staff consultant to the Constitution Committee.

The President shall be a non-voting member of all standing committees.

The President shall request a staff member be appointed to each committee as a consultant.

### **16.03 Duties.**

***Budget/Finance Advisory Committee*** — This committee shall have such

duties and responsibilities as delegated to it by the State Executive Board and shall have the following authority:

1. Assist the Executive Director in the preparation of the proposed annual budget for presentation to the Executive Board.
2. Review and adjust the annual budget of the Union, if necessary in January of each year, in order to reflect the membership dues.
3. Establish a uniform system of accounts and accounting for all subordinate bodies of the Union. Such uniform system of accounts may include prescribed forms, ledgers, and other books and materials that are required to be used. The Union may charge subordinate bodies for the cost of such materials.
4. Require independent audits of the books of all subordinate bodies of the Union and charge the costs of that audit to such body.
5. Require the Treasurer of any subordinate body to produce all books, records, accounts, ledgers, checks, and other materials for review by the committee.
6. Recommend to the Executive Board the immediate removal from membership of any member who is found by a review of ledgers, books, etc., guilty of embezzling from any subordinate body of the Union.
7. Require subordinate bodies to submit to the Union no later than October 1 of each year an audit report of the financial activities of the subordinate bodies during the preceding September 1 through August 31.

**Constitution** — This committee shall study carefully the present Constitution, considering areas for revision, and present such possible revisions to the Executive Board for approval before the Annual Delegate Conference of each odd numbered year.

**Departments** — This committee shall assist in the development of the Union's legislative, collective bargaining and organizing programs by communicating to the Executive Board the interests of the members serving in the Food Service, Secretarial/Clerical, Custodial/Maintenance, Paraprofessionals/Educational Assistants, and Transportation categories which make up the Departments Committee.

**Leadership** — This committee shall be charged solely with the development of effective leadership within the membership to fill the various positions of leadership within the Union and its duly constituted bodies. This committee shall determine annually the opportunities for leadership development to be offered by the Union to interested and qualified members and shall cause to have this program presented. Within sixty (60) days following any seminar, the committee

shall submit a financial report to the State Executive Board.

**Legislative/Retirement** — This committee with assistance from the staff shall be responsible for determining the legislative and retirement programs of the Union putting into proper form and reviewing all resolutions submitted for action by the Annual Delegate Conference preparing for presentation to the Annual Delegate Conference any additional resolutions agreed upon by the committee, shall conduct studies on cost of living for the retirees, recommend improvements in the retirement system, and other activities as may come before the committee.

**Memorial Scholarship** — This committee shall determine in conjunction with the Executive Board, the annual scholarship awards program. They shall cause to have printed in the OAPSE News the announcement of the scholarship awards program. Upon receipt of all qualifying applications for scholarship awards the committee shall meet as many times as is necessary to select the winners of these awards. The winners of the scholarship awards shall be introduced at the Delegate Conference. All guidelines and procedures of this program shall be determined by this committee and submitted for approval to the Executive Board.

**Nominating** — This committee shall initiate the procedure for the annual election of State Officers. They shall follow the procedures for nominations set forth in this Constitution and shall meet as many times as necessary to determine a slate of candidates for each elected office.

**Resolutions** — This committee shall consider all resolutions not assigned to the other conference committees for review and pre-conference recommendation. The chairperson of this committee shall present the committee's recommendations to the delegates at the Conference.

**16.04 Removal of Committee Members.** Committee members may be removed for only these reasons:

- A. Failure to attend two (2) consecutive meetings;
- B. Violation of Article IV of the Constitution or by a majority vote of the Executive Board.

The committee appointments shall run concurrently with the term of the State President but not to exceed one (1) year unless re-appointed.

## ARTICLE XVII

### Discipline, Removal From Office, Expulsion

**17.01 Filing of Charges.** Any member in good standing or the Executive Board may file charges against any individual for actions taken while a member of the Union. To be timely, charges must be filed within thirty (30) calendar days of the time the charging party knew or should have known of the events which give rise to the charges, except for the charges arising out of an election which must be brought within ten (10) calendar days (including the day the election was held) of the date of the election in order to be considered timely.

**17.02 Due Process.** Except as otherwise provided herein, no member of the Union may be fined, suspended, expelled, or otherwise disciplined except for nonpayment of dues or matters under Article XIX of this Constitution unless the member has been served with written specific charges, given a reasonable time to prepare a defense, and afforded a full and fair hearing. If in the opinion of the State President and/or Executive Director an emergency situation exists, the State President and/or Executive Director is empowered to remove an individual from office and/or membership immediately upon notice of removal without first giving that individual a hearing, provided, however, the individual so removed may request a hearing before the State Judicial Panel within six (6) calendar days of such removal and, if a hearing is requested, the State Judicial Panel will conduct such hearing within seven (7) calendar days after the request.

**17.03 Basis for Filing of Charges.** In addition to those items set forth in other sections of this Constitution, the following shall constitute the basis for the filing of charges:

- A. Violation of any provision of this Constitution or of any officially adopted and approved Constitution of a subordinate body to which the member being accused is subject.
- B. Actively engaging in or supporting activities directly against the purposes set forth in this Constitution; seeking to bring about changes in the Union and/or its subordinate bodies by means other than those consistent with this Constitution; or supporting, promoting, or encouraging any organization having principles in conflict with those set forth in this Constitution.
- C. Acceptance of an office with, joining, promoting, or urging others to join an organization competitive to this Union.
- D. Malfeasance, misfeasance, or nonfeasance in office.

- E. Misappropriation, embezzlement, or improper or illegal use of property or funds of the Union or its subordinate bodies.
- F. Election irregularities and/or election fraud.
- G. Any activity which assists or is intended to assist a competing organization within the jurisdiction of this Union.
- H. Instituting or urging others to institute action outside this Union against the Union, a subordinate body, or any officer of the Union or of a subordinate body without first exhausting all internal remedies within the Union, provided that the foregoing shall not apply where the action was instituted in order to prevent a loss of rights under an applicable statute of limitations and the member has diligently pursued available internal remedies.
- I. Using the name of the Union or of a subordinate body in an unauthorized manner or for an unauthorized purpose.
- J. Obtaining membership through fraud or misrepresentation.
- K. Deliberately interfering with any officer of the Union or of a subordinate body in the discharge of such officer's lawful duties.
- L. The solicitation or acceptance of a bribe or the acceptance of any gift of more than nominal value from any employer, member, group of members or employee of the Union, or from any person or firm which has or is seeking to establish a business relationship with the Union or any subordinate body.
- M. Conviction of a crime the nature of which is such as to bring the Union as an organization into disrepute.
- N. Failing to submit to the Union no later than October 1 of each year an audit report of the financial activities of the subordinate bodies during the most recent fiscal year.
- O. Action in collusion with management to the detriment of the welfare of the Union or its membership.
- P. Refusal or deliberate failure to carry out legally authorized decisions of the Annual Delegate Conference, the Executive Board, or the Executive Committee or officers of the subordinate body of which the accused is a part.

**17.04 Where to File Charges.** Charges against a member shall be filed with the State Judicial Panel by addressing such charges to: State Judicial Panel Chairperson, 6805 Oak Creek Drive, Columbus, Ohio 43229.

**17.05 Procedure for Filing Charges.** Charges shall be in writing and shall be signed by the member or members bringing the charges. The charges shall be specific, citing in detail the nature, the date, and the circumstances of the

alleged offense and, where a violation of a constitutional provision is alleged, the specific section shall be cited, along with the specific act or failure to act which constitutes the alleged violation.

**17.06 Copy of Charges to Accused Party.** Within fifteen (15) days following the receipt of the charges, the person with whom the charges have been filed shall send by certified mail, return receipt requested, an exact and full copy of the charge to the accused party, together with Article XVII of this Constitution. Copies of the charges shall also be sent to the State President, the Executive Board Member and Alternate for the District where the parties are involved, the Presidents and Secretaries of the Local, and District of which the accused is a member and the Secretary of the State Union.

**17.07 Trial Body.** The trial body shall be appointed from the State Judicial Panel by the State Judicial Panel Chairperson.

