

# Maryland Professional Employees Council/MFPE, Local 6197, AFT Maryland, AFL-CIO,

## CONSTITUTION

### Article I: Name

The name of this organization is the Maryland Professional Employees Council, (MPEC), AFT-Maryland, American Federation of Teachers (AFT), AFL-CIO.

### Article II: Objectives

The objectives of the Maryland Professional Employees Council shall be:

1. To organize the Engineering, Scientific and Administrative professionals employed by the State of Maryland (Unit G members) into an effective Union for the advancement of the economic well being of its members ;
2. To promote the careers and quality of work life of the Unit G members through the collective bargaining process;
3. To improve the quality and delivery of government services to the citizens of Maryland;
4. To improve the efficiency of work and to enhance the public image of Unit G members;
5. To eliminate discrimination by race, creed, gender, disability, age, sexual orientation, social, political or economic status, religion, or national origin, both within the state workplace and within the general society.
6. To improve the standards for Unit G members by advocating better preparation, encouraging relevant in-service training, establishing objective procedures for evaluation and classification, and securing working conditions essential to the best performance of state service;
7. To create and maintain a just and democratic Union open to the free expression of its members and responsive to their needs;
8. To defend the rights, benefits and employment status of Unit G members of the State of Maryland from administrative abuse, negligence and/or mismanagement;
9. To make Unit G members aware of their political rights and responsibilities as citizens and to encourage their participation in the political process ;
10. To cooperate and build solidarity with the state and national labor movement.

### Article III: Membership

#### Section 1: Full Membership

- a) Full membership in the MPEC shall be open to all Unit G members of the State of Maryland.
- b) A full member shall be considered "a member in good standing" so long as payroll deduction for MPEC dues is authorized or, instead of payroll deduction, a member has paid his or her dues one year in advance.
- c) Full members in good standing are eligible to participate fully in all activities of the MPEC.
- d) Any person previously so employed whose employment was terminated and is being represented by MPEC in an appeal of that termination shall continue to be eligible for membership.
- e) MPEC officers who leave state employment to work for the MPEC full-time shall retain MPEC membership and be considered members in good standing so long as they continue to hold office, work for the MPEC full-time, and pay dues.
- f) An MPEC officer who leaves state employment to work for the MPEC full-time may, after two or more years working for the MPEC full-time, apply for benefits from the Maryland State Retirement and Pension System and be considered members in good standing so long as they continue to hold office, work for the Union full-time, and pay dues.

## Section 2: Retiree Membership

Retired State of Maryland employees may be eligible for retired member status. MPEC By-laws will establish the appropriate dues level, representation policies, and membership rights and benefits for retiree members.

## Section 3: Associate Membership

Any State of Maryland employee who is not a member of Unit G and is not retired may be eligible for associate membership. The MPEC By-laws will establish the appropriate dues level, representation policies, and membership benefits for associate members.

## Section 4: Non-membership

Any State of Maryland employee who is a member of Unit G and is not an MPEC full member may be required to pay a "service fee". The MPEC By-laws will establish the appropriate fee level, representation policies, and rights and benefits for non-members.

## Section 5: Non-discrimination Policy

No discrimination shall ever be shown toward individual members, or applicants for membership because of race, creed, gender, ancestry, genetic information, gender identity or expression, mental or physical disability, age, sexual orientation, social, political or economic status, religion, national origin or labor organization affiliation.

## Section 6: Membership Dues

- a) Dues for members shall be assessed as defined in the By-Laws of the MPEC.
- b) Dues shall be adjusted automatically in an amount equal to any adjustment in per capita payments required by the AFT, AFT-Maryland, or the Maryland State AFL-CIO.

# Article IV: MPEC Officers

## Section 1: Executive Board

The following executive officers shall be elected every 2 years by the members of the Maryland Professional Employees Council:

- a) President
- b) Executive Vice President
- c) Treasurer
- d) Secretary
- e) Vice President, at large
- f) Vice President, at large
- g) Vice President, at large
- h) Chief Steward

The above-named officers shall constitute the MPEC Executive Board.

