

## CONSTITUTION AND BY LAW COMMITTEE

### PROPOSED BY LAW AMENDMENTS

#### **By-Laws**

##### **Article I**

##### **Parliamentary Authority**

Robert's Rules of Order, newly revised, shall be the authority upon which decisions will be based on all questions or procedures not specifically provided in this Constitution and its Bylaws.

##### **Article II**

##### **Special Rules of Order**

##### **Section 1. Frequency of Occurrence of Meetings**

A. The time and place of the meetings of the membership and/or special meetings of the organization shall be designated by, and at the call of, the Executive Board.

B. Meetings of the Executive Board shall be held no less than once a month during the school year and other meetings may be called by the President or a majority of the Board.

C. Meetings of the Council of Building Stewards shall be held monthly during the regular school year, and other meetings may be held upon the call of the President or a majority of the Executive Board.

D. Each United Teachers of Dade building and/or work location unit shall meet on a regularly scheduled basis at least one time each month during the school year.

##### **Section 2. The Executive Board**

A. The Executive Board shall expedite in every possible way the legislative and executive business of the Council of Building Stewards. It shall consider all matters presented for consideration of the Council of Building Stewards between meetings and shall make a report, with recommendations, at each meeting of the Council. It shall serve as an executive body in all matters delegated to it. All actions taken by the Executive Board shall be binding unless repealed by a two-thirds vote of the Council of Building Stewards.

B. The Executive Board, upon recommendation of the President, or majority of the Executive Board, may require a member to resign as chairperson of any standing committee.

C. The Executive Board shall recommend to the Council standing rules and amendments to the Bylaws which will establish the policies and procedures for the ongoing governance of the United Teachers of Dade.

D. All officers as well as all agents and employees of the United Teachers of Dade shall be properly bonded by a certified bonding company at the expense of the organization in an amount to be determined annually by the Executive Board in accordance with recommendations of the Secretary/Treasurer.

E. The Executive Board, in establishing a time and place for the annual meeting of the membership, shall give not less than 20 days' notice thereof; and, in calling a special meeting of the membership, shall give not less than five days' notice thereof except in the case of an emergency. Notice of all meetings shall be deemed sufficient upon mailing the members the information pertaining thereto at either his/her home or his/her school address, or by posting same upon the school bullets/bulletin board, or by publishing same in the United Teachers of Dade newspaper, [or by emailing or posting on the Union's official website](#), provided that the same is mailed or delivered within the time limits herein specified.

F. Members of the Executive Board shall be voting members of the Council of Building Stewards.

G. All members of the Executive Board and officers of the organization shall be sworn into office and assume their duties at the conclusion of the May Council of Stewards meeting..

H. The Executive Board shall receive a monthly written financial report from the Secretary/Treasurer. Said reports are to be available for membership inspection.

### Section 3. Council of Building Stewards

A. Stewards and alternate stewards shall be elected from the United Teachers of Dade's members of each school and/or work location and/or special category of membership in the following fashion: each school shall have a minimum of one (1) building steward, provided further, that every elementary, junior/middle high school, and senior high/area vocational school shall be considered separately. There shall be one (1) building steward for each thirty (30) United Teachers of Dade members or a major fraction thereof. Exceptions may be granted by the executive board.

B. Worksites with 45 or fewer members shall first elect a Union Steward who shall automatically be the Designated Building Steward. This person shall serve as chief liaison with the United Teachers of Dade for that worksite and in such other capacities

as may be assigned to him/her by the Executive Board. A second balloting shall be conducted to elect an Alternate Steward who shall automatically be the Designated Steward when the Designated Steward is unable to perform his/her duties.

In worksites entitled to more than one Union Building Steward, upon the completion of the election for the Union Building Stewards, a second balloting shall be conducted to elect the Designated Union Steward from among the elected stewards. The plurality of the Designated Steward shall establish the order for Acting Designated Steward in the event that the Designated Steward is unable to serve. A third ballot shall be conducted to elect alternate stewards.