**17.08 Trial Arrangements and Procedure\Dismissal of Frivolous Charges.** The trial body shall fix the date, time, and place for the trial. It shall not be necessary to maintain a verbatim record of the trial unless request for such record is made by a directly interested party to the proceedings. If such request is made, the party making it shall be responsible for the cost of such record and of copies of the transcript, one of which shall be furnished to the trial body and one to the opposing party. The trial body may dismiss charges that it deems to be frivolous without a hearing.

**17.09 Rights of the Accused.** The accused shall be afforded the opportunity to cross examine the accuser and any witnesses, present witnesses in the accused person's behalf, compel production of Union records pertinent to the case, have a representative or counsel at the accused person's expense, and to testify on his or her own behalf. The accused person has the right to refuse to testify, provided, that this right does not include the right to refuse to produce at trial any papers, books, or financial or other records which are the property of the Union or its subordinate bodies and which are pertinent to the case. The accused person may choose either an open or a closed hearing. The accused person is presumed innocent unless proven guilty. The accused person has the right to appeal in the manner provided herein.

**17.10 Rights and Obligations of the Accuser.** The person bringing the charge shall have the right to give personal testimony, present the testimony of

others and to cross examine witnesses presented by the accused, to compel the production of Union records pertinent to the case, and to be represented at the accuser's expense by a representative or counsel.

The accuser shall appear in person at the trial and shall have the burden of proving the charges made. The accuser has the right to appeal in the manner hereinafter provided. If the accuser fails to appear at the hearing, the charges shall be dismissed.

**17.11 Penalties.** A trial body may, if it finds the accused person guilty, assess any one or more of the following penalties:

- A. A formal reprimand, accompanied by a formal warning against any repetition of the act or acts of which the accused is found guilty.
- B. A fine in an amount not to exceed one year's Union dues to be paid to the Union.
- C. Full or partial restitution, where the consequences of the offense can be measured in material terms.
- D. Removal from office in the Union at the level at which the charges originate.
- E. Suspension from the right to hold any elected position or committee appointment at the level at which the charges originate for a period not to exceed four (4) years.
- F. Suspension from the right to hold or seek any elected position or committee appointment at any level of the Union for a period not to exceed four (4) years.
- G. Suspension from membership for a specified period of time, not to exceed two (2) years.
- H. Expulsion from membership.

**17.12 Time Limits and Forms of Decision.** All decisions shall be rendered by the trial body within thirty (30) days following the completion of the trial, except by mutual consent of the accuser and the accused. Such decision shall be in writing and shall be transmitted by certified mail, return receipt requested, to the person bringing the charge and to the accused simultaneously.

**17.13 Appeal.** Any decision by the trial body may be appealed to an Appeal Panel consisting of three (3) members of the Executive Board from outside of the affected District within thirty (30) days following the receipt of the decision. Either the accused or the accuser may file an appeal. The appeal shall be in writing and shall be accompanied by a copy of the original charge and of the decision which is being appealed. The appeal shall set forth in substance the appellant's reasons

for believing the trial body was in error and the nature of the error.

The Appeal Panel may hear the appeal on the record established at the trial body or, in its discretion, as a new case. The accused and the accuser shall have the right to appear before the Appeal Panel. The Appeal Panel may require the accused and the accuser to appear before it. The accused shall have the right to refuse to testify or answer questions provided, however, this right shall not include the right to refuse to produce any papers, books, or financial or other records which are the property of the Union or its subordinate bodies and which are pertinent to the case.

Unless the accuser and the accused mutually consent to extend the time, the Appeal Panel shall within thirty (30) days after considering the appeal render a decision. Such decision shall be in writing and shall be transmitted by certified mail, return receipt requested, to the person bringing the charge and the accused simultaneously.

**17.14 Appeal From Decisions of the Appeal Panel.** The decision of the Appeal Panel may be appealed by either the accuser or the accused to the International Judicial Panel in accordance with the appellate procedures set forth in the International Constitution.

**17.15 State Judicial Panel.** There shall be a State Judicial Panel to hear charges filed under Article XVII of the Constitution. The State Judicial Panel shall consist of a total of twenty members. The State President shall appoint two members from each district with the advice and consent of the Executive Board. Beginning September 1, 1997, one member from each district shall be appointed for a three-year term and one member from each district shall be appointed for a two-year term. Thereafter, the appointments for the members of the State Judicial Panel shall be for two-year terms. The State President shall annually name one of the twenty members as chairperson of the State Judicial Panel. State Executive Board Members and Alternates are not eligible to be on the State Judicial Panel. The term of appointment of each member of the State Judicial Panel shall expire when a successor is qualified; provided, however, that no appointment may be extended beyond December 31 of the year in which the term was due to expire unless the member has been reappointed by the State President with the advice and consent of the Executive Board. There shall be no limit on the number of terms a member may serve on the State Judicial Panel.

Any vacancy which occurs on the State Judicial Panel shall be filled in the manner provided for original appointments and such vacancies shall be filled for the remainder of the term of the vacant position. Any member of the State Judicial Panel who ceases to become an active member during his or her term shall automatically be ineligible to continue on the State Judicial Panel. The Executive Board, by majority vote, may remove any member of the State Judicial Panel including the Chairperson at any time and for any reason except that the removal shall not occur when the State Judicial Panel is conducting a hearing.

The State Judicial Panel may establish rules of procedures which shall not be inconsistent with the provisions of this Constitution. The rules and any changes in such rules shall be subject to the approval of the Executive Board and shall become effective only upon the granting of such approval. A copy of such rules shall be filed with the State Treasurer and shall be available to any member upon request.

Upon the filing of a charge under Article XVII, the Chairperson shall appoint from the State Judicial Panel a trial body to hear the matter. The trial body shall consist of one member of the State Judicial Panel or such other number so determined by the Chairperson not to exceed three.

If for some reason, the Chairperson of the State Judicial Panel is disqualified or unable to perform the functions designated herein, the State President shall select an acting Chairperson to carry out those functions.

## **ARTICLE XVIII**

### **Collective Bargaining, Strike Authority and Ratification**

**18.01 Contract.** It shall be the general policy of this Union to have as the recognized bargaining agent, and as a party to the contract, the Ohio Association of Public School Employees and its Local. Whenever for legal or policy reasons it is desirable to have — as the recognized representative and the party to the contract — only the Local of the Union, approval must be previously granted by the Executive Director of the Union or his designee.

**18.02 Strikes.** Unless authority to the contrary has been granted by the Executive Director or his designee, no Local shall call a strike without previously notifying the Executive Director, who shall have the right to veto any strike to be called by a Local. If the Executive Director has vetoed any such strike, the Local may not call a strike thus vetoed.

No subordinate body of this Union shall strike or authorize a strike until a membership meeting has been called for the purposes of approving a strike and only after a strike vote is taken by the members. A notice of all meetings called for the purposes of considering a strike vote shall be sent to the Executive Director of the Union, or, because of time requirements written notice is not sent, the Executive Director shall be advised by telephone prior to the calling of any meeting for purposes of a strike vote.

**18.03 Ratification.** Any collective bargaining agreement must be ratified and approved (at a membership meeting called for that purpose) by a majority of the members present and voting. All voting on ratification may be by secret ballot. Notice of the ratification meeting may be provided in any manner reasonably calculated to inform the members of the meeting. Only those individuals who are members in good standing on the day immediately preceding the day that the notice of the ratification meeting is first given and are current in their dues shall be eligible to vote at the ratification meeting.

## **ARTICLE XIX**

### **Trusteeships**

**19.01 Cause for Trusteeships.** The State President, after consultation with the District President and the Executive Director, shall have the right and power to impose a trusteeship over subordinate bodies if the State President determines that such action is necessary for any one of the following reasons:

- A. That the subordinate body has seceded or is purported to be considering secession;
- B. That dissolution or secession of the subordinate body is threatened;
- C. That a dissipation or loss of funds of the subordinate body is threatened;
- D. That the subordinate body is acting in violation of the Constitution or any lawful order of the Executive Board;
- E. That the subordinate body is conducting its affairs in such a manner as to directly and seriously jeopardize the fundamental rights and interests of the members of the subordinate body;
- F. That the subordinate body is conducting the affairs of the subordinate body in such a manner as to deprive the members of democratic procedures;
- G. That implementation of collective bargaining agreements or other duties of the bargaining representatives is not assured;
- H. That corruption or financial malpractice exists and must be corrected;

I. Failure to forward to the State Treasurer all funds due the Union.

**19.02 Emergency.** If in the opinion of the State President an emergency situation exists, the State President and/or Executive Director is empowered to place the subordinate body under immediate trusteeship pending notice and hearing. The State President shall immediately refer the matter to the Executive Board for hearing in the manner hereinafter provided and shall notify the subordinate body.

