

## **Model Local Affiliate Constitution**

MFPE offers the following **model** local affiliate constitution as a guide to affiliated local unions as they develop constitutions for membership adoption.

Whether local affiliates adopt this specific model as written or not, local union constitutions must contain provisions that embrace MFPE governance principals articulated herein. Please see the attached current standards of affiliation, and constitutional compliance check list to be completed and returned to MFPE upon submission of a constitution for approval.

MFPE must receive and approve all local affiliate constitutions!

Please address questions about specific model constitution content to **Eric Feaver - [efeaver@mea-mft.org](mailto:efeaver@mea-mft.org)**.

As a local union affiliate of MFPE, email a copy of your adopted constitution and a completed constitutional compliance check list to **MFPE Executive Director, Erik Burke - [eburke@mea-mft.org](mailto:eburke@mea-mft.org)**.

Or mail same to Erik at **MFPE, 1232 East Sixth Avenue, Helena, MT 59601**

## **MODEL MFPE Local Union Constitution**

### **Article 1. Name, Purpose and Governance**

1. The name of this union shall be \_\_\_\_\_, a local affiliate of the Montana Federation of Public Employees (MFPE) and its national affiliates, the National Education Association (NEA) and American Federation of Teachers (AFT).
2. The union shall
  - a. Represent members in contract negotiations, contract maintenance, and other employer/employee relations and issues.
  - b. Promote and protect the interests and welfare of members.
  - c. Promote professional attitudes and ethical conduct among members.
  - d. Encourage members to exercise their rights and privileges as citizens and leaders in community, state, and national civic affairs.
  - e. Participate in MFPE and national affiliate policy making and governance.
  - f. Establish strong working relationships with other organizations in communities where members work and live.
  - g. Hold property and funds for the attainment of union purposes.
3. The union shall be governed by this constitution, policies or bylaws the board of directors and membership may adopt.

### **Article 2. Membership**

1. Membership is open to all employees who are members of the bargaining unit and who pay local, MFPE, and national affiliate (NEA/AFT) dues.
2. The union shall not deny membership to any dues paying member of the bargaining unit.
3. Only members shall participate in the governance affairs of the union including running for and holding union office and voting in contract ratifications.
4. The membership year shall be September 1 through August 31.
5. Membership shall continue from year to year unless the member resigns, retires, or transfers away from a bargaining unit position or cancels membership pursuant to MFPE policy.

### **Article 3. Officers**

1. Union officers shall be president, vice president, secretary, and membership-treasurer, and such other officers as the union may establish.
2. Officers shall serve two-year terms beginning June 15.

3. There is no limit on terms but no term shall exceed three years.
4. If a vacancy occurs in the office of president, the vice president shall become president to complete the unfinished term.
5. Should a vacancy occur in any other office, in no more than thirty days, the president shall schedule a special general membership meeting to fill the vacant position.

#### **Article 4. Nominations and Elections**

1. Nominations and elections for all officers shall occur at a general membership meeting no later than May 1 of any election year.
2. Members only shall have the right to nominate, be nominated for, and hold union office.
3. Members only shall have the right to vote and shall have only one vote per member.
4. Elections shall be by majority of votes cast.
5. The union shall encourage the nomination and election of ethnic minority members.

#### **Article 5. Officer Duties**

##### 1. President

The president shall

- a. Preside over meetings and prepare their agendas.
- b. Represent the union on matters of union policy and program.
- c. With the approval of the board of directors, appoint committee members, including members of the bargaining team.
- d. Serve as ex officio member of committees including the bargaining team.
- e. Serve as first delegate to MFPE district council and annual conference.
- f. Supervise union compliance with MFPE, NEA, and AFT standards of affiliation.

##### 2. Vice President

The vice president shall

- a. Preside over meetings in the absence of the president.
- b. Perform such other duties as delegated by the president.
- c. Serve as second delegate to MFPE district council and annual conference.

##### 3. Secretary

The secretary shall

- a. Keep minutes of official meetings.
- b. Maintain official files.
- c. Perform such other duties as delegated by the president.

#### 4. Membership-Treasurer

The membership-treasurer shall

- a. Hold union funds and disburse them upon authorization.
- b. Maintain records of receipts and disbursements.
- c. Maintain membership records and dues payments and coordinate same with MFPE.
- d. Prepare financial reports.
- e. Supervise periodic financial reviews and audits.
- f. Perform such other duties as delegated by the president.