C. The time for election of building stewards shall be determined by the Internal Functions Committee. The term of office for a building steward is three years. Any school having a change in membership affecting representation shall make adjustments immediately and certify such change to the First Vice President who shall recommend to the Executive Board appropriate action.

D. A member, in order to serve as a building steward, shall be a member in good standing of the category of membership he/she will represent in the Council of Building Stewards of the United Teachers of Dade.

E. A vacancy in the position of building steward shall be filled in accordance with Article VI, Subsection (C.) of the Constitution.

F. The Council of Building Stewards acts in a quasi-judicial manner on behalf of the organization in all matters pertaining to elections, interpretation of the Constitution and Bylaws, qualifications of its own members and other such matters as are delegated to it by the Constitution, the Bylaws, the membership, or are inherent in its powers as the governing body of the organization. The Council of Building Stewards may promulgate standing rules at any time, setting forth procedures to implement the Constitution and Bylaws. The Council must approve and give final action to all standing rules and amendments to the Bylaws proposed by the Executive Board.

G. Notice of meetings of the Council of Building Stewards must be provided not less than five days in advance of the meeting, in the manner set forth for notice in these Bylaws [except where an emergency meeting is called by the Executive Board in which case all reasonable efforts to expedite notice shall be taken.](#)

H. After each general steward election, the Council of Building Stewards shall elect from its members a three member Financial Oversight Committee to review union financial matters and to report to the Executive Board and Council of Building Stewards on a quarterly basis. Vacancies shall be filled by the Council of Building Stewards. Sitting members of the Executive Board shall not serve on the Financial Oversight Committee (FOC).

I. After each general steward election the council of building Stewards shall elect from its members a five member Judicial Review Committee (JRC) to review all charges brought under Article VI of the By-Laws. Members of the Executive Board shall not serve on the JRC.

J. Council Meetings

1. A tentative Agenda, an officially approved copy of the Executive Board minutes, and the unofficial minutes of the Council meeting shall be sent to each member of the Council of Building Stewards at least five days prior to the meeting of the Council of Building Stewards.

2. The United Teachers of Dade Budget shall be forwarded to the members of the Council of Building Stewards and posted on the UTD website thirty days prior to the May meeting of the Council. Additionally, along with the budget, the stewards will be provided a written report outlining the previous year's budget reflecting income and expenditures and a copy of the most recent audit conducted by an independent CPA. These documents shall be available for membership inspection. In accordance with federal law, the United Teachers of Dade Budget shall be adopted by a majority vote at the regular May meeting of the Council, or at a special meeting of the Council, but in no event shall the approval of the Budget be delayed beyond June 30th, the end of the fiscal year.

3. School units desiring to place items on the Council Agenda must submit them to the President in writing at least ten days prior to the Council of Building Stewards meeting. Individual members of the Council of Building Stewards may bring items up under New Business.

4. Absentee ballots shall not be allowed.

5. United Teachers of Dade staff shall be ex-officio members of the Council of Building Stewards with the right to speak to any issue, but without voting privileges.

6. A member shall not speak in debate more than once on the same question until all others wishing to speak have had the same opportunity. No one may speak more than twice to the same question.

7. A member shall not speak to any one question for a period longer than three minutes.

8. These rules may be waived only by a majority vote of the entire Council of Building Stewards unless otherwise specified in these rules.

9. Persons making committee reports shall not be restricted by the above limitations on debate and the number of times they may speak to a question.

10. The maker of a motion may make a supporting statement. At this time, he or she

may also request the privilege of making a closing statement after all other debate has been completed or the previous question has been called.

11. The seconder of a motion may not make a supporting statement.

12. Proponents and opponents shall make known their desire to speak by moving to a microphone.

13. The Chair shall call on speakers, alternating between proponents and opponents, until all have spoken or the previous question is moved and carried.

