

CONSITITUTION
OF THE
BATLIMORE
TEACHERS UNION
LOCAL 340, AFT, AFL-CIO

(as amended and effective, August 26, 2009)

**CONSTITUTION OF THE BALTIMORE TEACHERS
UNION, LOCAL 340, AFT, AFL-CIO**

(as amended, and effective as of August 26, 2009)

I. Name

This organization shall be known as the Baltimore Teachers Union, Local 340, and shall consist of two chapters, known as the Teacher Chapter and the Paraprofessional and School Related Personnel Chapter, as hereinafter set forth. Whenever the masculine gender is used in this Constitution, it shall encompass the feminine gender.

II. Objectives

This Constitution is adopted for the following purposes:

1. To promote the best interests of the public schools and colleges of Baltimore City;
2. To advance the standards of the teaching profession;
3. To insure that every student in the City is guaranteed a program of quality education;
4. To secure the conditions necessary to the greatest efficiency of teachers and schools;
5. To promote the welfare of its members;
6. To promote the aims and objectives of the American Federation of Teachers;
7. To expose and fight all forms of racism and discrimination;
8. To organize all personnel engaged in education into one united organization; and
9. To engage in collective bargaining, cultural, civic, legislative, political, fraternal, educational, charitable, welfare, social, and other activities which further the interests of this organization and its membership, directly or indirectly.

III. Affiliations

This organization shall be affiliated with the American Federation of Teachers and those organizations mandated by its constitution/bylaws and shall be affiliated with AFT Maryland.

IV. Membership and Chapters

1. This organization shall-consist of two chapters, one whose membership shall be open to any person primarily engaged in the profession of teaching in Baltimore City, which Chapter shall be known as the Teacher Chapter, and the other chapter shall be open to those persons performing educational and educational support duties in Baltimore City other than teaching, which Chapter shall be known as the Paraprofessional

and School Related Personnel Chapter.

2. Active membership in this organization shall be open to any person, except chief school administrators, who engages in the practice of teaching or who performs educational and educational support duties in Baltimore City, including full-time elected officers of this organization.

3. Inactive membership in this organization shall be open to students who are preparing for the educational profession in any duly accredited higher education institution in Maryland, full-time staff of this organization and retired members who were members of this organization or its predecessors at the time of retirement. Inactive members will have no vote for any purpose in this organization.

4. Application for membership in this organization shall be in writing upon prescribed forms which include payroll deduction of union dues with the employer. Eligibility of an applicant to become a member shall be verified by the staff, and the applicant shall be placed in the appropriate Chapter. Upon verification, membership shall date from the time of the first payroll deduction of union dues.

5. a. A member may be suspended or expelled by his respective Chapter for supplying false information detrimental to this organization or deliberately suppressing true information for the purpose of becoming a member.

b. Each Chapter shall have the power to suspend or expel any of its officials or members who violate or fail to comply with any of the provisions of the Constitution of this organization or of the Constitution of the American Federation of Teachers, or of the Constitution of AFT Maryland, or who engages in activity which is contrary or detrimental to the welfare or best interest of this organization or the American Federation of Teachers or AFT Maryland.

(1) No member shall be suspended or expelled until he has been given an impartial hearing and found guilty of charges that have been preferred against him.

(2) A member suspended under this Section may not run for office for a period of three (3) years from the date of reinstatement.

(3) Officers removed from office for cause under this Section shall not be eligible to run for office for three (3) years following removal.

c. Hearings shall be conducted as follows:

(1) All charges against a member or officer must be submitted to the Executive

Board of the respective Chapter in writing and signed by the accuser.

(2) When a member or officer has been charged with the violation of any provision of the Constitution or Bylaws of this organization or of the Constitution of the American Federation of Teachers, or of the Constitution of AFT Maryland, or of conduct unbecoming a member of either organization, such member shall be notified of such charges in writing by the Secretary and shall be given at least fourteen (14) days to prepare and make defense. The accused member or officer shall have the right to counsel, who is a member of this organization, and shall be confronted by the accuser.

(3) At the hearing for an officer or member on any charges, the Executive Board of the respective Chapter shall sit as the hearing board. Said Executive Board shall hear all evidence and render a decision. A two-thirds (2/3) majority is required to render a decision of expulsion.