## Section 2: Delegates

- a) MPEC officers shall automatically become delegates to the AFT Convention, the AFT-Maryland Convention and the Maryland State AFL-CIO Convention.
- b) If MPEC is eligible for more than eight delegates at the AFT, AFT-Maryland, or Maryland AFL-CIO conventions, the additional delegates shall be elected every two years by the members of MPEC.
- c) If any elected delegates or officers are unable to attend said conventions, alternates shall be appointed by the President with the approval of the majority of the Executive Board.

### Section 3: Stewards

Stewards shall be appointed by the President with the approval of the majority of the Executive Board.

## **Article V: Election of Officers**

### Section 1: Candidate Requirements

- a) Full membership in good standing is required of all candidates for Union office.
- b) One year after the adoption of this constitution, candidates for all offices must be members in good standing for at least a period of six months prior to the election.

### Section 2: Term of Office

The term of office for all officers shall be 2 years.

### Section 3: The Elections Committee

- a) The Elections Committee shall consist of three (3) MPEC members who are not MPEC officers or candidates for election. The Committee shall have general responsibility for the conduct of all MPEC elections in accordance with this Constitution.
- b) The Elections Committee shall serve as a nominating committee and shall receive and validate all nominations.
- c) The Vice Presidents shall be elected at large. The three candidates for vice president receiving the greatest number of votes shall be elected.
- d) Any disputes regarding elections shall be investigated by the elections committee and the results of the investigation reported to the Executive Board. The Board's decision shall be final.
- e) The Election Committee shall ensure all valid candidates are provided equal opportunities for access to members.

### Section 4: Procedures

- a) Nomination and election procedures shall be conducted in accordance with all provisions of the MPEC Constitution and By-Laws, the AFT Constitution and By-Laws, the Landrum-Griffin Act as time to time amended and the laws of the state of Maryland.
- b) Any member who meets candidate requirements may be nominated for any elective office. Nominations shall be conducted in accordance with the procedures established by the Elections Committee and approved by the Executive Board.
- c) Elections shall be conducted by secret mail ballot of all full members in good standing in even number years and completed before that year's annual membership meeting.

## **Article VI: The Executive Board**

### Section 1: Meetings

The meetings of the Executive Board shall be presided over by the president of the MPEC. In the absence of the president, the vice-president shall preside.

### Section 2: Executive Board Authority

The Executive Board shall be the governing body of the MPEC between meetings of the MPEC membership.

### Section 3: Executive Board Quorum

A quorum for meetings of the Executive Board shall be a majority of its members. Meetings of the Executive Board shall be held at least quarterly.

#### Section 4: Executive Board Interim Vacancy

- a) Replacement(s) for Executive Board vacancies must be nominated by the President and approved by two thirds of the Executive Board. Replacement Board Members will serve for the remainder of the vacant officer's term.
- b) Upon the permanent absence or disability of both the President and the Vice President, the Executive Board shall select a replacement from among their ranks.

### **Article VII: Committees**

#### Section 1: MPEC Standing Committees

The following standing committees shall be active in the Union:

- a) Organizing
- b) Budget
- c) Audit
- d) Elections
- e) Bargaining
- f) Grievance
- g) Constitution and By-laws
- h) Health and Safety
- i) Stewards
- j) COPE

#### Section 2: Appointment of Committee Members

The chairperson and members of the standing committees and of all special committees shall be appointed by the President with the approval of a majority of the Executive Board.

### **Article VIII: Removal from Office**

#### Section 1: Membership Petition and Charges

Removal of any officer for neglect of duty, malfeasance, nonfeasance or misfeasance in office or misappropriation of funds may be initiated by any member of the Union by petition. The petition must state the alleged offense committed by the officer. The petition must be signed by at least twenty percent of the membership. The petition must be filed with the Chair of the Election Committee.

#### Section 2: Recall Election

Upon receipt of a valid petition, as described in Section 1 above, the Election Committee shall schedule and conduct a special election by mail ballot regarding the removal of the officer. Removal of any officer will not be effective unless at least two thirds of those voting vote in favor of removal.

#### Section 3: Executive Board Removal

An officer of the Union may be removed from office by a two-thirds vote of the Executive Board after charges have been brought against the officer; a committee of the Executive Board has conducted an investigation and after the officer has been afforded an opportunity to respond to the charges. Charges against the officer must be for neglect of duty, nonfeasance, malfeasance or misfeasance in office or misappropriation of funds and must be validated by the Executive Board investigation.

