

PHILADELPHIA FEDERATION OF TEACHERS

CONSTITUTION

Amended April 2007

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PHILADELPHIA
FEDERATION of TEACHERS

ARTICLE I
Name

The name of this organization shall be the Philadelphia Federation of Teachers, Local 3 of the American Federation of Teachers.

ARTICLE II
Objectives

The objectives of the Philadelphia Federation of Teachers, Local 3, shall be:

1. To develop in school and community a devotion to democracy and to education as the foundation of democracy.
2. To promote full and equal educational opportunities for all.
3. To keep the public schools free of political, religious, economic or other domination.
4. To advance the economic security and professional interests of educational employees and to secure their active participation in the formulation and administration of educational policies.
5. To work actively with organized labor and all other citizen groups who seek to advance the interests of education.
6. To promote and protect the rights of educational employees.
7. To promote an awareness in members of their political and civic responsibilities.
8. To support the principles of the labor movement.
9. To act as representative of the educational employees in matters affecting public schools.

ARTICLE III
Membership

Section 1.

- A. Except for those employees with rating authority, membership shall be open to educational employees as long as they are employed by the School District of Philadelphia or another educational foundation or institution, provided that such institutions are not conducted primarily for religious purposes. Other persons who are eligible to become new members of the AFT may, by a two-thirds (2/3) vote of the Executive Board, become members of this local union.
- B. Members described in Subsection A of this Section 1 who have retired from the service of such employers as described in Subsection A of this section shall also be eligible for membership.

- C. Any member of the bargaining unit may resign from Federation membership and revoke his/her dues authorization by so notifying the Board and the Federation in writing during a fifteen (15) day period prior to the expiration of the contract.

Section 2.

- A. This local union shall have the power to suspend or expel any official or member who violates or fails to comply with any of the provisions of the constitution of the American Federation of Teachers or of the constitution or by-laws of the local union, or who engages in any activity or course of conduct which is contrary or detrimental to the welfare or best interest of the AFT or the local union.
 - 1) No member shall be suspended or expelled until he/she has been given an impartial trial and found guilty of charges that have been preferred against him/her.
 - 2) A suspended member may not run for office for a period of two (2) years from date of reinstatement.
 - 3) An expelled member may not reapply for membership.
 - 4) Officers removed from office for cause shall not be eligible to run for office for three (3) years following removal.
- B. Trials shall be conducted in the following manner:
 - 1) All charges against members must be submitted to the Executive Board in writing.
 - 2) When a member or officer has been charged with the violation of any provisions of the constitution of the AFT, of the constitution or by-laws of the local union or of conduct unbecoming a member of this union, such member shall be notified of such charges in writing by the Recording Secretary and shall be given two (2) weeks to prepare and make a defense. The accused member shall have the right to counsel and shall be confronted by the accusers.
 - 3) At the trial of a member or officer on any charge, the Executive Board shall sit as jury, except that no person on trial may participate as a member of the jury. The Executive Board shall hear all evidence and render judgment. A two-thirds (2/3) majority is required to render a verdict of guilty. The Executive Board may suspend or expel the member adjudged

guilty. The member may accept the decision of the Executive Board or appeal to the AFT Executive Council. The decision reached by the Board may be changed by a two-thirds (2/3) majority of the members present at the meeting.

ARTICLE IV

Nomination and Election Procedures

Section 1.

- A. A retired member shall remain in the same representation category as when active.
- B. Educational employees temporarily transferred to positions other than those to which they were regularly appointed remain in their original representation group.

Section 2. Officers, Executive Board members and delegates to the AFT national convention will be elected by the membership, except as provided in Article IV, Section 6C.

Section 3.

- A. Each candidate for an Executive Board office will submit nominating petitions of fifty (50) names of members in good standing (see Article XIII - Section 4) from three (3) different work locations.
- B. Nominating petitions shall be sent to the PFT office for verification of membership eligibility.
- C. Nominees who are not in good standing shall be immediately notified that their nominations are void and that their names will not appear on the ballot.
- D. No person is eligible for President or officer who has not been a member in continuous good standing for at least three (3) years. No person is eligible for other positions on the Executive Board who has not been in continuous good standing for one (1) year. The period of good standing shall be the period immediately preceding the date of taking office.
- E. No member shall run for more than one (1) office.

Section 4.