**19.03 Appointment of Trustee in Emergency Situations.** In emergency situations, the State President and/or Executive Director shall name a trustee who shall take full charge of the affairs of the subordinate body, remove any or all of the officers, appoint new officers for those removed, and take possession of all funds, books, papers, and records of the subordinate body during the trusteeship.

**19.04 Situations Other Than Emergency.** If the State President determines that one of the reasons set forth in Article XIX, Section 19.01 exists, and there is no emergency situation, the State President shall refer the matter to the Executive Board for hearing and/or investigation in the manner hereinafter provided and shall notify the subordinate body.

**19.05 Hearing Before The Executive Board.** A hearing shall be held before the Executive Board at the Executive Board's next regularly scheduled meeting. Interested parties shall be given at least seven (7) days notice of the hearing. The interested parties may waive notice of the hearing. All interested parties shall be given a fair opportunity to present their views on the matter to the Executive Board. The Executive Board shall have the power to compel the attendance of witnesses and the production of papers, books, or financial or other records which are the property of the Union and/or subordinate body.

The Executive Board shall as expeditiously as possible decide whether the subordinate body has committed any of the acts enumerated in Section 19.01. Should a majority of the Executive Board decide that the subordinate body has not committed any of the acts enumerated in Article XIX, Section 19.01, the appointment of the trustee shall be vacated and the President shall not have the power to declare the subordinate body expelled.

If the Executive Board determines by a majority vote that the appointment of a trustee in the emergency situation was appropriate, the Executive Board shall ratify the appointment of the trustee. If the Executive Board in those situations

other than emergency determines by a majority vote that the subordinate body has committed any of the acts enumerated in Article XIX, Section 19.01, the Executive Board shall order the appointment of a trustee.

**19.06 Authority and Responsibilities of Trustee.** In all cases where a subordinate body has been placed under trusteeship, the State President shall assume charge of the affairs and business of such subordinate body and may appoint a trustee for such purpose. All actions of the trustee shall be subject to the direction, instructions and approval of the State President. Such trustee shall have the right, upon demand, to take possession of all funds, properties and books and other assets of such subordinate body for the period that the trustee is in charge, such assets to be held in trust for the benefit of the subordinate body and to be expended only to the extent necessary for the proper conduct of the affairs of the subordinate body.

The trustee shall institute all necessary action to recover money or other property of the subordinate body. The trustee shall be adequately bonded to safeguard the subordinate body's assets and for the faithful performance of the trustee's duties. The trustee shall be authorized and empowered to suspend from office any or all of the officers and appoint temporary officers from among the members in good standing of such subordinate body for the duration of the trusteeship, and to take such other actions as in the trustee's judgment are necessary for the preservation of the rights and interests of the members of the subordinate body and the Union. The trustee shall be empowered to conduct and manage the affairs of the subordinate body with the assistance of the officers or temporary officers herein provided for until the trusteeship is terminated. The trustee shall submit complete monthly reports of the trustee's actions and of the affairs of the subordinate body to the Executive Board and to the membership of the subordinate body under trusteeship. Expenses of the trusteeship shall be paid out of the funds of the subordinate body if they are available; otherwise they shall be borne by the Union. Such trusteeship shall be continued no longer than is necessary to remove the causes of its establishment.

**19.07 Termination of the Trusteeship.** When a trusteeship is to be terminated, the trustee shall conduct elections of officers of the subordinate body except for those elected officers whose terms shall not have expired and who have not been expelled, suspended or otherwise barred from office during the period of trusteeship and shall install such officers on the day the trusteeship

is terminated. The trustee shall return all funds, books, property and other assets of the subordinate body to its appropriate officers who shall give appropriate receipt for same. The trustee shall make a final accounting of the trusteeship and submit it to the Executive Board and to the subordinate body.

**19.08 Limitation of Liability.** No financial obligation or liability of the subordinate body which may exist at the time the trusteeship is instituted or which may have been incurred before that item shall be assumed by, or become an obligation of, the Union.

**19.09 Local Charter Revocation and Local Expulsion.** If after hearing, the Executive Board determines that the Local should be expelled or its charter revoked, such determination must be made by a two-thirds (2/3) vote of the Executive Board.

**19.10 Assets of Subordinate Bodies.** The funds or property of a subordinate body, whether chartered or not, shall not be divided among the members, but shall remain intact for the use of such subordinate body for its legitimate purposes while such subordinate body exists. When any such subordinate body secedes or discontinues its affiliation, all monies, books and other properties shall be transmitted to the State Union Treasurer to be held in trust for the purposes of reorganization. If such subordinate body is not reorganized within a period of two years following transmission of its assets to the State Union Treasurer, then such assets shall revert to the State Union. No property of any such subordinate body and no property in the possession, custody or control of any such subordinate body or any of its officers or employees, and no property held in trust, expressed or implied, which was created or established by any such subordinate body and whose primary purpose is to provide benefits for the members of such subordinate body or their beneficiaries, shall be given, contributed, assigned, donated or result to, or be given to the control of, either directly or indirectly, any seceding, dual or antagonistic labor organization or group nor to any subordinate body which is in violation of the Union Constitution but any such trust property shall remain in the custody or control of the subordinate body as indicated above, which has established such trust, regardless of whether a majority of the membership may have seceded or disaffiliated.

Any Local shall be deemed delinquent when such Local has, for thirty (30) days, failed to forward to the State Union Treasurer all funds due the State Union. Such Local may be placed under trusteeship as provided in Article XIX, Section 19.01.

Should any Local be placed in trusteeship for failure to forward funds to the Union in accordance with the Constitution and actions by the State Executive Board or should any Local sever its relationship with the Union by any means, or purport to do so, all funds of such Local shall be immediately deemed to be held in trust by the Union as stated in Article XIX and no expenditures shall be made therefrom for any purpose whatsoever until all monetary obligations to the Union, including delinquent dues, payments for advances made by the Union, together with the costs and attorneys' fees incurred in recovering such amounts, if any, have been repaid to the Union. This provision shall be enforceable at law and in equity.

**19.11 Decisions of the Executive Board are Final.** All decisions of the Executive Board rendered in any matter set forth in this Article are final and may not be appealed.

## **ARTICLE XX**

### **Rules of Order**

Robert's Rules of Order, Newly Revised, shall be the authority on parliamentary procedure at any meeting of the duly constituted bodies of the Union and for the Delegate Conference.

## **ARTICLE XXI**

### **Amendments**

**21.01 Approval.** This Constitution may be amended only at any regular conference which occurs in an odd numbered year or special Delegate Conference called for that purpose, at which a quorum is present, by a majority vote of the delegates present and voting at the time of the second (2nd) reading of the proposed amendment.

**21.02 Quorum.** A quorum for the conference shall be a majority of the voting delegates registered at the Conference.

**21.03 Effective Date.** Amendments, unless otherwise provided, shall be effective immediately upon close of the Delegate Conference in which the amendments are adopted.

**21.04 Adjustments.** Any section of this Constitution found to be in violation of law shall be null and void. Any adjustments to such sections shall be made by the State Executive Board until the next Annual Delegate Conference.

## **ARTICLE XXII**

### **Definitions**

Wherever the word “day” is used in this Constitution, it shall mean calendar day. Wherever the word “week” is used shall mean seven calendar days.

## **ARTICLE XXIII**

### **Exhaustion of Internal Remedies**

No member in good standing shall institute any civil action, suit, or proceedings in any court against a Local, District, or the State Union unless and until the member has first exhausted all such remedies or hearings and appeals as provided by this Constitution.

