

Montana Federation of Public Employees

Constitution – As Amended 5th Annual Conference, April 9, 2022

1. NAME

There shall be a union of members and local affiliates working in public and private schools; state, county, and local government; and public and private health care, called Montana Federation of Public Employees, hereafter referred to as the Union.

2. ORIGIN

The Union shall be a continuation and successor of MEA-MFT and Montana Public Employees Association.

3. AFFILIATION

A. National Education Association and American Federation of Teachers

1. The Union shall be affiliated with NEA and AFT.
2. The Union's constitution shall be consistent with NEA and AFT governing documents.

B. American Federation of Labor - Congress of Industrial Organizations

The Union shall be affiliated with the Montana State AFL-CIO.

C. Local Affiliates

Local Union affiliates shall adopt governing documents consistent with this constitution and comply with standards of affiliation the annual conference may adopt.

4. COMPLIANCE

If any provision of this constitution is found to be in violation of federal or state law or NEA and AFT governing documents it shall be amended to ensure compliance at the next annual conference.

5. PURPOSE

The Union shall represent and advocate for its members, local affiliates, and the work they do.

6. AFFIRMATIVE ACTION

The Union shall not discriminate in membership, governance, program, and staff.

7. MEMBERSHIP

A. Categories

Membership shall consist of dues paying active, retired, substitute teacher, student, staff, and associate members.

1. **Active membership** shall be open to employees eligible for bargaining unit status to include:
 - a. Prek-12 public and private school certified and classified personnel.
 - b. Public and private postsecondary school professional and classified personnel.
 - c. State, county, and municipal employees.
 - d. Public and private health care employees.

2. **Retired membership** shall be open to former active members who have retired from active membership eligibility.
3. **Substitute membership** shall be open to persons who are substitute teaching and not eligible for active membership.
4. **Student membership** shall be open to students enrolled in accredited colleges or universities who are not eligible for active membership.
5. **Staff membership** shall be open to all regularly employed staff.

B. Membership Year

The membership year shall be September 1 through August 31.

C. Continuing Membership

Membership shall be continuous from year to year unless revoked in writing to the president during the annual termination period, September 1 – September 30.

D. Unified Membership

Membership shall be unified - local, state, and national affiliates.

E. Governance Rights

1. Active members shall have full governance rights including the right to vote and run for local affiliate, district, and state offices.
2. Retired members may be nominated and elected from their membership to serve as delegates to the annual conference and directors to the board of directors.
3. Student members may be nominated and elected from their membership to serve as delegates to the annual conference.
4. Staff and substitute members shall have no governance rights.

8. FISCAL YEAR

The fiscal year shall be September 1 – August 31.

9. DUES AND ASSESSMENTS

A. Annual conference

The annual conference shall establish active member dues and may require special assessments.

B. Proposed Changes in Dues

1. Proposed changes in active member dues shall be presented in writing to the president at least 60 calendar days before the annual conference.
2. The president shall notify members and local affiliates of proposed changes in active member dues at least 30 calendar days before the next annual conference.

C. Board of Directors

The board of directors shall establish dues for all non-active members.

D. State Assumption of Dues Collection

1. In the event a local affiliate is unable or unwilling to collect state and national affiliate dues and/or fees and submit those dues and fees to the Union, the Union shall assume administrative control of that local

affiliate and collect local, state, and national dues and fees and rebate local affiliate dues and fees back to the local affiliate.

2. A local affiliate may request the Union assume all local affiliate dues and fees collection responsibilities.

10. STATE OFFICERS

A. Positions

State officers shall be president, 1st vice president, 2^d vice president, treasurer, and NEA director.

B. Terms

State officers shall serve two-year terms beginning June 15 of the election year.

C. Limitations

1. State officers shall not simultaneously hold other state offices in the Union.
2. The president shall not simultaneously hold any local affiliate or district office in the Union.

D. Eligibility

1. Candidates for state president, 1st and 2^d vice presidents, treasurer, and NEA director shall be active members.
2. An incumbent president is an active member.

E. Elections

1. Active members running for state offices shall affirm or declare their candidacies in writing to the nominations and elections committee no later than March 1 of the election year.
2. Should the sole candidate for state office become ineligible to run for their declared office between March 1 and the annual conference, nominations shall be opened for that office until 9 am on the first day of the annual conference.
3. State officers shall be elected at the annual conference.

F. Duties

1. The president shall
 - a. Be full-time.
 - b. Reside within 30 miles of Helena.
 - c. Serve as the chief governance officer.
 - d. Serve as chief spokesperson on matters of governance, program, and policy.
 - e. Supervise, evaluate, and direct management.
 - f. Serve on and preside over meetings of the board of directors and annual conference.
 - g. Prepare the agenda for meetings of the board of directors and annual conference.
 - h. Schedule regional membership meetings.
 - i. Review policies, positions, programs, dues, and budget and make recommendations to the appropriate governance entity.
 - j. Sign contracts and other instruments connected with the business, legal, and professional affairs of the Union.
 - k. Appoint chairpersons and members of committees.
 - l. Serve ex-officio without vote on committees.