- A. The Executive Board shall have the power to adopt procedures to govern elections consistent with this Constitution. If election procedures are approved by two-thirds (2/3) of the Executive Board present and voting, these procedures shall be final and binding. If said procedures are not

approved by a two-thirds (2/3) vote, the procedures shall be submitted to the membership for approval. These procedures shall be sent to every work location.

- B. The order of names of the candidates shall be established by the procedures approved in accordance with Article IV, Section 4A.
- C. If a group of candidates indicates that they wish to run as a slate, the ballot will make provisions for a vote by slates.

Section 5.

- A. All elections, except those held within individual chapters, or as provided in Article V, Section 3B, Article IV, Section 6 and Article IV, Section 9 and Section 10, for delegates to state conventions shall be conducted by an impartial, recognized, outside agency.
- B. All elections, except those held within individual chapters, or as provided in Article V, Section 3B; Article IV, Section 6; and Article IV, Section 10, shall be held no earlier than the first week in January and no later than the last week in April.
- C. The outside agency will be the American Arbitration Association.
- D. The PFT will furnish the outside agency with lists of members in good standing and all other information needed to conduct the election.
- E. The membership shall be notified of election procedures at least thirty (30) days before ballots are to be mailed.
- F. The deadline for the return of mailed ballots shall be no less than ten (10) days after ballots are to be mailed.
- G. Election results shall be sent to each work location as soon as the results are received.
- H. All marked ballots shall be kept for a period of one (1) year after an election, at which time they shall be destroyed.
- I. The Executive Board will keep a permanent record of the vote for each office. These records will be available for perusal by the membership.
- J. Any member whose ballot is challenged may appeal to the Executive Board.

Section 6.

- A. In all contests where there is more than one (1) candidate, those candidates receiving a plurality of the votes shall be declared elected.
- B. In the event of a tie vote for an office, the Executive Board will, by a majority vote, determine which candidate will fill the position.

C. In the event that:

1. There is only one (1) candidate for an Executive Board position, or
2. There are no more candidates than the number of candidates authorized for convention delegates and alternates, the Nominations and Elections Committee shall so inform the Executive Board, which may authorize the Recording Secretary to cast the ballots for unopposed candidates. In such cases, the Executive Board shall notify the membership.

Section 7. The term of office shall begin on July 1.

Section 8. A vacancy occurring on the Executive Board or in an elected office shall be filled by the Executive Board until the next referendum or regular election at which time the unexpired term, if any remains, shall be filled in accordance with the manner set forth in this constitution.

Section 9. Delegates to the AFT Pennsylvania (AFTPA) Convention shall be elected by a referendum of the membership. Such elected delegates shall also serve for any special AFTPA Convention as required in the AFTPA constitution.

Section 10. The Executive Board shall elect delegates and alternates to the Philadelphia Council AFL-CIO.

ARTICLE V

Officers and the Executive Board

Section 1. The Officers shall be: President, General Vice President, three (3) Special Vice Presidents, (one (1) each from the elementary group, the middle years group, the senior high, skills center and technical high school groups), Treasurer, Recording Secretary, Associate Secretary and Legislative Representative. In addition to these Officers, The Executive Board shall consist of three (3) from the elementary school positions, one (1) of whom shall be a teacher with other than grade appointment, three (3) members regularly assigned to middle years positions, three (3) members regularly appointed from senior high schools/vocational technical high schools/skills centers, at least one (1) of whom shall be from a vocational technical high school or skills center, one (1) Special Education teacher, one (1) from the professional supportive services consisting of nurses, therapists, psychologists, one (1) Long Term Substitute teacher, one (1) member from the Secretarial bargaining unit, one

(1) member of the NTA bargaining unit, one (1) member of the Paraprofessional bargaining unit, one (1) member of the Comprehensive Early Learning Centers bargaining unit, one (1) member of the Head Start bargaining unit, one (1) member of the Food Services Manager bargaining unit, one (1) member of the Professional Technical bargaining unit, one (1) member of the Reading Assistants/SSA bargaining unit, one (1) member of the Per Diem bargaining unit, and six (6) Members At Large. Any future bargaining unit will have one (1) position each on the Executive Board. If a bargaining unit shall no longer exist, the Executive Board position for that unit shall become an at-large position.