V. Dues

1. The dues structure shall be based on .011 of the 15th step of the Masters Scale, plus the American Federation of Teachers and AFT Maryland per capita assessments and pass through increases. Dues shall be one-half (1/2) the rate described in the previous sentence for all members whose annual salary is less than the First Step of the Bachelors Scale.

2. For all purposes under this constitution, a member shall be considered as being a member in good standing in his respective Chapter unless he is delinquent in payment of dues for three (3) months, at which time he may be suspended from membership. The Executive Board may establish policies providing for the reinstatement of suspended members under this Section.

3. Annual membership dues shall increase at such time as the AFT national per capita and/or the AFT Maryland per capita may be increased.

VI. OFFICERS – Effective as of April 2010 Nominations and Election

1. There shall be one President of this organization. Each chapter shall have the following officers: Chair, Vice Chair, Secretary, Treasurer, four (4) Elementary Vice Presidents, two (2) Junior/Middle School Vice Presidents, two (2) Senior High Vice Presidents, one (1) Vocational Education Vice President, three (3) Special Services Vice Presidents and four (4) Members-at-Large. The President of this organization shall be the spokesperson for the Union.

2. *Eligibility:* No member shall be eligible to hold office that has not been a member in good standing of this

organization for at least one (1) year immediately preceding the final date for nominations.

3. *Duties of the President:*

a. It shall be the duty of the President to preside at meetings of the members and the Executive Boards of each Chapter, to preserve order therein, and to enforce this Constitution and the rules of order adopted by this organization. He shall also have the right to serve on all committees by virtue of his office, and, in general, shall perform all duties incident to the office of President, and such other duties as may be assigned by the Executive Boards or the membership of this organization.

b. He shall represent this organization at conventions and meetings or organizations with which it is affiliated.

c. He shall call regular and special meetings of the Executive Boards as provided herein.

d. He shall decide which committees shall be appointed, appoint members to said committees and establish the functions and duties of said committees, all with the approval of the Executive Boards.

e. The President shall be the principal executive officer of this organization. He shall, in general, supervise, conduct and control all of the business and affairs of this organization, its officers and employees.

f. The President, together with the Secretary of the respective Chapter, shall sign all official documents, deeds, mortgages, bonds, contracts or other instruments, all checks on bank accounts, and perform such other duties as the law may require of him as the principal officer. The President may delegate any of such powers and duties to any other officer from time to time with the approval of the Executive Boards.

g. The President, in conjunction with the Treasurer of the respective Chapter, shall have the authority to disburse or order the disbursement of all monies necessary to pay the bills, obligations and indebtedness of the respective Chapter, which have been properly incurred as provided herein. He shall have the authority to pay current operating expenses of the respective chapters, including rents, utilities and maintenance of the premises, and salaries and expenses of officers and employees.

h. The President shall have charge and supervision of all officers and employees of this organization and shall, with the approval of the Executive Boards, have power to appoint, suspend, or discharge all appointive organizers, appointive Business Agents, Assistant Business Agents and all other employees. Elected officers are not disqualified from also serving as organizers, appointive Business Agents, Assistant Business Agents and other employee positions.

i. The President of this organization shall have primary responsibility in all matters dealing with labor relations, labor negotiations and labor controversies.

4. *Duties of the Chairs:*

The Chair of the Teacher Chapter shall act for the President in the absence of the President. The Chair of the Paraprofessional and School Related Personnel Chapter shall assume the duties and responsibilities of the President in the absence of the President and the Chair of the Teacher Chapter. Both Chairs shall perform such other duties as the President or Executive Board of his respective Chapter may designate.

5. *Duties of the Vice Chairs:*

The Vice Chair of the Teacher Chapter shall act for the Chair of the Teacher Chapter in the absence of the Chair of the Teacher Chapter. The Vice Chair of the Paraprofessional and School Related Personnel Chapter shall assume the duties and responsibilities of the Chair in the absence of the Chair of the School Related Personnel Chapter. Both Vice Chairs shall perform such other duties as the President or Executive Board of his respective Chapter may designate.