## **ARTICLE XXIV**

### **International Convention Delegates**

The State Executive Board shall determine the number of delegates to represent the Union at the biennial convention of delegates or any special convention of the American Federation of State, County and Municipal Employees. By virtue of election to their respective positions, the State President, State Vice President, State Secretary, immediate Past State President, Executive Board Members and Executive Board Alternates shall be delegates to the International Convention. In the event that the State Executive Board determines that the number of delegates to attend the International Convention is less than the number of individuals delineated in this Article, the Executive Board shall determine which individuals from those delineated in this Article shall attend using the following order of priority: State President, State Vice President, State Secretary, immediate Past President, Executive Board Members in the second year of their term, Executive Board Members in the first year of their term, Executive Board Alternates in the second year of their term, and Executive Board Alternates in the first year of their term.

There shall be no replacement delegate selected for the State Officers. By virtue of their election to office, replacement International Convention delegates for Executive Board Alternates (by District) shall be first, District President, and second, District Vice President.

**ARTICLE XXV**  
**Election Protests**

**25.01 Election Protests.**

- A. Any member in good standing may file a protest to the election of any elected officer of a Local, District, State Officer, Executive Board Member or Alternate. Such protests or charges shall state the facts of the violation, the violated article(s) and section(s) of the State Constitution, Local or District Nominating and Election Rules and Regulations and shall specify the remedy requested.
- B. Any protest to an election shall be filed within ten (10) calendar days (including the day the election was held) of the election in writing with the State Judicial Panel Chairperson at 6805 Oak Creek Drive, Columbus, Ohio 43229. In order to be timely, the protest must actually be received at 6805 Oak Creek Drive, Columbus, Ohio 43229 or postmarked within ten (10) calendar days (including the day the election was held) of the election.
- C. Upon the filing of an election protest, the State Judicial Panel Chairperson shall appoint the hearing panel. The hearing panel considering Article 25 Election Protests shall have the same powers as those conferred upon the trial body under Article 17. The hearing panel shall be three (3) members or alternates of the Executive Board from outside the affected District (unless the protest affects all of the Districts in which event a member or alternate may be from an affected District). The hearing panel shall be appointed by the State Judicial Panel Chairperson. If the protest involves conduct or the election of the Chairperson, the hearing panel shall be appointed by the State President.
- D. The hearing panel shall, within thirty (30) days after the election protest is filed, conduct a hearing on the election protest. The hearing panel shall issue a report of its findings and order to the protesting party and the officer (or candidate) involved in the protest within thirty (30) days of the hearing.
- E. Any officer or member who is a party to the election protest shall appear at the hearing and present evidence and/or witnesses. If the party who files the election protest fails to appear at any hearing, the election protest shall be dismissed.
- F. The decision of the hearing panel may be appealed to the International Judicial Panel in accordance with the appellate procedures set forth in the International Constitution.
- G. Decisions of hearing panels shall be in full force and effect from the date of the report and order until and unless disaffirmed, modified, or reversed by an

appellate body at a higher level, provided, however, any appellate body, upon receiving a notice of appeal, may order a delay in carrying out the order pending a hearing on the appeal and disposition of the appeal. Failure of any member, officer or subordinate body to comply with binding orders of the hearing panel or appellate bodies shall constitute grounds for discipline in accordance with Article XVII of this Constitution.

- H. If a new election/reelection is ordered and if the newly elected officers have been duly installed, they retain leadership of the group until said reelection is held.

## **APPENDIX**

### **DISTRICT NOMINATING AND ELECTION RULES AND REGULATIONS**

Pursuant to the authority granted by Article IX, 9.03(A) and Article XIV, 14.07 of the OAPSE Constitution the Executive Board adopts the following District Nominating Election Rules and Regulations for election of Executive Board Members and Alternates and District Officers. Violation of these rules and regulations may form the basis for charges against individual members or election protests under Article XVII and Article XXV, respectively, of the OAPSE Constitution. For the convenience of the members, these District and Local "Rules and Regulations" are included in this booklet which contains the OAPSE Constitution, however, these "Rules and Regulations" are not part of the OAPSE Constitution.

#### **A. EXECUTIVE BOARD MEMBERS AND ALTERNATES**

There is an Executive Board Member and Alternate for each District. These rules and regulations shall govern election of Executive Board Members and Alternates which are State offices elected at the District level except where these rules and regulations conflict with the provisions of Article X of the OAPSE Constitution, in which case Article X will supersede these rules and regulations. The election, term and installation of Executive Board Members and Alternates shall be as provided in 10.03, 10.04, and 10.05. The duties of Executive Board Members and Alternates are set forth in Article IX.

#### **B. DISTRICT OFFICERS**

The officers of the District shall be President, Vice President, Secretary, and Treasurer as provided in 14.05 of the OAPSE Constitution. Election for District Officers shall be held as provided in 14.07 and the term and installation shall be as provided in 14.08. The duties of District Officers are those set forth in 14.09 through 14.12.

#### **C. ELIGIBILITY FOR ELECTION AND HOLDING OFFICE**

The qualifications for candidates for the Executive Board Members and Alternates are set forth in 10.01. The qualifications for District Officers are in 14.06. An individual may not be a candidate for or serve as the Executive

Board Member and Executive Board Alternate at the same time. Executive Board Members and Alternates are considered State-level offices, not District-level offices. An individual may be an Executive Board Member or Alternate and a District Officer. Therefore, an individual may be (i) an Executive Board Member and one (1) District Officer at the same time or (ii) an Executive Board Alternate and one (1) District Officer at the same time. An individual may not be a candidate for or hold more than one (1) District office at the same time.

#### **D. DATE OF ELECTION**

District Officers and Executive Board Members and Alternates are to be elected during a District meeting. In even-numbered years, elections shall be held in the following Districts: East Central, Eastern, Northwest, Southeast, and Western. In odd-numbered years, elections shall be held in the following Districts: Central, North Central, Northeast, Northwest Central, and Southwest.

Elections may be held in conjunction with the Annual District Meeting or on a separate date. The date shall be determined by the District Executive Committee. It is recommended that the date for election be established eight (8) months in advance.

#### **E. NOMINATING COMMITTEE**

The District President shall appoint a Nominating/Election Committee (herein Committee) of not less than three (3) members of the District, none of whom shall be candidates. The District President shall appoint one (1) of the members of the Committee as the Chairperson. The Committee shall be responsible for attempting to find qualified members to run for office. Nominations from the floor are not allowed at the District level. The Committee is also responsible for conducting the election.

#### **F. NOTICES**

The Committee shall:

1. Notify all Locals in the District not less than ninety (90) days prior to the District meeting at which District Officers and the Executive Board Member and Alternate are to be elected (herein District Election Meeting). (See Exhibit A for Sample of Notice.) This notice may be placed in an OAPSE

publication. The notice shall seek interested candidates who desire a Declaration of Candidacy Form (See Exhibit B for sample form) and nominations for candidates. The notice shall contain the names and addresses of the Committee Chairperson from whom Declaration of Candidacy Forms may be obtained and to whom the forms or nominations are to be returned. The Committee Chairperson shall send a Declaration of Candidacy Form to any member requesting a form. Any eligible member may submit a Declaration of Candidacy Form to run for any District office or Executive Member or Alternate. In addition, any member in good standing may nominate any eligible member for a District office or Executive Board Member or Alternate by submitting a nomination to the Committee. Any member nominated by another member shall be afforded the opportunity to decline, and the name of any person so declining shall not appear on the ballot. The Locals shall notify the members of the scheduled election.