Section 2. The following are the duties of the Officers and other members of the Executive Board:

A. The President's duties shall be as follows:

- 1) To act as chairperson, or to designate a chairperson, for all special and general membership meetings.
- 2) To act as chairperson, or to designate a chairperson, for sessions of the Executive Board.
- 3) To appoint, with the approval of the Executive Board, the chairpersons of all committees.
- 4) To be an ex-officio member of all standing and special committees.
- 5) To be a cosigner on any legally or financially binding document of the PFT.
- 6) To serve on any negotiating committee.
- 7) To employ, with the approval of the Executive Board, and to dismiss all clerical and professional staff. The President is responsible for the direction, supervision and performance of this staff.
- 8) To represent the viewpoint of the PFT before legislative and public groups.
- 9) To appoint, with the approval of the Executive Board, the trustees of the Health & Welfare and Legal Services Funds.
- 10) To ensure that an accurate record is kept of all negotiations.

B. The duties of the General Vice President shall be to serve on the Executive Board.

C. The duties of the Special Vice Presidents — the Elementary School Vice President, the Middle Years Vice President, the Senior High, Skills Center and Technical High School Vice President — shall be as follows:

- 1) To represent and serve the interest of their particular group within the PFT.

- 2) To serve on the negotiating committee of the teachers' bargaining unit.
 - 3) To serve on the Executive Board.
- D. The duties of the Treasurer shall be:
- 1) To be responsible for maintaining and safe-keeping of all financial records of the PFT.
 - 2) To be a cosigner, with the President, on any financially binding document of the PFT.
 - 3) To cause to be made by a certified public accountant, at least once at the close of the fiscal year, an audit of the financial transactions and records of the PFT.
 - 4) To cause to be made an annual report to this membership based on the CPA's audit. This report will be distributed to all members in good standing.
 - 5) To receive, and cause to be deposited, all monies of the PFT in a federally insured bank.
 - 6) To be responsible for the preparation of the annual operating budget. The proposed budget shall be submitted to the Executive Board.
 - 7) To make monthly cash flow statements to the Executive Board.
 - 8) To serve on the Executive Board.
- E. The duties of the Recording Secretary shall be as follows:
- 1) To keep an accurate record of all general and special membership meetings.
 - 2) To keep an accurate record of all Executive Board meetings.
 - 3) To assist with the correspondence of the PFT.
 - 4) To serve on the Executive Board.
- F. The duties of the Associate Secretary shall be as follows:
- 1) Associate Secretary shall assist the Recording Secretary.
 - 2) To serve on the Executive Board.
- G. The duties of the Legislative Representative shall be as follows:
- 1) To keep informed on all legislation affecting the PFT.
 - 2) To serve on the Executive Board.
- H. The duties of the representatives of the electoral groups shall be as follows:
- 1) In the event that they are in an electoral group without a vice president, their duties shall be the same as those of the special vice presidents as enumerated in Article V, Section 2C(1)(2) and (3).

- 2) In the event that they are in an electoral group that has a vice president, they shall work with the vice president to assist him/her in his/her duties.
- 3) To serve on the Executive Board.

Section 3.

- A. The Executive Board shall administer the affairs of the organization, subject to the decision of a membership meeting, which in turn is subject to the decision of a membership referendum.
- B. The Executive Board shall appoint delegates to organizations with which the Federation is affiliated except as otherwise specified in this constitution.
- C. The Executive Board shall conduct all referenda.
- D. The Executive Board will approve all applications for membership in the PFT. A majority vote of the Executive Board members voting shall be required to elect an applicant to membership.

Section 4. Not more than one-fourth (1/4) of the Executive Board, in addition to the President, may be full-time staff members.

- A. Effective July 1, 2008, the term of office for members of the Executive Board shall be four (4) years.
- B. An Executive Board quorum shall consist of two-fifths (2/5) of its members.
- C. The President shall prepare a written agenda for each meeting of the Executive Board, subject to the approval of the Executive Board members.
- D. The President may call a meeting of the Executive Board. One third (1/3) of the membership of the Executive Board may call a meeting of the Executive Board.
- E. The Executive Board shall meet at least once per month, at a time and place publicly announced.
- F. Meetings of the Executive Board shall be open to all AFT members except for executive sessions.
- G. Any member of the Executive Board who fails to attend three (3) consecutive meetings shall, unless excused by a majority of the Executive Board, be considered to have resigned from the Executive Board.
- H. In the event of a permanent change in bargaining units, an Executive Board member may continue to serve in the office to which he/she has been elected until the next general election.