## **Article IX: Annual Membership Meetings**

### Section 1: General

A meeting of MPEC members shall be held at least annually in May at a time and place selected by the Executive Board. This meeting shall be called the MPEC Annual Membership Meeting. Additional membership meetings may be scheduled at the discretion of the Executive Board.

### Section 2: Eligibility

All MPEC members are eligible to attend at the MPEC Annual Membership Meeting. All MPEC full members in good standing are eligible to vote at the MPEC Annual Membership Meeting.

### Section 3: Quorum

A quorum of the MPEC Annual Membership Meeting shall be a majority of the members registered as attending.

## **Article X: Affiliations**

This Union shall be affiliated with the American Federation of Teachers (AFT), AFT-Maryland and the Maryland State AFL-CIO.

## **Article XI: Duties of Officers**

### Section 1: The duties of the President shall be as follows:

- a) Function as the chief executive officer of MPEC;
- b) Preside at meetings of the Executive Board and membership meetings;
- c) Sign all necessary papers and documents on behalf of MPEC and share with the Treasurer the power to sign and endorse checks and make deposits;
- d) Call regular and special meetings of the Executive Board;
- e) Report to the membership at least once each year summarizing the past year for MPEC and outlining plans for the next year;
- f) Maintain communications with AFT-Maryland, AFT, and the Maryland state AFL-CIO;
- g) Serve as an ex-officio member of all committees except Audit and Elections;
- h) With the approval of the Executive Board:
  1. Appoint the Bargaining Team,
  2. Appoint the members of all committees,
  3. Call Convention.
- i) Serve as a delegate to any meeting, conference or convention that allows for a MPEC representative;
- j) Perform other duties as designated by the Executive Board and exercise such powers as are incidental to the Office; and,
- k) Take an active role in the recruitment of new members and the maintenance and involvement of current members.

### Section 2: The duties of the Executive Vice President shall be as follows:

- a) Assume the duties of the President in the event the President permanently vacates the office;
- b) Perform all duties of the President in the temporary absence or disability of the President including, but not limited to, signing all necessary papers for MPEC and sharing with the Treasurer the power to sign and endorse checks and make deposits;
- c) Assist the President as requested by the President;
- d) Perform other duties as designated by the Executive Board.
- e) Take an active role in the recruitment of new members and the maintenance and involvement of current members.

Section 3: The duties of the Secretary shall be as follows:

- a) Record (or arrange for recording), compile, maintain and distribute minutes of Executive Board and of the Annual Convention;
- b) Maintain all official MPEC records and documents;
- c) Process all official MPEC correspondence;
- d) Issue the call for all Membership Meetings;
- e) Take care and custody of the seal and charters of MPEC;
- f) Maintain membership and bargaining unit records and provide AFT and AFT-Maryland with updated membership records on a timely basis;
- g) Prepare and submit membership reports to the Executive Board;
- h) Assist the Treasurer in preparing a monthly per capita membership report to AFT and AFT-Maryland;
- i) Perform other duties as assigned by the Executive Board;
- j) Take an active role in the recruitment of new members and the maintenance and involvement of current members.

Section 4: The duties of the Treasurer shall be as follows:

- a) Supervise the collection of membership dues, including working with government agencies to effectuate payroll deduction of dues;
- b) Receive and maintain all money, property and securities of MPEC;
- c) Deposit all money and securities in the name of MPEC in a financial institution designated by the Executive Board;
- d) Keep accurate records of all receipts and disbursements of MPEC;
- e) Serve as chair and a voting member of the Budget Committee;
- f) Share with the President the power to sign and endorse checks and make deposits;
- g) Prepare and submit a quarterly financial report to the Executive Board and an annual report at the MPEC Convention;
- h) Call for the Audit Committee to convene annually and cooperate in providing that committee with all necessary information. The Treasurer may not serve on the Audit Committee. A copy of the annual financial statement and audit shall be provided to the AFT Secretary-Treasurer's office.
- i) Make timely payment of all bills authorized by the budget of the Union and its Constitution. All other expenses must be approved by the Executive Board;
- j) Make timely payment of all per capita dues to AFT and AFT-Maryland, and submit a monthly per capita membership report, with the assistance of the Secretary, as required by AFT and AFT-Maryland;
- k) Prepare and file in a timely manner, all appropriate tax returns on behalf of MPEC; and,
- l) Take an active role in the recruitment of new members and the maintenance and involvement of current members.