14. The identification card specially designating individuals as stewards shall be issued to members of the Council. This card shall be distinguished from the regular membership identification card by the color.

15. Officers of the Union shall govern the meetings. The President shall preside, as constitutionally prescribed, at the Council of Building Stewards meetings. In his/her absence, the First Vice President shall preside.

16. Seating shall be set aside for visitors and observing alternates when the alternate is not voting as a steward.

17. Alternates serving in the absence of certified Stewards shall be seated in the stewards seating area.

18. Visitors representing the press or special interest groups shall be introduced at the beginning of the meeting and shall sit in designated areas.

19. All staff reports shall be printed. A regular item on the Agenda will be a fifteen (15) minute time allowance for stewards to ask questions concerning items contained in the staff reports.

20. The Council of Building Stewards meetings shall adjourn promptly at 8:00 p.m. regardless of matters under discussion at the time. The only exception shall be by a simple majority vote of those stewards present and voting.

### **Article III Standing Committees**

Section 1. Chairpersons and members of the following standing committees shall be approved by the Executive Board except as provided by Article II of the By-Laws.

- A. Internal Functions
- B. Legislative Relations
- C. Intercultural and Human Rights Committee
- D. Professional Issues

- E. School Related Personnel
  - (1) Paraprofessionals
  - (2) School Support Personnel
  - (3) Office and Clerical Personnel
- F. Young Educators (YEC)
- G. Financial Oversight
- H. Constitution, Bylaws and Rules
- I. Judicial Review Committee

J. Steward Incentive Committee

K. Arbitration Review Committee

Section 2. The committees shall advise the Executive Board upon matters within their respective competence.

Section 3. The standing committees of this organization shall perform the duties prescribed for them and any other specific duties assigned to them by the President.

Section 4. Chairpersons of standing committees shall be ex-officio members of the Council of Building Stewards with the right to speak to any issue but without voting privileges, unless they have been elected as a building steward.

Section 5. The reports and recommendations of any committee shall be subject to review and approval by the Executive Board with the exception of the Internal Functions Committee in conducting elections as specified in Article VIII, Section 2.

Section 6. Members of the organization in good standing shall be eligible to serve on a committee, or to act as a chairperson of any committee upon nomination of the President and approval of the Executive Board.

Section 7. The term of office of members and chairpersons of all committees shall be one year, unless otherwise designated by the Executive Board.

Section 8. There may be task forces and/or special committees established as the Executive Board or President may deem necessary.

**Article IV**  
**Elections & Nominations**

Section 1. All elections conducted pursuant to this Article shall be in accordance with the provision of 29 U.S.C., Sec. 481 (Landrum-Griffin Act). United Teachers of Dade elections for officers shall be held during the month of February.

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Section 2. The Internal Functions Committee shall be responsible for formulating rules for conducting all elections subject to the approval of the Council of Building Stewards. The Internal Functions Committee shall also be responsible for conducting said elections and for announcing the results thereof.

Section 3. Election procedures shall be established not less than ninety (90) days prior to the election. Failure in this regard shall not be deemed to invalidate any election, provided only that the procedures established and adopted are fair and impartial to all candidates and validly protect the interests of the members.

Section 4. Nominations for officers and delegates shall be in writing, executed by the nominee and ten sponsoring members, and shall be delivered or postmarked at least 30 days prior to the election, to the Internal Functions Committee or its designated agent. Nominations may not be made from the floor. Notice of these nominations shall be made to the membership at least 15 days prior to the election via U.S. Mail and e-mail (where available).

Section 5. The Internal Functions Committee shall certify the results of all elections at the Executive Board meeting next following the election.

Section 6.

A. The President and the Secretary/Treasurer shall certify the election of delegates to the American Federation of Teachers Convention and forward the credentials of all elected delegates and alternates to the national office as soon as possible but not later than ten days before the convening of the American Federation of Teachers Convention.