- m. Administer communication vehicles and publications.
 - n. Serve as a delegate to the NEA representative assembly and AFT convention.
 - o. Perform duties stipulated in the constitution, delegated by governing bodies, and as are customarily assumed by a chief governance officer.
 - p. Delegate duties to other officers and management.
 - q. Report on a regular basis to the board of directors.
 - r. Serve as alternate NEA director.
2. The 1st vice president shall
 - a. Preside in the absence of the president or when the president is unable to perform the duties of the office.
 - b. Succeed to the presidency should a vacancy occur and serve the unexpired term.
 - c. Serve as a delegate to the NEA representative assembly.
 - d. Serve as alternate NEA director.
 - e. Serve as vice chair of the board of directors and delegate to the annual conference.
 - f. Accept duties as may be assigned by the president.
 3. The 2^d vice president shall
 - a. Succeed to the 1st vice presidency should a vacancy occur and serve the unexpired term.
 - b. Serve as a delegate to the NEA representative assembly.
 - c. Serve as alternate NEA director.
 - d. Serve as vice chair of the board of directors and delegate to the annual conference.
 - e. Accept duties as may be assigned by the president.
 4. The treasurer shall
 - a. Assist in financial management and operations of the Union.
 - b. Serve on the board of directors and as a delegate to the annual conference.
 - c. Serve as a delegate to the NEA representative assembly.
 - d. Serve as alternate NEA director.
 - e. Accept duties as may be assigned by the president.
 5. The NEA director shall
 - a. Serve a term of office pursuant to NEA governing documents.
 - b. Serve as a director on the board of directors and delegate to the annual conference.
 - c. Accept duties as may be assigned by the president.

G. Unresolved Vacancy

Should a vacancy occur in a state office to which there is no designated successor, the board of directors may elect a successor to fulfill the unexpired term.

H. Nominations and Elections

State officer and district nominations and elections shall be conducted according to the standing rules of the annual conference.

11. DISTRICTS

A. Organization

1. Subject to the approval of the annual conference, the board of directors shall organize active members and local affiliates into districts that reflect Montana's expansive geography and diverse membership.
2. Retired members shall be organized into one statewide district.
3. Districts shall be numbered consecutively.

B. Governance and Duties

1. Each district shall be governed by a district council composed of active members living or working in that district. No member may represent two districts at the same time.

2. Officers and Directors

- a. Each district council shall elect at the annual conference a chair who shall preside over council meetings and serve as a district director to the board of directors and delegate to the annual conference.
- b. Each district shall elect at the annual conference a vice chair who shall preside over council meetings in the absence of the chair, succeed to the chair should a vacancy occur, and serve as a district director to the board of directors and delegate to the annual conference.
- c. Odd-numbered districts shall elect chairs and vice chairs in odd-numbered years. Even-numbered districts shall elect in even-numbered years.
- d. District chairs and vice chairs shall come from different local affiliates and job descriptions.
- e. District chairs and vice chairs shall serve two-year terms beginning June 15.
- f. Nomination and election of district chairs and vice chairs shall be open to all district members.

3. Vote

- a. The chair and vice chair of a district council shall have 1 vote each.
- b. Each local affiliate shall have as many votes as it has properly credentialed delegates present and voting.
- c. Delegates must be present to vote.
- d. The chair, vice chair, and local affiliate delegates must be present to vote.

4. Meetings

Each district shall officially meet at the annual conference and may meet informally at scheduled regional membership meetings.

5. Vacancies

- a. Should a district chair resign or be absent without notice from two consecutive district meetings or two consecutive board of director meetings the president shall declare that position vacant and the district vice chair shall become chair. The district council shall at its next meeting elect a successor vice chair to serve the unexpired term.
- b. Should a district vice chair resign or be absent without notice from two consecutive district meetings the president shall declare that position vacant. The district council shall at its next meeting elect a vice chair to serve the unexpired term.
- c. In the event the district chair and vice chair positions are both vacated the president shall name an acting chair and vice chair from that district to govern the district council until the next district meeting.

6. Duties

District councils shall

- a. Preview and review actions of the board of directors and annual conference.
- b. Make recommendations to the board of directors and annual conference.
- c. Nominate members to serve on committees.
- d. Serve as an information conduit to and from local affiliates to the board of directors and annual conference.

12. BOARD OF DIRECTORS

A. Composition

The board of directors shall be composed of state officers, district chairs, and vice chairs.

B. Vote

1. State officers and district directors shall have 1 vote each.
2. State officers and directors must be present to vote.