6. *Duties of the Treasurer:*

- a. He shall maintain and keep safely all the financial records of his respective Chapter.
- b. He shall receive and deposit all funds of his respective Chapter in a federally insured bank or savings and loan association.
- c. He shall perform other duties as directed by the President and Executive Board of his respective Chapter.

7. *Duties of the Secretary:*

- a. He shall maintain a list of the names and addresses of all members in good standing of his Chapter on a current basis.
- b. He shall be responsible for taking, publishing, and presenting accurate minutes of membership and Executive Board meetings of his respective Chapter.
- c. He shall perform other duties as directed by the President and Executive Board of his respective Chapter.

8. *Duties of the Elementary Vice President:*

- a. The Elementary Vice President shall assume the duties and responsibilities as assigned by the

President or Executive Board of his respective chapter.

9. *Duties of the Junior/Middle Vice President:*

a. The Junior/Middle Vice President shall assume the duties and responsibilities as assigned by the President or Executive Board of his respective chapter.

10. *Duties of the Senior High Vice President:*

a. The Senior High Vice President shall assume the duties and responsibilities as assigned by the President or Executive Board of his respective chapter.

11. *Duties of the Special Services Vice President:*

a. The Special Services Vice President shall assume the duties and responsibilities as assigned by the President or Executive Board of his respective chapter.

12. *Duties of the Member-at-Large:*

a. The Member-at-Large shall assume the duties and responsibilities as assigned by the President or Executive Board of his respective chapter.

13. *Nominations:*

a. The nominations for the President and officers of the two Chapters created by this Constitution shall be in April every three (3) years, commencing April, 2010.

b. Nominations for office of the President shall be by petition of at least 100 members in good standing as follows: 50 petitioners must be members of the Teacher Chapter and 50 petitioners must be members of the Paraprofessional and School Related Personnel Chapter. No more than 25 petitioners may be from any one school.

c. Nominations for office in the Teacher Chapter shall be by petition of at least 50 members in good standing. No more than 25 petitioners may be from any one school/worksite. Each candidate for office must provide a separate petition for that office.

d. Nominations for office in the Paraprofessional Chapter shall be by petition of at least 50 members in good standing. No more than 25 petitioners may be from any one school. Each candidate for office must provide a separate petition for that office.

e. The Chapters' Executive Boards, sitting jointly, shall rule on all matters pertaining to the nomination, including eligibility to be a candidate for President, and their rulings shall be final. The Chapters' Executive Boards shall rule on all matters pertaining to nomination, including eligibility to be a candidate in each respective Chapter, and

their rulings shall be final.

f. At least twenty (20) days prior to the final date for receiving nominating petitions, specific notice of offices to be filled, final date, time and place for submission of petition shall be distributed to all members in good standing. Such notice may be prominently included in a regular publication distributed to all such members.

14. Elections:

a. The elections for President, Chapter officers and Chapter Executive Board members shall be in May of every third year. The term of office shall be for three (3) years. Elections shall be no less than thirty (30) days after the final date for submission of nomination petitions.

b. Not less than fifteen days prior to the election specific notice of date, time and place or places of the elections, offices to be filled, and names of candidates shall be mailed to each union member at his last known address. Additionally, such notice may be prominently made in a regular publication to the union membership. Election may be by a slate vote but candidates may run individually. The President of this organization shall, upon election to office, be a delegate to the American Federation of Teachers and AFT Maryland.

c. No member shall use the Union Hall or any of its facilities for the purpose of electioneering.

d. Upon reasonable request of any bona fide candidate for office, the Chapter's Secretary shall arrange for the distribution of any campaign literature by mail, or otherwise provide that such candidate pays the reasonably estimated cost involved in advance. The Secretary may require that all campaign literature shall be presented to him at the principal office of the Chapter not later than seven (7) days prior to the date of the election and may, where in his judgment it appears necessary, provide for a consolidation of such distribution in which case the cost of such distribution shall be assessed upon the candidates involved on a pro rata basis.

e. The Chapter's Secretary, to the extent required by law, shall upon reasonable notice make available for inspection by any bona fide candidate the membership list of the Chapter covered by union security agreements once within thirty (30) days prior to the election date. No candidate shall be permitted by the Chapter's Secretary to copy any names or addresses of members shown on such list and such inspection must be made in the presence of the Chapter's Secretary or his designee.