B. The delegates to the AFT, FEA, South Florida AFL-CIO, and Florida AFL-CIO shall be elected at the regularly scheduled election of officers of the United Teachers of Dade.

Section 7. Building Stewards and their alternates shall be elected by the active membership of United Teachers of Dade in each worksite by secret ballot and provided that the procedure adopted shall guarantee the full exercise of the franchise to all members. Absentee ballots shall not be accepted. The Internal Functions Committee shall promulgate the rules and regulations governing elections for building stewards, subject to Executive Board approval, in accordance with 29 U.S.C. Sec. 481 (Landrum-Griffin Act). Disputes in such elections shall be referred to the Executive Board for determination, provided that any aggrieved person may appeal to the Council of Building Stewards.

Section 8.

A. The offices of President, Secretary/Treasurer and First Vice President All-officers shall be elected by a majority of votes cast. Absentee ballots shall not be accepted. If

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candidates do not receive a majority, a run-off election shall be held within thirty (3) days after the original count is finalized.

B. All other Officers and aAll delegates shall be elected by a plurality of the votes cast; in the event of a tie, a run-off election shall be held. Absentee ballots shall not be accepted.

Section 9. Building Stewards, officers, and delegates shall take office at the conclusion of the May Council of Stewards meeting following the election.

Section 10. All elections occurring during, or directly after the formal conclusion of, any AFT imposed administratorship, shall be for term of service ending at the latest May steward meeting not to exceed three years.

**Article V  
Membership**

Section 1. Only dues paying members who are current employees within the certified bargaining unit shall be classified as active.

Section 2. Each member shall be entitled to one vote when present at membership meetings or when voting on a matter affecting their category of membership. No proxies shall be authorized or permitted in any membership vote.

Section 3. All meetings of the membership, the Council of Building Stewards and the Executive Board shall be open to the members of this organization at all times, except when the President or presiding officer moves the body into Executive Session.

Section 4. The membership of the United Teachers of Dade must ratify negotiated contracts with the Miami-Dade County School Board for their category of membership in a manner and under circumstances to be determined by the Executive Board of United Teachers of Dade.

**Article VI  
Discipline of a Member, Steward, Chairperson, or Officer**

Section 1. Membership in this organization, membership in the Council of Building Stewards, and the holding of any office in the organization is dependent upon the good faith effort on the part of the member, steward, chairperson, or officer to comply with the dictates of this Constitution and Bylaws and to act in a manner supportive of the United Teachers of Dade.

A charge by a member or members in good standing that another member, other members, a steward, an alternate steward, a chairperson, or any officer has violated the Constitution, the Bylaws, engaged in misconduct, neglected their duty, or engaged in activities inimical to the interests of the United Teachers of Dade must be specifically



set forth in writing and signed by a member or members making the charge. The charge must state the exact nature of the alleged offense or offenses and, if possible, the period of time during which the offense or offenses took place. Two or more members, stewards, or officers may be jointly charged with having participated in the same act or acts charged as an offense or with having acted jointly in commission of such an offense and may be jointly tried.

Section 2. Charges must be submitted to the President of the Union within sixty (60) days of the time the complainant first becomes aware of the alleged offense, provided that, if the charges are against the President, they should be submitted to the First Vice President of the Union. In case both the President and the First Vice President are charged with an offense, they should be submitted to the Secretary/Treasurer. If all officers are charged with an offense, the complaint shall be submitted to the General Counsel of the union.

The Secretary/Treasurer of the Union shall serve as agent for the Union for all purposes of notification or receipt of written materials indicated within this section. Should the Secretary/Treasurer be the subject of the charges, then the President shall serve in that agency capacity on behalf of the Union.

Section 3. Upon charges being submitted, an initial review shall be conducted by the Judicial Review Committee (JRC) within 10 school days for compliance with subsections A, B, and C below. If charges are found invalid by the JRC, the finding shall be forwarded to the Executive Board. The board may decide to go forward with the charges by a two-thirds majority vote.