2. Receive completed declaration of candidacy forms from interested candidates not less than sixty (60) days prior to the District Election Meeting. The Committee shall review the Declaration of Candidacy Forms and nominations for accuracy and eligibility. From these forms a slate of candidates shall be prepared. If a Declaration of Candidacy Form or nomination is not timely returned, the name of the member will not appear on the ballot. For purposes of this Section F, the date of postmark shall determine whether mailed materials are timely. Any candidate for election rejected by the Committee for not meeting the qualifications shall be notified by the Committee by certified mail not less than forty-five (45) days prior to the date of the election. Such notice shall identify the reason or reasons for the rejection.
3. Nominate one (1) or more persons meeting the necessary qualifications if no Declaration of Candidacy Form is submitted by an interested candidate or if no qualified member has been nominated for a particular office.
4. Submit a report to the members of the District Executive Committee not less than thirty (30) days prior to the District Election Meeting containing the names and Local number of each candidate.
5. Send written notice of the election to each District member at his or her last known home address not less than fifteen (15) days prior to the District Election Meeting. (The day on which the notices are mailed is not counted

whereas the day of the election is counted -e.g. if the election is to be held on the 20th day of the month, the notices must be mailed on the 5th day or before.) The notice (See Exhibit C, Sample Notice) shall contain:

- a. The date, time, and place of election;
- b. The offices to be filled;
- c. The names and Local numbers of the candidates;
- d. The voting location(s) and time(s) for voting;
- e. The time(s) and location(s) for a run-off election.

Times for election and run-off elections shall provide all members a reasonable opportunity to vote.

Notice of the election prominently displayed in a publication mailed to the last known home address of the members not less than fifteen (15) days prior to the election shall be deemed proper notice. If a publication is used for purposes of providing notice, it shall not be necessary to include in the notice the names and Local numbers of the candidates.

#### **G. ELIGIBILITY TO VOTE**

1. All active members in good standing, present, and casting their own ballot during the time allowed for voting shall be eligible to vote.
2. Not less than ten (10) days prior to the District Election Meeting, the Committee Chairperson shall require all Treasurers of Locals within the District to deliver to the Committee Chairperson or his/her designee an alphabetical listing of all eligible voters in that Treasurer's particular Local.
3. Members who desire to vote and whose names do not appear on the eligible voter list from their Local must present satisfactory evidence of membership in good standing to the Committee Chairperson or his/her designee in order to be able to vote. Upon presentation of satisfactory evidence of membership in good standing, the person's name shall be added to their Local's eligibility list. Satisfactory evidence of membership in good standing shall be: an OAPSE Membership Card; and OAPSE Membership Application Receipt stub; a canceled check, money order, or cash receipt evidencing payment of dues; Local records presented by a Local Officer; and a signed statement from a Local Officer verifying the good standing of a member. (See Exhibit D, Sample Local Officer Verification Form.)

## **H. ACCESS TO MEMBERSHIP LIST AND PROMOTION OF CANDIDATES**

1. Membership lists shall be available for inspection by candidates once within the thirty (30) day period prior to the election. No District is required to copy member lists for candidates, however, if lists are provided to one (1) candidate, they shall be provided to all candidates upon the same terms.
2. No monies received by or under the control of a District by way of dues, assessments, or raised through a District fundraising activity shall be contributed or applied to promote the candidacy of any candidate.

## **I. SECRET BALLOT AND SECURITY OF THE BALLOT BOX**

1. All elections and run-off elections shall be by secret ballot. However, in any case where there is only one nominee for office, such nominee shall be declared elected without the need of a secret ballot.
2. The Committee shall be responsible for the security of the ballot boxes.
3. The Committee Chairperson shall appoint tellers for the election, none of whom shall be candidates for office.
4. Tellers shall be assigned responsibility for ballot boxes at all times until delivered to the Committee for counting of ballots.
5. Ballot box(es) which can be sealed or locked shall be used as a depository for ballots.
6. Prior to the opening of the polls, the teller shall ask a voter or observer to witness that the ballot box is empty. The teller shall then seal or lock the box.
7. The Committee shall prepare ballots to be used in the secret election process. (See Exhibit E, Sample Ballot.) There should be enough ballots printed to accommodate the maximum number of members eligible to vote in the District. Since nominations from the floor are not allowed at the District level, ballots with the names of the candidates on the ballots should be prepared in advance. No write-in votes shall be permitted.
8. When preprinted ballots are not available or during run-off elections, voters shall be given instructions for filling out ballots prior to the opening of the polls. Voters shall be instructed to write the names of all candidates on the ballots and clearly mark with an "X" the candidate for whom he/she is voting.

9. The Committee shall establish a program agenda for the District Election Meeting and allow each candidate to address the members prior to actual voting. Candidates should be given equal time. Three (3) minutes per candidate is suggested.
10. The Committee shall distribute ballots to those voting members entitled to receive a ballot immediately prior to the member's entry to the voting booth or voting area. Before receiving a ballot, all eligible voters shall sign the balloting sign-in sheets and list their employer and Local number. (See Exhibit F, Sample Sign-in Sheet.) The Committee shall make certain that there are adequate safeguards to allow voters to mark their ballots in secret.

**J. BALLOT TALLY AND RUN-OFF**

1. Each candidate shall have the right to have an observer at the polling location(s) and at the counting of ballots.
2. Immediately after the polls have closed the Committee shall count the ballots cast.
3. Only those ballots from which the intention of the voter can be determined shall be counted.
4. The Committee shall separate illegal ballots from the valid ballots and place the illegal ballots in a separate envelope.
5. In recording the ballots cast, the Committee shall ignore for purposes of the count, blank ballots and shall not credit any illegal votes to any candidate. All blanks must be ignored as scrap paper (members who do not wish to vote may adopt this method of concealing the fact).
6. If in the unfolding of ballots, it is found that two or more filled out ballots are folded together, they are recorded as illegal votes - that is, each set of ballots folded together is reported as one illegal vote on each question, and it is not credited. On the other hand, a blank ballot folded in one that is properly filled is ignored, but it does not cause the rejection of the ballot with which it was folded.
7. The ballot must not contain any markings which upon examination would enable one to identify it with the voter. If the voter has signed his or her name to the ballot, the entire ballot is void.
8. If the voter fails to vote for some offices, the blank spaces in no way effect

the votes for other offices if properly cast. If, however, the voter votes for too many candidates for a given office, that particular section of the ballot is illegal because it is not possible to determine for whom the member desired to vote.

9. Small technical errors like the misspelling of a name do not make the vote illegal if the meaning of the ballot is clear.
10. Unintelligible ballots are treated as illegal votes.
11. If the meaning of one or more ballots is doubtful, they can be treated as illegal if it is impossible for them to affect the result; but if they may affect the result, the Committee should report them to the Chair, who will immediately submit to the members at the District Election Meeting the question of how these ballots should be recorded.
12. All illegal votes cast by legal voters are taken into account in determining the number of votes cast for computing the majority. When the term "majority vote" is used without qualification, it means more than one-half ( $\frac{1}{2}$ ) of the votes cast by persons legally entitled to vote excluding blanks or abstentions.
  - a. If one or more ballots are identifiable as cast by persons not entitled to vote, and it can be established that there are no other such ballots, these ballots are excluded in determining the number of votes cast for purposes of computing the majority.
  - b. If there is evidence that any unidentifiable ballots were cast by persons not entitled to vote, and if there is any possibility that such ballots might affect the result, the entire ballot vote is null and void and a new ballot vote must be taken.
13. Voters whose eligibility to vote is timely challenged shall be allowed to cast a challenged ballot. The ballot shall be sealed in a separate envelope with the person's name and reason for the challenge written on the envelope and the envelope shall be deposited in the ballot box.
  - a. If the number of challenged ballots is not large enough to affect the outcome of any of the election contests, the Committee need not decide the challenges but must report them along with valid and illegal ballots as part of the total votes cast.

- b. Challenged ballots should not be opened if the voter is deemed ineligible. Ballots which have not been allowed because of the challenge shall not be counted for any candidate. Ballots which have not been allowed because the voter was ineligible should not be included in the total votes cast for purposes of computing the majority, but should be reported in the tally as challenged ballots cast by ineligible voters.
14. The tally must account for all ballots, not just valid ballots.
15. The Committee should report the results of the election. An example of the type of tally form for the report is:

### COMMITTEE REPORT

Number of votes cast . . . . .	97
Necessary for election . . . . .	49
Candidate A received . . . . .	51
Candidate B received . . . . .	24
Candidate C received . . . . .	14
<b>ILLEGAL VOTES</b>	
Ms. X (ineligible) . . . . .	7
One ballot containing two for Candidate B folded together, rejected . . . . .	
	1

16. A majority of the votes cast for any office shall be required to elect. If no candidate receives a majority, then a new ballot shall be prepared and a run-off election shall be held. The new ballot in a run-off election shall contain only the names of the candidates who received the two (2) greatest number of votes. Provided, however, if there are more than two (2) candidates receiving the greatest number of votes, the run-off ballot shall include the names of all candidates who received the greatest number of votes. For example, if candidates A, B, and C each receive 50 votes and candidate D receives 36 votes, the names of candidates A, B, and C shall be on the run-off ballot. In the event of a tie for the greatest number of votes for a particular office after one (1) run-off election, the candidate having the greatest continuous period of membership at the time of the election shall be declared the winner. If the tie is not broken in that manner, a flip of a coin shall determine the winner.