f. The Chapter's Secretary shall retain copies of all requests for distribution for campaign literature and copies thereof, shall make a record of the date the literature was distributed, the cost thereof and the amount received thereof, and shall also retain a copy of the notices of nominations and of the election, a copy of the ballot, the

official tally sheet submitted by the tellers, all ballots and such other records including election rules as shall relate to the conduct of the election. All copies and records shall be retained for one year.

g. Voting shall be conducted by secret ballot among the members of each Chapter in good standing. There shall be no proxy voting.

h. Elections for officers may be conducted by the Chapter's Executive Board itself, or by an impartial outside agency or person or persons selected by the Chapter's Executive Board, at the discretion of said Board.

i. Each candidate shall receive from the Chapter's Secretary an accounting of the votes for his office as soon as the results are known.

j. The candidate for each office who receives a plurality of the votes cast for the office shall be elected thereto. Newly elected officers take office immediately.

k. If any nominee should die before the election, his name shall nevertheless appear on the ballot. In the event such name shall receive the requisite number of votes to be elected, the office shall then be filled in the same manner as vacancies are filled when they occur during a term of office as provided in this Constitution.

l. Each candidate, at his own expense, shall have the right to have an observer, other than himself, at each polling place and at the counting of the ballots who must be a member in good standing of the Chapter.

m. There shall be no write-in candidates and any ballot containing a write-in candidate shall be void insofar as the vote for that office is concerned and such ballot for that office shall not be considered as having been cast in determining the vote for that office.

n. The Chapters' Executive Boards, sitting jointly, shall have the authority to establish all rules and regulations for the conduct of the election to supplement the provisions of this Constitution, including the authority to use mail referendum balloting or absentee balloting, without membership approval provided, however, that if the election is to held without a mail ballot, there shall either be one (1) central-location for the balloting or the balloting shall be conducted at each of the Regional Offices of the Baltimore City Public School System. In the event that the school system will not allow the use of said offices, the Chapters' Executive Boards, sitting jointly, will designate a central location in each region. Absentee voting by mail shall be permitted only upon application of members who are ill, or absent from work because on vacation or on employment tour of duty. The Chapters' Executive Boards, sitting jointly, may permit additional reasons for absentee ballots if they so desire. Application for absentee ballots shall be made to the Chapter's Secretary not less than ten (10) days prior to the date set for the election and shall contain the grounds

therefore. Absentee ballots shall be valid only if they are received by noon of the day on which the polls close. Absentee voting shall be conducted with all proper safeguards for the secrecy of the ballot.

o. In the event there shall be any protest or charge by any member concerning the conduct of the election after the election has been held, such protest or charge shall be made in writing by registered or certified mail by such member within forty-eight (48) hours after the final tally of the ballots, setting forth the exact nature and specification of the protest and his claim as to how it has affected the outcome of the election. Such protest or charges shall be made to the Chapter's Secretary who shall refer the protest or charges for disposition to the Agency, person or persons selected to conduct the election, or to the Chapter's Executive Board if no outside agency or person has been selected to conduct the election. In the event of a tie, the candidates shall resolve such tie by lot. No runoff election shall be held.

VII. Executive Board – Effective as of April 2010 Nominations and Election

1. Composition:

Each Chapter shall have an Executive Board which shall consist of the following officers: President of this organization, Chair, Vice Chair, Secretary, Treasurer, four (4) Elementary Vice Presidents, two (2) Junior/Middle Vice Presidents, two (2) Senior High Vice Presidents, one (1) Vocational Education Vice President, three (3) Special Services Vice Presidents and four (4) Members-at-Large.

2. Procedures:

The Chapters' Executive Boards shall meet monthly, and jointly, if practical, during the school year and at other times as called (i) by the President, or (ii) by petition of one-half of each Chapter's Board members. A quorum shall be a majority of the members of each Chapter's Executive Board.