Section 5: The duties of the Vice Presidents shall be as follows:

- a) Shall serve to advance the goals and objectives of the MPEC;
- b) Function as an advocate and representative for their region;
- c) Report to the Executive Board on all matters of importance to their region; and,
- d) Take an active role in the recruitment of new members **and** the maintenance and involvement of current members.

Section 6: The duties of the Chief Steward shall be as follows:

- a) Serve as communication link between the Stewards and Union and Chair the Stewards Committee;
- b) Serve on the Grievance Committee;
- c) Help Stewards set membership growth goals;
- d) Help Stewards organize worksite meetings;
- e) Communicate with Stewards frequently;
- f) Monitor Steward training and retention.

## **Article XII: Duties of Committees**

### Section 1: Organizing

The duties of the Organizing Committee shall be as follows:

- a) assist in the planning and execution of a program to insure the retention and involvement of current members, and the recruitment of new members;
- b) work to make the steward structure as effective as possible in involving members in the work of their Union; and,
- c) report annually on its activities to the Executive Board.

### Section 2: Budget

The Budget Committee shall prepare an annual budget for adoption by the MPEC Executive Board.

### Section 3: Audit

The Audit Committee shall audit the MPEC's books and annual Treasurer's report and file a written report with the Executive Board and the AFT Secretary-Treasurer's office.

### Section 4: Elections

The Election Committee shall conduct the election of Officers.

### Section 5: Bargaining

The Bargaining Committee, at the direction of the President, shall prepare bargaining proposals after a survey of the membership and shall present the proposals to the state for negotiations over a collective bargaining agreement.

### Section 6: Grievance

The Grievance Committee shall review the processing of grievances to ensure that grievances are handled effectively and on a timely basis. The Committee shall make recommendations to the Executive Board on any grievance that requires action beyond the regular grievance procedure. This would include any legal action requiring additional funding or resources.

### Section 7: Constitution and By Laws

The Constitution and By Laws Committee shall review the Constitution and By Laws on a periodic basis and make recommendations to the Executive Board.

## Section 8: Health and Safety

The duties of the Health and Safety Committee shall be as follows:

- a) to promote a healthy and safe work place for members of the bargaining unit;
- b) recruit, train and approve members of labor-management committees related to health and safety;
- c) advise the Executive Board and the membership about health and safety issues upon request;
- d) make an annual report to the Executive Board on its work;
- e) treat occupational illnesses and environmental hazards with the same seriousness as accidental injury.

## Section 9: Stewards

The Stewards Committee shall represent members in the grievance process and represent the Union at the individual job sites.

## Section 10: COPE

The duties of the COPE Committee shall be as follows:

- a) to promote COPE check-off and COPE collections;
- b) to review voting records and recommend political endorsements;
- c) to run voter registration, education and get-out-the-vote drives among members;
- d) to monitor and lobby the Legislature;
- e) to work with the AFT-Maryland, the AFT and AFL-CIO on legislative campaigns;
- f) to organize grassroots lobbying campaigns;
- g) to maintain contact with elected officials.

## **Article XIII: Duties of Committee Chairpersons**

### Section 1: Meetings

Committee Chairpersons shall hold regular meetings with advance notice of said meetings.

### Section 2: Authority

Committee Chairpersons shall be given direction by the President and all specific plans of action must have final approval of the Executive Board.

### Section 3: Responsibility

Committee Chairpersons are expected to attend meetings of the Executive Board and report on the committee's activities.

## **Article XIV: Initiative and Referendum**

### Section 1: Petition

By petition of twenty-five percent of full members in good standing, the membership may initiate a proposal or demand a referendum on any action of the Executive Board. The Elections Committee must certify the petition within 15 days of receiving it.

### Section 2: Referendum:

The Executive Board shall submit any matter under this Article to the entire membership within thirty days of certification of the petition.

### Section 3: Passage

A majority of the votes cast are necessary for the passage of any item under this Article.



## **Article XV: Finances**

Dues may be revised by two-thirds vote of the Executive Board.

## **Article XVI: Procedures**

Roberts Rules of Order, Revised shall govern the conduct of meetings of the Executive Board, and the Annual Convention. Where Robert's Rules of Order, Newly Revised is inconsistent with this Constitution, this document shall prevail.