17. All election records, including ballots, shall be retained by the District Secretary for at least one (1) year after the election.
18. The District Secretary shall include the election results in the minutes of the District and send notice of the names, addresses, and telephone numbers of the newly elected officers to the OAPSE State Office within seven (7) days after the election.

#### **K. ELECTION CHALLENGES AND APPEALS**

1. All challenges to candidate eligibility shall be raised prior to the beginning of balloting. Such challenges shall be reviewed by the Committee and a decision will be rendered. The decision of the Committee may be challenged at the District Election Meeting. If the person(s) affected appeal the decision of the Committee, the members attending the District Election Meeting shall decide whether to accept or reject the Committee's decision.
2. Challenges to voter eligibility need not be decided unless the number of challenged ballots is large enough to affect the outcome of any of the election contests. Challenges to voter eligibility must be made prior to the time the person casts the ballot. Challenges to a voter's eligibility after an individual casts an unchallenged ballot are void.
3. Election protests shall be filed in accordance with Article XXV of the OAPSE Constitution.
4. Where election irregularities/fraud occur and it cannot be determined that a specific individual committed the irregularity/fraud, a protest under Article XXV may be appropriate. If the particular individual who committed the election irregularity/fraud can be determined, a charge under Article XVII may be appropriate.
5. Article XVII and Article XXV are separate proceedings. Charges under Article XVII and protests under Article XXV shall not be combined.

#### **L. VACANCIES IN OFFICE**

A District Executive Committee may fill any vacancy in District office as provided in 14.13 of the OAPSE Constitution after the succession requirements have been followed. The District Executive Committee shall fill the vacancy within thirty (30) days of the vacancy.

## EXHIBIT A

### SAMPLE DISTRICT NOMINATING/ELECTION COMMITTEE NOTICE

Dear Local President:

Please notify all members of your Local that an election for Executive Board Member, Executive Board Alternate, District President, District Vice President, District Secretary and District Treasurer will be held at \_\_(insert time)\_\_ on \_\_(insert date)\_\_, 20\_\_ at \_\_(insert voting site and address)\_\_.

Please notify your members that anyone interested in being a candidate for any of these offices must submit a Declaration of Candidacy Form to the District Nominating/Election Committee no later than \_\_, 20\_\_\_\_ ***(insert date - which is to be sixty (60) days prior to the election)***. Members may also nominate an eligible member for any of the offices. Nominations must be received by the Committee no later than the same date established for submission of Declaration of Candidacy Form.

Enclosed is a Declaration of Candidacy Form which can be photo copied and used by any candidate desiring to run for office. Completed Declaration of Candidacy Forms should be submitted to District Nominating/Election Committee in care of \_\_(insert name and mailing address of Chairperson)\_\_.

Sincerely,

---

District Nominating Committee Chairperson

## EXHIBIT B

### DECLARATION OF CANDIDACY FORM FOR STATE EXECUTIVE BOARD MEMBER AND EXECUTIVE BOARD ALTERNATE, DISTRICT PRESIDENT, DISTRICT VICE PRESIDENT, DISTRICT SECRETARY AND DISTRICT TREASURER

*(Please Print)*

Name \_\_\_\_\_

Address \_\_\_\_\_ Phone \_\_\_\_\_

City/State \_\_\_\_\_ ZIP \_\_\_\_\_

Employer \_\_\_\_\_

Classification of Employment \_\_\_\_\_

County \_\_\_\_\_ Local Number \_\_\_\_\_

Position Sought \_\_\_\_\_

OAPSE District \_\_\_\_\_

Are you currently an active member in good standing of OAPSE? YES NO

How many consecutive years have you been a member in good standing of OAPSE? \_\_\_\_\_

Are you affiliated with another organization that is competing with OAPSE? YES NO

If yes to above question, what organization? \_\_\_\_\_

I hereby swear or affirm that the above answers are true.

Date \_\_\_\_/\_\_\_\_/\_\_\_\_

Signature of Candidate \_\_\_\_\_

## EXHIBIT C

### SAMPLE NOTICE OF ELECTION TO ALL DISTRICT MEMBERS

TO: All members of the \_\_(*insert name of District*)\_\_ District

The \_\_(*insert name of District*)\_\_ District will hold a meeting for the election of Executive Board Member, Executive Board Alternate, District President, District Vice President, District Secretary and District Treasurer on \_\_(*insert date*)\_\_, 20\_\_ at \_\_(*insert voting site and address*)\_\_.

The candidates are:

For Executive Board Member:            Name, Name

For Executive Board Alternate:        Name, Name

For District President:                Name, Name

For District Vice President:          Name, Name

For District Secretary:                Name, Name

For District Treasurer:                Name, Name

Candidate speeches will begin at \_\_(*insert time*)\_\_. Voting will begin at \_\_(*insert time*)\_\_ and end at \_\_(*insert time*)\_\_. Winners will be announced as soon as ballots are counted.

If a run-off election is necessary, it shall be held immediately following the report of the election results.

Sincerely,

---

District Nominating Committee Chairperson

## EXHIBIT D

### SAMPLE LOCAL OFFICER VERIFICATION FORM

I hereby certify that \_\_(insert member's name)\_\_ is a member in good standing of Local No. \_\_(insert Local no.)\_\_.

\_\_\_\_\_  
President, Local No. \_\_(insert Local no.)\_\_

\_\_\_\_\_  
Date

## EXHIBIT E

### SAMPLE BALLOT

#### OFFICIAL BALLOT

OAPSE \_\_(*insert name of District*)\_\_ DISTRICT

Vote for only one Candidate for each office. Clearly mark your choice with an "X".

#### FOR EXECUTIVE BOARD MEMBER

- Any Name
- Any Name

#### FOR EXECUTIVE BOARD ALTERNATE

- Any Name
- Any Name

#### FOR DISTRICT PRESIDENT

- Any Name
- Any Name

#### FOR DISTRICT VICE PRESIDENT

- Any Name
- Any Name

#### FOR DISTRICT SECRETARY

- Any Name
- Any Name

#### FOR DISTRICT TREASURER

- Any Name
- Any Name



# **LOCAL NOMINATING AND ELECTION RULES AND REGULATIONS**

Pursuant to the authority granted by Article IX, 9.03(A), and Article XV, 15.09 of the OAPSE Constitution, the Executive Board adopts the following Local Nominating Election Rules and Regulations for election of Local Officers. Violation of these rules and regulations may form the basis for charges against individual members or election protests under Article XVII and Article XXV, respectively, of the OAPSE Constitution. For the convenience of the members, these District and Local "Rules and Regulations" are included in the booklet which contains the OAPSE Constitution, however, these "Rules and Regulations" are not part of the OAPSE Constitution.

## **A. LOCAL OFFICERS, DUTIES, DATE OF ELECTION, INSTALLATION, AND TERM**

The officers of a Local shall be the President, Vice President, Secretary and Treasurer as provided in 15.09. The duties of those officers are set forth in 15.10 through 15.13. Election of Local Officers and the term and installation shall be as set forth in 15.09.

## **B. ELIGIBILITY FOR ELECTION AND HOLDING OFFICE**

The qualifications necessary for a Local office are found in 15.09. Any active member who has been a member in good standing in the Local for a minimum of one (1) year at the time of declaring candidacy, except in the initial election held in the Local, shall be eligible to hold any office in the Local. No member shall be a candidate for or hold more than one (1) Local elective office at the same time.