3. Powers and Responsibilities:

a. Except for matters decided by referendum of the membership, final authority for the operation of each Chapter shall rest in the Executive Board.

b. Each Chapter shall have the authority to adopt an order of business and rules of procedure for its operation.

c. Each Chapter shall require and receive reports.

d. Each Chapter shall adopt a legislative program.

e. Each Chapter shall establish general policies through resolutions and act on other business as

necessary.

f. Each Chapter's Executive Board shall fill all vacancies in its Executive Board except that the Executive Boards will jointly vote to elect one of the two Chairs to ascend to the presidency immediately if the current President leaves or dies in office.

g. Each Chapter's Executive Board shall conduct all referenda of the membership, which it may deem advisable to conduct, and any referenda so conducted shall be the paramount decision of this organization.

h. Each Chapter's Executive Board shall have the power to act upon extraordinary expenditures, which may require modification of the budget.

i. Each Chapter's Executive Board shall appoint delegates to the organizations with which this organization is affiliated, except that delegates to the American Federation of Teachers convention shall be elected according to the American Federation of Teachers Constitution and to the AFT Maryland convention shall be elected according to the AFT Maryland Constitution.

j. Each Chapter's Executive Board shall loan and borrow monies directly and indirectly for such purposes and with such arrangements for repayment as it deems appropriate, all to the extent provided by law.

k. Each Chapter's Executive Board shall provide for the employment of attorneys, accountants, and such other special or expert services as may be required.

l. Each Chapter's Executive Board shall on behalf of the respective Chapter, its officers, employees or members, initiate, defend, compromise, settle, arbitrate or release or pay the expenses and costs of any legal proceedings or actions of any nature if, in its judgment, it shall be necessary or desirable to protest, preserve or advance the interest of the Chapter.

m. Each Chapter's Executive Board shall delegate when necessary any of the powers of the Chapter's Executive Board to any officer for specific and temporary purposes and on the condition that the action of such officer or agent be ratified by the Chapter's Executive Board; the Chapter's Executive Board shall designate other officers for the purpose of signing checks to pay bills or to exercise any functions of the offices of the President, Secretary or Treasurer in the event that they shall refuse to act or shall become ill or otherwise incapacitated.

n. Each Chapter's Executive Board shall lease, purchase or otherwise acquire, in any lawful manner for and on behalf of the Chapter, any and all real estate or other property, rights and privileges, whatsoever deemed necessary for the prosecution of its affairs, and which the Chapter is authorized to acquire at such price or consideration

and generally on such terms and conditions as it thinks fit, and at its discretion pay therefore either wholly or partly in money or otherwise.

o. Each Chapter's Executive Board shall sell or dispose of any real or personal estate, property rights or privileges belonging to the Chapter whenever in its opinion the interest of the Chapter would thereby be promoted.

p. Each Chapter's Executive Board shall create, issue and make deeds, mortgages, trust agreements, contracts and negotiable instruments secured by mortgage or otherwise and do every other act or thing necessary to effectuate the same.

q. Each Chapter's Executive Board shall set and arrange for the payment of salaries and expenses of employees and officers.

r. Each Chapter's Executive Board shall perform all acts not expressly authorized herein, which are necessary or proper in implementation of the above duties for the protection of the property of the Chapter and for the benefit of the Chapter and its members.

VIII. Membership Meetings

Each Chapter shall have at least one (1) meeting per year of the Chapter's general membership at a time and place designated by the Chapter's Executive Board.

IX. Parliamentary Procedure

Meetings of all duly constituted bodies of each Chapter shall be governed by Roberts' Rules of Order, Newly Revised, except as otherwise provided in this Constitution.

X. Fiscal Year, Records and Reports

1. The fiscal year of each Chapter shall begin on July 1 and end June 30.

2. Each Chapter shall maintain all records and reports required by law.

XI. Amendments

1. An amendment to this Constitution may be proposed by (i) a majority of the Executive Board of either Chapter or (ii) no fewer than ten percent (10%) of the membership of either Chapter.

2. A proposed amendment shall be published in an official publication of both Chapters at least fifteen (15) days prior to the meeting at which it is to be considered and shall be sent to each member.

3. Copies of a proposed amendment to be acted upon shall be available for each member of both Chapters at least three (3) hours prior to the vote upon the amendment.

4. This Constitution may be amended only by a two-thirds (2/3) vote of the members of each Chapter present and voting at a joint general membership meeting of both Chapters duly convened to consider such amendments.

XII. Principal Office

The principal office of each Chapter shall be located in the City of Baltimore.