ARTICLE VI

Membership Meetings

Section 1. There shall be at least six (6) regular general membership meetings during the school year.

Section 2. A special general membership meeting may be called by the President, a majority of the Executive Board, or by a petition signed by ten percent (10%) of the members.

A period of ten (10) days following such action must elapse before the requested date of such meeting, unless the President deems that a shorter period is necessary.

Section 3. Not less than one hundred (100) of the members shall constitute a quorum at all general membership meetings.

Section 4. Only members in good standing shall have the right to vote on any question presented at these meetings.

Section 5. The order of business shall be arranged by the Executive Board.

Section 6. A regular membership meeting shall have the power to discuss and to decide matters brought before it and to make recommendations to the Executive Board. A special meeting shall discuss and decide only those matters for which it was especially convened. Final decisions on all matters relating to ratification of contracts shall be made by the members at a membership meeting.

ARTICLE VII

Chapters and Building Representatives

Section 1. Election of Building Representatives shall take place by secret ballot during the first school week in April or when a vacancy occurs. The Executive Board shall publish the rules for Building Representative/Building Committee elections by the first week of March.

The term of office shall be one (1) year from May 1 to April 30. Any member in good standing may vote for or run for Building Representative. The PFT shall be notified immediately of the result of the election.

Section 2. Working with PFT staff representatives, the duties and responsibilities of the Building Representatives shall be as follows:

- A. To chair all chapter meetings which he/she shall call at his/her discretion or at the request of one third (1/3) of the members of his/her chapter.
- B. To be responsible for the PFT bulletin board in his/her school.
- C. To process all grievances when requested by members in keeping with the terms of the contract.
- D. To attend or send an alternate to all district meetings, regular and special membership meetings, and any other meetings he/she is requested to attend.
- E. To see that his/her school is adequately represented at all meetings.
- F. To be responsible for the distribution of all information from the PFT office to members in his/her school.
- G. To take final responsibility for recruitment of new members in his/her school and for maintaining old members in good standing.
- H. To see that a building committee is elected, organized and functioning.
- I. To serve as a member of the building committee.
- J. To take responsibility for the conduct of all elections held in his/her school, except for site selection and contract waiver votes.

ARTICLE VIII

Internal Disputes

Appeals from a decision of the Executive Board or membership meeting of this organization may be taken to the body designated by the American Federation of Teachers for resolving its internal disputes.

ARTICLE IX

Committees

Section 1. Committees may be established by the Executive Board or the membership and report to the body that has established them.

Section 2. Membership in committees, with the exception of the Grievance Committee and the Negotiating Committee, shall be open to any member in good standing who wishes to serve. The chairperson of each committee must be in continuous good standing for at least one (1) year and shall be appointed by the President with the approval of the Executive Board.

**ARTICLE X
Recall**

Section 1. All officers and members of the Executive Board, members of the Building Committee and Building Representatives shall be subject to recall for failure to carry out the duties and responsibilities of their respective offices and/or failure to uphold the constitutions of the AFT and PFT.

Section 2. Petitions for the recall of officers and members of the Executive Board shall be signed by not less than two-thirds (2/3) of the members of the Executive Board, or by not less than twenty percent (20%) of the general membership. All recall petitions must state reasons for the recall in detail.

Section 3. The Executive Board shall institute recall proceedings whenever the petition containing the number of signatures provided for by this article shall have been submitted to it.

Section 4. A recall petition signed by two-thirds (2/3) of the members of a chapter shall remove a member of the Building Committee or a Building Representative from office.

**ARTICLE XI
Referendum**

The Executive Board shall, at the request of a majority of the members of the Board, a majority of the members at a membership meeting, or by a petition signed by twenty percent (20%) of the members, submit to a referendum vote any matter except amendments and matters relating to suspension and expulsion. The Executive Board shall set the rules governing the referendum.

**ARTICLE XII
Affiliations**

Section 1. Motions for affiliation to any organization shall be submitted in writing to the Executive Board. Such motions shall bear the signatures of at least twenty percent (20%) of the membership or a majority of the Executive Board and shall be turned over to a special committee appointed by the Executive Board for study and recommendation.

Section 2. When the Executive Board receives the report of the committee, it shall submit the motions in writing, along with the recommendations of the special committee, to the general membership at least five (5) days before the next general member-

ship meeting, at which time the motions shall be considered.