## **C. NOMINATION FOR OFFICE AND NOTICES**

1. The Local President shall appoint a Nominating/Election Committee (here in Committee) consisting of not less than three (3) active members of the Local, none of whom shall be a candidate for Local office. The Committee shall be responsible for conducting the election. The President shall appoint a Chairperson of the Committee. The Committee may be responsible for attempting to find qualified members to run for office although nominations may also be made from the floor by any active

member. Since nominations can be made from the floor, some Locals may determine that it is unnecessary to have the Committee nominate candidates in which case the Committee will only conduct the election. Committees in Locals containing more than one (1) classification shall be made up of members from each classification if the Committee is going to establish a slate of candidates.

2. The nominations for Local Officers shall be made at a meeting called for the purpose of election.
3. Not less than fifteen (15) days prior to the election, written notice of the election shall be mailed by the Committee to each Local member at his/her last known home address. Notice of the election prominently displayed in a publication mailed to the last known home address of the members not less than fifteen (15) days prior to the election shall be deemed proper notice. (The day on which the notices are mailed is not counted whereas the day of the election is counted - e.g. if the election is to be held on the 20th day of the month, the notices must be mailed on the 5th day or before.)
4. The written notice shall contain:
  - a. The date, time and place of the meeting;
  - b. The offices to be filled;
  - c. A statement that nominations from the floor will be accepted;
  - d. The voting locations and times for voting;
  - e. Times and location(s) for a run-off election.  
(Example notices are attached as Exhibit A.)
5. Times for election and run-off election shall provide all members a reasonable opportunity to vote.
6. If the Committee has established a slate of candidates, the Committee shall present the Committee report of candidates to the Local at the election meeting.
7. Nominations from the floor shall be the next order of business before proceeding with the election. Locals may have nominations made at a meeting prior to the date of the election or at the same meeting at which the election is held. Notice that nominations will be made and accepted at the

meeting shall be given in advance of the meeting. Locals which do not have nominations made at a meeting held prior to the date of the election and which have multiple voting location sites shall on the date of the election have nominations made at a single location before voting begins. Any candidate nominated shall be afforded the opportunity to decline the nomination and the name of any nominee who declines shall not appear on the ballot.

8. Equal time shall be made available for all candidates to address the membership on behalf of their candidacy prior to voting. Three (3) minutes per candidate is suggested.
9. Locals shall provide a minimum of one (1) voting location and may provide a maximum of three (3) voting locations if the Local has less than one hundred (100) different work locations and a maximum of four (4) voting locations if the Local has one hundred (100) or more different work locations.

#### **D. ELIGIBILITY TO VOTE**

1. All active members in good standing, present, and casting their own ballot during the time allowed for voting shall be eligible to vote.
2. The Treasurer shall have available an eligible voter list of active members of the Local in good standing for use by the Committee to verify voter eligibility.
3. Members desiring to vote, whose names do not appear on the eligible voter list from their Local, must present satisfactory evidence of membership in good standing to the Committee Chairperson or his/her designee. Upon presentation of satisfactory evidence of membership in good standing, the person's name shall be added to their Local's eligibility list. Satisfactory evidence of membership in good standing shall be: an OAPSE Membership Card; an OAPSE Membership Application Receipt stub; a canceled check, money order, or cash receipt evidencing payment of dues; Local records presented by a Local Officer; and a signed statement from a Local Officer verifying the good standing of a member. (See Exhibit B Local Officer Verification Form.)

## **E. ACCESS TO MEMBERSHIP LISTS AND PROMOTION OF CANDIDATES**

1. Membership lists shall be available for inspection by candidates, once within the thirty (30) day period prior to the election. No Local is required to copy member lists for candidates, however, if lists are provided to one (1) candidate, they shall be provided to all candidates upon the same terms.
2. No monies received by or under the control of a Local by way of dues, assessments, or raised through a Local fundraising activity shall be contributed or applied to promote the candidacy of any candidate.

## **F. SECRET BALLOT AND SECURITY OF THE BALLOT BOX**

1. All elections and run-off elections shall be by secret ballot. However, in any case where there is only one nominee for office, such nominee shall be declared elected without the need of a secret ballot.
2. The Committee shall be responsible for the security of the ballot boxes.
3. The Committee Chairperson shall appoint tellers for the election, none of whom shall be candidates for office.
4. Tellers shall be assigned responsibility for ballot boxes at all times until delivered to the Committee for counting of ballots.
5. Ballot box(es) which can be sealed or locked shall be used as a depository for ballots.
6. Prior to the opening of the polls, the teller shall ask a voter or observer to witness that the ballot box is empty. The teller shall then seal or lock the box.
7. The Committee shall prepare ballots to be used in the secret election process (See Exhibit C, Sample Ballot.) There should be enough ballots printed to accommodate the maximum number of members eligible to vote in the Local. No write-in votes shall be permitted.
8. When preprinted ballots are not available or during run-off elections, voters shall be given instructions for filling out ballots prior to the opening of the polls. Voters shall be instructed to write the names of all candidates on the ballots and clearly mark with an "X" the candidate for whom he/she is voting.

9. The Committee shall establish a program agenda for the Local Election Meeting and allow each candidate to address the members prior to actual voting. Candidates should be given equal time. Three (3) minutes per candidate is suggested.
10. The Committee shall distribute ballots to those voting members entitled to receive a ballot immediately prior to the members' entry to the voting booth or voting area. Before receiving a ballot, all eligible voters shall sign the balloting sign-in sheets and list their employer and Local number. (See Exhibit D, Sample Sign-in Sheet.) The Committee shall make certain that there are adequate safeguards to allow voters to mark their ballots in secret.

#### **G. BALLOT TALLY AND RUN-OFF**

1. Each candidate shall have the right to have an observer at the polling location(s) and at the counting of ballots.
2. Immediately after the polls have closed the Committee shall count the ballots cast.
3. Only those ballots from which the intention of the voter can be determined shall be counted.
4. The Committee shall separate illegal ballots from the valid ballots and place the illegal ballots in a separate envelope.
5. In recording the ballots cast, the Committee shall ignore for purposes of the count, blank ballots and shall not credit any illegal votes to any candidate. All blanks must be ignored as scrap paper (members who do not wish to vote may adopt this method of concealing the fact.)
6. If in the unfolding of ballots, it is found that two or more filled out ballots are folded together, they are recorded as illegal votes - that is, each set of ballots folded together is reported as one illegal vote on each question, and it is not credited. On the other hand, a blank ballot folded in one that is properly filled is ignored, but it does not cause the rejection of the ballot with which it was folded.
7. The ballot must not contain any markings which upon examination would enable one to identify it with the voter. If the voter has signed his or her name to the ballot, the entire ballot is void.

8. If the voter fails to vote for some offices, the blank spaces in no way effect the votes for other offices if properly cast. If, however, the voter votes for too many candidates for a given office, that particular section of the ballot is illegal because it is not possible to determine for whom the member desired to vote.
9. Small technical errors like the misspelling of a name do not make the vote illegal if the meaning of the ballot is clear.
10. Unintelligible ballots are treated as illegal votes.
11. If the meaning of one or more ballots is doubtful, they can be treated as illegal if it is impossible for them to affect the result; but if they may affect the result, the Committee should report them to the Chair, who will immediately submit to the members at the Local Election Meeting the question of how these ballots should be recorded.
12. All illegal votes cast by legal voters are taken into account in determining the number of votes cast for computing the majority. When the term "majority vote" is used without qualification, it means more than one-half ( $\frac{1}{2}$ ) of the votes cast by persons legally entitled to vote excluding blanks or abstentions.
  - a. If one or more ballots are identifiable as cast by persons not entitled to vote, and it can be established that there are no other such ballots, these ballots are excluded in determining the number of votes cast for purposes of computing the majority.
  - b. If there is evidence that any unidentifiable ballots were cast by persons not entitled to vote, and if there is any possibility that such ballots might affect the result, the entire ballot vote is null and void and a new ballot vote must be taken.
13. Voters whose eligibility to vote is timely challenged shall be allowed to cast a challenged ballot. The ballot shall be sealed in a separate envelope with the person's name and reason for the challenge written on the envelope and the envelope shall be deposited in the ballot box.
  - a. If the number of challenged ballots is not large enough to affect the outcome of any of the election contests, the Committee need not decide the challenges but must report them along with valid and illegal ballots as part of the total votes cast.