### **Article 6. Board of Directors – General Membership Meetings**

1. The board of directors shall be comprised of the union officers and other members as a majority of members voting at a general membership meeting may decide.
2. The president shall preside at all meetings of the board of directors.
3. The board of directors shall
  - a. Adopt a mission statement, policies, and objectives.
  - b. Adopt an annual budget and establish dues to support the budget.
  - c. Authorize disbursement of union funds.
  - d. Confirm committees and committee members recommended by the president.
  - e. Schedule regular and special general membership meetings to
    - 1) Nominate and elect officers.
    - 2) Constitute the board of directors.
    - 3) Amend the constitution.
    - 4) Review union policies and programs.
    - 5) Discuss collective bargaining and contract maintenance issues.
    - 6) Ratify tentative agreements reached with the employer.
    - 7) Perform other such business necessary to protect and promote union interests.

### **Article 7. Committees**

1. With the concurrence of the board of directors, the president shall provide committees with specific responsibilities and duration.
2. Committees are accountable to the board of directors and president.

3. Committee members shall serve at the pleasure of the president.

#### **Article 8. MFPE, NEA, AFT Standards of Affiliation**

1. The union shall comply with MFPE, NEA, and AFT standards of affiliation.
2. Should any provision in this constitution conflict with MFPE, NEA, or AFT governing documents, said provision shall be null and void.

#### **Article 9. Amendments and Parliamentary Procedure**

1. A two-thirds majority of members voting at a general meeting of the membership is necessary to amend this constitution
  2. Proposed constitutional amendments must be presented to the membership not less than thirty days prior to the vote.
  3. Robert's Rules of Order, latest revised edition, shall be the authority governing matters of procedure not otherwise outlined in this constitution or in bylaws or policies the union might adopt.
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### **MFPE Standards of Affiliation**

#### **Standards of Affiliation and Trusteeship**

1. MFPE local affiliates, regardless of membership size, shall
  - a. Comply with MFPE, NEA, and AFT constitutions and policies.
  - b. Remit state and national dues per policy.
  - c. Annually return to MFPE a corrected continuous membership roster.
  - d. Annually provide MFPE a copy of
    - 1) Most recently adopted budget,
    - 2) Most recently completed financial report, audit, or audit review,
    - 3) Current local constitution,
    - 4) List of officers by name, position, phone, mail, and email addresses,
    - 5) A copy of the local affiliate's Form 990, 990-EZ, or 990-N,

- 6) If applicable, a copy of the local affiliate's Form LM-3 or LM-4 filed with the US Department of Labor, and
    - 7) Official meeting minutes and/or election results indicating the date, time, and result of most recently held nomination and election of officers.
  - e. Elect officers not less than once every three years.
2.
  - a. In the event a local affiliate fails to comply with standards of affiliation, institute and maintain lawful and transparent financial practices, adhere to democratic procedures, and implement the legitimate objectives of the union pursuant to Section 302 of the Labor-Management Reporting and Disclosure Act of 1959 as amended, the MFPE board of directors may by authorize an investigation.
  - b. The MFPE board of directors may invite NEA or AFT to conduct the investigation.
  - c. Should investigation reveal serious noncompliance and evidence that a local affiliate cannot adopt and implement remedial measures on its own initiative, MFPE may establish a temporary trusteeship to restore and maintain the local affiliate's ability to comply with standards of affiliation and/or correct demonstrated financial malpractice, misappropriation of funds, or other violations as specified in policy.

**MFPE LOCAL UNION CONSTITUTION COMPLIANCE CHECKLIST**

Name of Union: \_\_\_\_\_

President: \_\_\_\_\_

Date: \_\_\_\_\_

Does your constitution:

Affirm your union is affiliated with MFPE, NEA, and AFT?

YES \_\_\_\_ NO \_\_\_\_

Require members pay local, MFPE, and national union dues?

YES \_\_\_\_ NO \_\_\_\_

Empower members only to participate in the governance and decision-making process of your union including the ratification of any collective bargained agreement?

YES \_\_\_\_ NO \_\_\_\_

Empower members only to nominate, be nominated, and be elected to union office?

YES \_\_\_\_ NO \_\_\_\_

Encourage nomination of ethnic-minority members for union office?

YES \_\_\_\_ NO \_\_\_\_

Guarantee “one member-one vote?”

YES \_\_\_\_ NO \_\_\_\_

Mandate compliance with MFPE, NEA, and AFT standards of affiliation and governing documents?

YES \_\_\_\_ NO \_\_\_\_

Identify the president as the first delegate to MFPE district council and annual conference?

YES \_\_\_\_ NO \_\_\_\_

Provide for a September 1 through August 31 membership year?

YES \_\_\_\_ NO \_\_\_\_

If your union can respond “YES” to these questions, upon proper submission of your constitution, MFPE will issue a union charter.

CONGRATULATIONS AND WELCOME TO THE FAMILY OF MFPE LOCAL UNIONS!