If the JRC does not invalidate the charges, or if the Executive Board overturns the invalidation a probable cause investigation will be conducted by the President in tandem with legal counsel. At the next scheduled monthly meeting of the Executive Board (but no less than ten (10) school days following the validation ruling), the President will give a report to the Executive Board as to whether or not there is probable cause to go forward. If the President recommends a finding of "no probable cause," the Executive Board may hear the summary of the facts and make an independent decision to go forward upon a two-thirds (2/3) vote of the Board. If the decision for "no probable cause" is upheld by the Executive Board, then the charging members will be so informed in writing. If the President is the subject of the charges, the Secretary/Treasurer will act in his or her place.

The President and/or when appropriate the First Vice President or the Secretary/Treasurer and then the Executive Board shall review the charges and shall consider them improper and null and void if:

A. The charges do not state the exact nature of the alleged offense as required by Section 1 of this Article.

B. The charges are untimely under Section 2 of this Article.

C. The act complained of does not and could not, under any set of circumstances, sustain a charge of a violation of neglect of duty, misconduct of office, acts inimical to the best interests of the United Teachers of Dade or acts in violation of the Constitution and Bylaws of the United Teachers of Dade.

After the Executive Board's consideration of the charges, if they are determined to be improper, the charging member and the accused member shall be notified in writing. If the charges are determined to be valid, the Executive Board shall notify the accused member of the charges.

Section 4. A member, steward, alternate steward, chairperson or officer against whom charges have been filed may be suspended pending trial from any elective or appointive office or position he may hold in the Union by a two-thirds (2/3) vote of the Executive Board.

Section 5. The following enumerated acts are set forth as inimical to the best interests of the organization. This enumeration shall not be construed to exclude from disciplinary action other forms of negative conduct.

- A. Violation of any of the provisions of the Constitution, Bylaws, any collective bargaining agreement, standing rules, or policies of the Council of Building Stewards;
- B. Obtaining membership through fraudulent means or by misrepresentation;
- C. Attempting to bring about the withdrawal of any member, or group of members, from the Union;
- D. Maliciously publishing or circulating among the membership, false reports or misrepresentations;
- E. Working in the interest of or accepting membership in any organization inimical to the Union;
- F. Using abusive language or disturbing the peace or harmony of any meeting in or around any office or meeting place of the Union;
- G. Fraudulently receiving any money due the organization or misappropriating the monies of the organization;
- H. Using the name of the Union or its emblem or logo for any unauthorized purpose;
- I. Furnishing a complete or partial list of the membership of the Union to any person or persons other than those whose official position entitles them to such a list;
- J. Deliberately interfering with any member of the Union in the discharge of his official

union duties;

K. By act, omission or conduct, prejudicing or damaging the interest and welfare of the Union. Every member, representative, or officer of this Union shall be obliged to exhaust all remedies provided for in the Constitution, Bylaws and Standing Rules, including available appeals, before starting an action in a court of law against the Union.

#### Section 6. Trial of Members

In the event that the Executive Board decides that the charges warrant a trial, the President shall appoint a trial committee of three members in good standing and shall designate a member in good standing to present the charges before the trial committee. The members of the trial committee shall be selected by the President specifically for the trial of such charges, and no officer or member who is a party or directly interested in such charges shall act as a member of the trial committee.

Promptly after the selection of the trial committee, the Secretary/Treasurer shall mail a copy of the charge, by registered mail, return receipt requested, to the accused member at his last known address, together with a statement containing the names of the trial committee and the time and place of the hearing, which shall not be less than one week nor more than four weeks after the mailing of the notice. Every effort shall be made to contact or notify the accused member. Such information shall also be given to the member or members who prefer charges.

The accused may challenge any member of the trial committee on the grounds that he/she is a party to or directly interested in such charges. The challenge must be made to the Executive Board within one week after notification to the accused of the names of the trial committee. If the challenge is sustained, the Executive Board shall replace the challenged member of the trial committee, and set a new trial date if such is necessary to afford the accused reasonable notice.