## **Article XVII: Amendments**

### Section 1: Constitution

The Constitution may be amended by a two-thirds vote of the full members in good standing attending the MPEC Annual Membership Meeting.

### Section 2: By-Laws

The By Laws of the MPEC may be amended by a majority vote of the full members in good standing attending the MPEC Annual Membership Meeting.

### Section 3: Submitting Amendments

- a) Proposed amendments to either the Constitution or By-Laws shall be submitted to the Executive Board in writing at least sixty days prior to the MPEC Annual Membership Meeting.
- b) All proposed amendments shall be reviewed by the Constitution and By-Laws Committee after submission. The Constitution and By-Laws Committee shall make recommendations to the Executive Board concerning all proposed constitutional and by-law amendments.
- c) The Executive Board shall act on these recommendations and report the Executive Board recommendations to the MPEC Annual Membership Meeting before consideration of any constitutional or by-laws amendment.

## **Article XIV: Constitutional Authority**

### Section 1: Compliance with Affiliate Constitutions

The MPEC Constitution and By-Laws shall comply with and be subordinate to the AFT Constitution and By-Laws and the AFT-Maryland Constitution and By-Laws and with State and Federal law.

### Section 2: Authority of the MPEC Constitution

The MPEC By-Laws shall be subordinate to and consistent with the MPEC Constitution.

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Updated 6-24-13

# MPEC By Laws

## **Article I: Dues**

### Section 1 Rate

- a) Membership dues shall be levied at a rate of eighteen dollars and fifty cents per pay period as of September 1, 2013.
- b) Dues may be adjusted by a percentage amount equal to the percentage increase in salaries of unit members. The percentage increase shall be based on salary increases of Unit G members.
- c) Adjustments will be made as required in the Constitution, Article III, Section Sb.
- d) Dues for retiree members shall be no more than 42% the rate paid by unit members, less any per capita assessments which are not collected for retiree members. The executive board shall determine the dues amount.
- e) Dues for associate members will be the same as dues for unit members.

### Section 2 Executive Board Control

The Executive Board of the MPEC shall have the authority to change the increase provided for in Section 1b as the needs of the union and the membership change.

## **Article II: Retiree Members**

### Section 1 Retiree Organization

- a) The MPEC executive board shall foster the establishment of a retiree organization to be associated with MPEC and be composed of retired MPEC members.
- b) The MPEC executive board shall apply for a charter from AFT for the retiree organization, once conditions for chartering are met.
- c) Once chartered, the retiree organization shall elect one delegate to represent the retiree organization at AFT conventions. This delegate, or their designee, will also represent the retiree organization at meetings of MPEC's executive board.

### Section 2 Membership Rights and Benefits

Retiree members shall have the same membership rights and benefits as full members except they shall have no voting rights and may not hold elective office within MPEC as enumerated in Article IV of the constitution nor serve on a labor management committee.

### Section 3 Representation

- a) Retiree members are eligible to hold elective offices within the retiree organization.
- a) Retiree members may serve as members of MPEC's standing committees, subject to appointment by the president and approval of the executive board.

## **Article III: Associate Members**

### Section 1 Membership Rights and Benefits

Associate members shall have the same membership rights and benefits as full members, except they shall have no voting rights and may not hold elective office within MPEC as enumerated in Article IV of the constitution nor serve on a labor management committee.

### Section 2 Representation

Associate members may serve as members of standing committees, subject to appointment by the president and approval of the executive board.

**Article IV: Non-members**

Section 1: Service Fees

The determination of the amount of the service fee, collection, escrow, disputes, and other procedures relating to the service fee shall comply with all applicable legal requirements and be governed by the terms stated in the current memorandum of understanding between the MPEC and the State of Maryland.

Section 2: Membership Rights and Benefits

Non-members benefit from IPEC's representational activities, including negotiation and administration of the terms and conditions of employment, grievances, and the investigation, challenge, and appeal of personnel and employment rights.

Section 3: Representation

Non-members have no voting rights except on Unit G collective bargaining agreements and may not serve as members of standing committees. They may not hold office within MPEC as enumerated in Article *N* of the constitution nor serve on a labor management committee.

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Based on 6-24-13  
revisions