- b. Challenged ballots should not be opened if the voter is deemed ineligible. Ballots which have not been allowed because of the challenge shall not be counted for any candidate. Ballots which have not been allowed because the voter was ineligible should not be included in the total votes cast for purposes of computing the majority, but should be reported in the tally as challenged ballots cast by ineligible voters.
14. The tally must account for all ballots, not just valid ballots.
  15. The Committee should report the results of the election. An example of the type of tally form for the report is:

### **COMMITTEE REPORT**

Number of votes cast . . . . .	97
Necessary for election . . . . .	49
Candidate A received . . . . .	51
Candidate B received . . . . .	24
Candidate C received . . . . .	14
<b>ILLEGAL VOTES</b>	
Ms. X (ineligible) . . . . .	7
One ballot containing two for Candidate B folded together, rejected . . . . .	
	1

16. A majority of the votes cast for any office shall be required to elect. If no candidate receives a majority, then a new ballot shall be prepared and a run-off election shall be held. The new ballot in a run-off election shall contain only the names of the candidates who received the two (2) greatest number of votes. Provided, however, if there are more than two (2) candidates receiving the greatest number of votes, the run-off ballot shall include the names of all candidates who received the greatest number of votes. For example, if candidates A, B, and C each receive 50 votes and candidate D receives 36 votes, the names of candidates A, B, and C shall be on the run-off ballot. In the event of a tie for the greatest number of votes for a particular office after two (2) run-off elections, the candidate having the greatest continuous period of membership at the time of the election shall be declared the winner. If the tie is not broken in that manner, a flip of a coin shall determine the winner.

17. All election records, including ballots, shall be retained by the Local Secretary for at least one (1) year after the election.
18. The Local Secretary shall include the election results in the minutes of the Local and send notice of the names, addresses, and telephone numbers of the newly elected officers to the OAPSE State Office within seven (7) days after the election.

#### **H. ELECTION CHALLENGES AND APPEALS**

1. All challenges to candidate eligibility shall be raised prior to the beginning of balloting. Such challenges shall be reviewed by the Committee and a decision will be rendered. The decision of the Committee may be challenged at the Local Election Meeting. If the person(s) affected appeal the decision of the Committee, the members attending the Local Election Meeting shall decide whether to accept or reject the Committee's decision.
2. Challenges to voter eligibility need not be decided unless the number of challenged ballots is large enough to affect the outcome of any of the election contests. Challenges to voter eligibility must be made prior to the time the person casts the ballot. Challenges to a voter's eligibility after an individual casts an unchallenged ballot are void.
3. Election protests shall be filed in accordance with Article XXV of the OAPSE Constitution.
4. Where election irregularities/fraud occur and it cannot be determined that a specific individual committed the irregularity/fraud, a protest under Article XXV may be appropriate. If the particular individual who committed the election irregularity/fraud can be determined, a charge under Article XVII may be appropriate.
5. Article XVII and Article XXV are separate proceedings. Charges under Article XVII and protests under Article XXV shall not be combined.

#### **I. VACANCIES IN OFFICE**

1. When the office of President is vacated, the Vice President shall assume the title and duties of President and the Local shall proceed to elect a Vice President using the original election procedures as provided by these rules for the balance of the Vice President's unexpired term of office.

2. Vacancies in the office of Vice President, Secretary or Treasurer may be filled by appointment of the Local President for the unexpired term of office until an election is held. An election shall be held in accordance with these rules within sixty (60) days of when the office was vacated if the unexpired term of office is more than six (6) months.
3. A Local may fill any vacancy in office after the succession requirements in 15.09 are followed at any regular meeting provided notice of such contemplated action has been given at a previous meeting. Special meetings that are called for election to fill vacancies shall meet the fifteen (15) day written notification requirement.

## EXHIBIT A

### **SINGLE MEETING - SINGLE LOCATION NOTICE**

Dear Member:

OAPSE Local 001 will hold a meeting for the election of President, Vice President, Secretary and Treasurer on April 10, 20\_\_\_\_, at Smith High School, 1442 Some Street, Anywhere, Ohio. The meeting in the cafeteria will begin at 7:00 p.m. for nominations and candidate speeches. Nominations from the floor will be accepted. Voting will begin at 7:30 p.m. and end at 8:30 p.m. and the winners will be announced as soon as the ballots are counted. If a run-off election is necessary, the announcement of candidates will be made and run-off election voting will begin at 8:45 p.m. and end at 9:30 p.m. Please attend.

---

Nominating/Election Committee Chairperson

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### **SAMPLE - ADJOURNED MEETING MULTIPLE VOTING HOURS AND LOCATIONS**

Dear Member:

OAPSE Local #001 will hold a meeting for the election of President, Vice President, Secretary and Treasurer on April 10, 20\_\_\_\_, at Smith High School, 1442 Some Street, Anywhere, Ohio. The meeting in the cafeteria will begin at 7:00 p.m. for nominations and candidate speeches. Nominations from the floor will be accepted. Voting will begin at 7:30 p.m. and end at 8:30 p.m. Additional voting hours at Smith cafeteria will be from 2:00 p.m. to 4:00 p.m. on April 11, 20\_\_\_\_. Members may also vote at the Best Street bus garage from 2:00 p.m. to 4:00 p.m. on April 11, 20\_\_\_\_. Ballots will be counted and winners declared at 7:30 p.m., Smith High School cafeteria on April 11, 20\_\_\_\_. If a run-off election is required, the candidates, time and place for the run-off election will be announced as soon as the ballots have been counted. Please attend.

---

Nominating/Election Committee Chairperson

## EXHIBIT B

### SAMPLE LOCAL OFFICER VERIFICATION FORM

I hereby certify that \_\_(insert member's name)\_\_ is a member in good standing of Local No. \_\_(insert Local no.)\_\_.

\_\_\_\_\_  
President, Local No. \_\_(insert Local no.)\_\_

\_\_\_\_\_  
Date

## EXHIBIT C

### SAMPLE BALLOT

#### OFFICIAL BALLOT

OAPSE \_\_\_\_ (*insert name of Local*) \_\_\_\_ Local

Vote for only one Candidate for each office. Clearly mark your choice with an "X".

#### FOR LOCAL PRESIDENT

- Any Name
- Any name

#### FOR LOCAL VICE PRESIDENT

- Any Name
- Any Name

#### FOR LOCAL SECRETARY

- Any Name
- Any Name

#### FOR LOCAL TREASURER

- Any Name
- Any Name



## EXAMPLE RESOLUTION FORM

The following is an example resolution form with a preamble:

WHEREAS: The term of office for Executive Board members now does not begin until the Annual Delegate Conference following his or her election; and

WHEREAS: Executive Board members are elected at the fall District Meeting; and

WHEREAS: It is felt that there is a needless delay between election and installation.

THEREFORE BE IT RESOLVED: That Article X, Section 10.04 be amended as follows:

**10.04 Term.** Beginning in 1998, t~~The term of office of an Executive Board Member shall commence at the close of the next succeeding Annual Delegate Conference~~ annual fall District Meeting at which the person is elected ~~following his or her election~~ and shall continue for a period covering the next two (2) ~~Annual Delegate Conference~~ annual fall District Meetings and shall end with the close of the second of those two annual ~~Delegate Conferences~~ fall District Meetings. ~~When seeking reelection as a Board Member, an Executive Board Member must stand for reelection for each succeeding term of office but is not limited in the terms to which a Board Member may be elected and serve.~~ There is no limit in the number of terms to which an individual may be elected and serve.

It is not required that a resolution have a preamble. To avoid detracting from the resolution, a preamble generally should contain no more clauses than are absolutely necessary. If a preamble is used, the form can be:

WHEREAS: The . . . [text of the preamble].

THEREFORE BE IT RESOLVED: That . . . [stating action to be taken].

If it is determined that no preamble is necessary, the resolution can be submitted as follows:

RESOLVED: That . . . [stating action to be taken].

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