C. Duties

The board of directors shall

1. Implement the actions of the annual conference.
2. Make recommendations to the annual conference.
3. Give directions to the president.
4. As approved by the annual conference, create, dissolve, or reorganize districts.
5. Prepare a budget for the consideration of the annual conference.
6. Determine how dues are collected and disbursed.
7. Direct financial affairs.
8. Employ management staff and approve contracts with the same.
9. Negotiate with organized staff and ratify contracts with the same.
10. Adopt policies, positions, and programs.
11. [May] elect successors to vacancies in state offices or the directorship-at-large.
12. Create and dissolve committees.
13. Accept duties as may be assigned by the president.

D. Meetings

1. The board of directors shall meet 3 times annually at a time and place established by the president.
2. The president or a majority of the board of directors may convene a special meeting of the board of directors.

13. ANNUAL CONFERENCE

A. Composition

1. The annual conference shall be composed of state officers, directors to the board of directors, and delegates representing local affiliates, retired, and student members.

2. Local Affiliate Delegates

- a. Local affiliate delegates shall be nominated and elected by and from their local affiliate.
- b. Each local affiliate may elect at least 1 delegate.
- c. Each local affiliate having more than 25 members may elect additional delegates on the basis of 1 delegate for each additional 25 members or major fraction thereof.

3. Retired and Student Delegates

Retired and student members may elect delegates by and from their memberships on the basis of 1 delegate for each 25 members or major fraction thereof.

B. Duties

The annual conference shall

- 1. Amend this constitution.
- 2. Serve as the final authority in governance matters.
- 3. Elect state officers.
- 4. Adopt policies, positions, and programs.
- 5. Adopt the budget.
- 6. Establish active member dues and assessments.
- 7. Establish standards of local affiliation.
- 8. Approve creation, reorganization, or dissolution of districts.
- 9. Create and dissolve committees.

C. Vote

- 1. State officers, district directors, and student delegates shall have 1 vote each.
- 2. Each local affiliate shall have as many votes as it has properly credentialed delegates present and voting.
- 3. Delegates must be present to vote.

D. Meetings

- 1. The annual conference shall meet at a time and place established by the board of directors.
- 2. Upon at least 30 calendar days' notice to members and local affiliates the board of directors may convene a special annual conference.

14. COMMITTEES

A. Creation

The president, board of directors and annual conference may create committees to review and recommend policies, positions, and programs.

B. Accountability

Committees are accountable to the president and governance entity that creates them.

15. Standards of Affiliation and Trusteeship

A. Standards of Affiliation

Local affiliates, regardless of membership size, shall:

- 1. Comply with MFPE, AFT, and NEA constitutions and policies.
- 2. Remit state and national dues per policy.

3. Annually return to MFPE a corrected continuous membership roster.
4. Annually provide MFPE a copy of
 - a. Most recently adopted budget,
 - b. Most recently completed financial report, audit, or audit review,
 - c. Current local constitution,
 - d. List of officers by name, position, phone, mail, and email addresses,
 - e. A copy of the local affiliate's Form 990, 990-EZ, or 990-N,
 - f. If applicable, a copy of the local affiliate's Form LM-3 or LM-4 filed with the US Department of Labor, and
 - g. Official meeting minutes and/or election results indicating the date, time, and result of most recently held nomination and election of officers, and
5. Elect officers not less than once every three years.

B. Trusteeship

1. 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 a 2/3ds vote authorize an investigation.
2. The president may invite NEA or AFT to conduct the investigation.
3. Should an investigation reveal serious noncompliance and evidence that a local affiliate cannot adopt and implement remedial measures on its own initiative, the MFPE board of directors may by a 2/3ds vote 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.

16. DISPUTE RESOLUTION

A. Board of Directors

Should a dispute arise over the interpretation of this constitution, implementation of an annual conference action, or election of officers, a member, local affiliate, or district may seek resolution at the next meeting of the board of directors.

B. Annual conference

If not satisfied at the board of directors the member, local affiliate, or district may seek resolution at the next meeting of the annual conference.

C. National Affiliates

If not satisfied at the annual conference, the member, local affiliate, or district council may seek resolution from NEA or AFT, but not both.

17. PARLIAMENTARY AUTHORITY

A. Self-Governance

Local affiliates, districts, board of directors, and the annual conference shall adopt rules of procedure consistent with this constitution and national affiliate governing documents.

B. Roberts' Rules of Order -- Latest Edition

In the absence of adopted rules of procedure, Roberts' Rules of Order -- Latest Edition shall govern governance meetings.

18. AMENDMENTS

- A. The annual conference may amend this constitution by a 2/3rds vote.
- B. A member, local affiliate, district, or board of directors may propose amendments.
- C. Proposed amendments shall be presented in writing to the president at least 60 calendar days before the next annual conference.
- D. The president shall notify members and local affiliates of proposed amendments at least 30 calendar days before the next annual conference.