The accused shall have the right to be represented before the trial committee by any member of the Union in good standing. In the event that the accused fails to appear at the hearing at the time and place provided in the notice served upon him/her and presents no acceptable excuse for absence, the hearing shall proceed with the same force and effect as if he/she were present.

Within seven (7) days after the conclusion of the hearing, the trial committee shall report its findings and recommendations to the Executive Board.

The Executive Board shall take such action on the report of the trial committee as it may deem proper and, in the event the accused is found guilty of the charges preferred against him/her, shall impose such penalties as, in its judgment, it may deem fitting and proper.

If any officer of the Union is found guilty of charges preferred against him/her, the

Executive Board may remove him/her from office in addition to any other appropriate penalty it may impose.

The decision of the Executive Board shall be communicated in writing, by registered mail, return receipt requested, by the Secretary/Treasurer to the accused within seven days after the meeting of the Board.

A member, steward, alternate steward, chairperson or officer who has been found guilty of charges preferred against him/her pursuant to this Article, shall have the right of appeal to the Council of Building Stewards fifteen (15) days after the receipt of the decision of the Executive Board. The notice of appeal shall consist of::

A. A copy of the charges preferred against him/her;

B. A copy of the decision of the Executive Board;

C. The appellant's statement of reasons why the decision of the Executive Board should be set aside or the penalty modified. The Council of Building Stewards shall have the authority to affirm or reverse the decision, or to modify the decision, or to order a new trial.

Section 7. A member, steward, alternate steward, committee chairperson, or officer who is under suspension from membership, including a temporary suspension pending hearing or trial, shall be required to pay all dues during the period of suspension.

## **Article VII Annual Dues**

Section 1.

A. The annual dues shall be determined in the following manner:

1. For each school year, annual dues shall be determined at 1.6% of the base beginning teacher's salary as determined in the negotiated salary schedule, plus mandated increases in required affiliation fees and insurance premiums. Paraprofessionals shall pay 50% of the annual dues, plus mandated increases in required affiliation fees and insurance premiums. School related personnel (paraprofessionals, school support personnel, office and clerical personnel) shall pay 50% of the annual dues, plus mandated increases in required affiliation fees and insurance premiums. Dues set during an AFT Administratorship by the Administrator shall remain in effect until amended as outlined in Article VIII.

2. Dues for members shall be established and voted on at the last regularly scheduled Council of Building Stewards meeting of the school year after consultation with the membership and governance of each affected category.

Section 2.

Payment of annual dues shall establish membership in the United Teachers of Dade for one (1) year from the date of the initial submission and continuous honoring, on an annual basis thereafter, of the payroll deduction card. Cash membership is for the school year in which cash dues are paid, regardless of when the cash payments commence. If cash membership is begun prior to December 15th of any year, then the UTD cash member may pay in full or establish a payment schedule which will result in full payment of dues being made by December 15th. For cash members joining after December 15th of any year, their payment of dues must be made in a single full payment at the time they join.

Section 3.

A. Thirty (30) days after notification in writing to United Teachers of Dade of a member's withdrawal from payroll deduction of dues, that individual's membership status is voided and all benefits and services incidental to membership shall cease.

B. Upon failure to meet a scheduled payment of cash dues, a member will receive written notice from United Teachers of Dade that thirty (30) days from the date of the default in payments that individual's membership status is voided and all benefits and services incidental to membership shall cease.

C. The above provisions may be waived by the President or Secretary/Treasurer upon a showing of extenuating circumstances.

**Article VIII  
Amendments**

These Bylaws may be amended by a two-thirds (2/3) vote of those stewards present at the Council of Building Stewards meeting. Prior to such vote, the amendment shall be read at the preceding Council meeting and posted on the UTD website to allow for membership input.