Section 3. A decision to affiliate with any organization shall require a two-thirds (2/3) majority of the members voting at the general membership meeting deciding the issue.

Section 4. Delegates to all affiliated organizations may be required to make reports to the Executive Board, and/or general membership.

**ARTICLE XIII
Dues**

Section 1. Dues of membership shall be one percent (1%) of the individual member's total remuneration. The dues shall be used to:

- A. Add to the strike fund ten percent (10%) of all dues income up to at least \$2,000,000; five percent (5%) of these already existing funds may be used for ongoing public relations.
- B. Comply with AFT constitutional provisions including AFT pass through increases so that such provisions and requirements shall not require a dues increase.
- C. Publish the local union newspaper and other publications which may be distributed from time to time.

Section 2.

- A. All members whose employers provide a system of payroll deduction of dues shall pay dues in this matter.
- B. A per diem employee shall be in good standing in any payroll period following a payroll period in which he/she worked.

Section 3.

- A. A retiree shall have full rights of membership upon payment of one percent (1%) of the income from the Public School Employees Retirement Fund provided he/she shall have retired as an active member in good standing.
- B. A member in good standing who withdraws with vesting rights may remain a member in good standing upon payment of the current annual dues for the position occupied at the time of withdrawal.
- C. A member in good standing who has retired or who has withdrawn with vesting shall be eligible to join the Retirement Chapter upon payment of only those dues established by the Executive Board. Such member shall have no right to vote or hold office.

Section 4. A member who does not earn income for any biweekly pay period during the school year as a result of being laid off for a period of up to three (3) years, of being an unemployed per diem, on maternity leave, or for any other reason except for participation in an authorized strike, shall remain in good standing by payment of two dollars (\$2.00) per pay period.

Section 5. Estimated cash dues payments shall be made annually in advance. At the end of the year an adjusted payment shall be made to reflect all earnings.

ARTICLE XIV Amendments

Section 1. Amendments to this constitution may be proposed either by a majority of the Executive Board or by a petition signed by ten percent (10%) of the members in good standing.

Section 2. Unless approved by seventy-five percent (75%) of the Executive Board, the proposal must then be approved by a meeting of the general membership. Notification of the proposal must be submitted to the electors concerned at least ten (10) days prior to the meeting.

Section 3. If approved by a majority of the members present, or if approved by seventy-five percent (75%) of the Executive Board, the question must be submitted within thirty (30) days to the general membership for ratification. A majority of the votes cast constitutes ratification of the amendment.

ARTICLE XV By-Laws

By-laws to implement this constitution shall be enacted by a two-thirds (2/3) majority of the membership meeting.

ARTICLE XVI Definitions and Interpretations

Section 1. The vote necessary to adopt policies or enact measures shall be by majority of those voting except where a different requirement is clearly indicated.

Section 2. All disputes in connection with the meaning, construction or interpretation of any part

of this constitution shall be decided by the Executive Board, subject to appeal to the membership meeting or referendum.

Section 3. Robert's Rules of Order shall govern the conduct of all meetings of all bodies except where otherwise provided in the Constitution or in the by-laws.

Section 4. To be valid, a petition must contain the same statement on each petition form and must also contain each member's name (printed and signed), the member's work location and the date of each signature. The elapsed time between the earliest signature and the submission to the Executive Board shall not exceed sixty (60) days.

ARTICLE XVII Supremacy of the Constitution

Section 1. This Constitution and every part thereof shall take precedence over any by-law, motion, resolution or any other act or measure adopted by any body or agency of the Philadelphia Federation of Teachers.

Section 2. No part of this Constitution may be eliminated, suspended, revised or limited in force and effect by any by-law, motion, resolution, or any other act or measure, except by an amendment to this Constitution duly adopted.

BY-LAWS ARTICLE I Professional Staff

1. Except for the President, full-time or part-time employees of the organization who serve on the Executive Board may not vote on any proposal concerning the hiring, salary, working conditions, retention or dismissal of any Executive Board member who is a full-time employee of the organization.
2. In addition to the regular monthly pay received from the school district, the additional monthly pay shall be no less than the monthly pay of a fifth assistant football coach.
3. The quarterly audits shall contain itemized explanations of the expenses incurred by paid staff members, and this information is to be made available to the membership.