

CONSTITUTION OF AFT NEW JERSEY STATE FEDERATION

Approved: April 14, 2018

By delegates at the AFTNJ Convention

ARTICLE I - NAME AND AFFILIATIONS

Section 1 - This organization shall be known as AFT New Jersey, AFT, AFL-CIO.

Section 2 - This organization shall affiliate with the American Federation of Teachers and those organizations mandated by its Constitution and By Laws.

ARTICLE II - OBJECTIVES

Section 1 - To promote state wide organization and unionization of public and private school teachers, paraprofessionals and other school-related personnel; higher education faculty and staff; other workers organized in conformity with this Constitution; and other employees who may be members of any AFT New Jersey affiliate whose constitution so permits.

Section 2 - To obtain for AFT NJ members and other workers all the rights to which they are entitled as citizens and workers in a democracy and to protect these rights at all times.

Section 3 - To raise the standards of members' professions by securing conditions essential to the best professional service.

Section 4 - To secure for members a determining voice in the establishment and implementation of professional standards.

Section 5 – To support members on social justice issues.

Section 6 – To defend members against intimidation, interference, or discrimination based upon race, ethnicity, gender, age, sexual orientation, gender identity, gender expression, disability, national origin, and/or religion.

Section 7 – To organize all eligible individuals into AFT New Jersey as per the AFT National Constitution.

Section 8 - To support and cooperate with organized labor and to promote within autonomous affiliates of AFT New Jersey; policies and procedures consistent with the goals of organized labor.

ARTICLE III - MEMBERSHIP

Section 1 - Membership of AFT New Jersey shall be defined as in the AFT National Constitution, Article III.

Section 2 - AFT New Jersey membership shall be open to all affiliates of the AFT in the State of New Jersey. AFT New Jersey affiliates must comply with the constitutions and by-laws of both AFT New Jersey and AFT National.

Section 3 – Agency fee payers or fair share payers shall be defined as in the AFT National’s publication *A Guide to Fair Share Procedures*. All AFT New Jersey affiliates must adhere to AFT National’s publication *A Guide to Fair Share Procedures*.

ARTICLE IV - DUES AND FINANCIAL REGULATIONS

Section 1 – An affiliate whose AFT New Jersey dues are three (3) months in arrears shall be considered in bad standing. Only affiliates in good standing shall have their delegates accredited and/or seated at AFT New Jersey Conventions and Delegate Assembly Meetings.

Section 2 – Affiliates of AFT New Jersey shall pay on a monthly basis per capita rates as prescribed in the By-Laws.

Section 3 – Monthly per capita rates will be established by categories of membership as defined in the AFT National Constitution.

ARTICLE V - OFFICERS

Section 1 - The Executive Officers of AFT New Jersey will consist of a President, an Executive Vice-President for Higher-Education, an Executive Vice President for PreK-12, a Secretary and a Treasurer.

Section 2 - All officers of AFT New Jersey shall be members of affiliates in good standing of AFT New Jersey and AFT National. Officers may not be associate members. If the affiliate of which an officer is a member goes into bad standing for sixty (60) days, that AFT New Jersey office shall be declared vacant. The officer shall have the right to appeal to the AFT New Jersey Executive Board within five calendar days. The AFT New Jersey Executive Board must meet within ten (10) calendar days of the appeal to render a decision. The AFT New Jersey Executive Board may uphold the vacancy or suspend the vacancy pending final disposition by the delegate assembly.

Section 3 - Twelve Vice-Presidents for each division (Higher Education and PreK-12) for a total of twenty four (24) Vice Presidents will be elected. No one local shall hold a majority of seats within the division. Vice Presidents elected will join the executive officers to form the Executive Board of AFT New Jersey.

Section 4 - All officers will be elected at the AFT New Jersey Convention in the even numbered years. Duly elected officers will serve a two (2) year term commencing July 1 succeeding the convention and will serve until June 30 of the next even numbered year.

Section 5 – The President may serve as an *ex officio, non-voting* member on any committee of AFT New Jersey.

ARTICLE VI - EXECUTIVE BOARD

Section 1 – The Executive Board is the second highest decision making body of AFT New Jersey.

Section 2 -- The Executive Board shall meet at least four (4) times per year and, when possible prior to the meeting of the Delegate Assembly.

Section 3 – The Executive Board shall approve all committee appointments submitted by the President.

ARTICLE VII - THE DELEGATE ASSEMBLY

Section 1 - The Delegate Assembly is the highest authoritative body of the AFT New Jersey.

Section 2 - The Delegate Assembly of AFT New Jersey shall consist of the elected Officers, elected delegates and/or alternates from each local or Council in good standing.

ARTICLE VIII – STANDING COMMITTEES

Section I - AFT New Jersey shall have standing and special committees.

Section 2 - The Standing Committees of AFT New Jersey State Federation shall be:

1. The Budget Committee
2. The Constitution Committee
3. Cope Committee
4. Legislative Committee
5. Health and Safety Committee
6. Professional Issues Committee
7. Organizing Committee
8. Internal Audit Committee
9. Personnel Committee
10. Adjunct Faculty Issues Committee (Under the Direction of the Higher Education Division)

Section 3 – Members of the Standing Committees (except those listed in Section four) shall be appointed by the President and approved by the Executive Board.

Section 4 – Members of the Budget and the Internal Audit Committee shall be appointed by the President and approved by the Delegate Assembly.

Section 5 - Members of the Budget Committee shall not be members of the Internal Audit Committee.

Section 6 – Special Committees may be appointed by the President, as needed.

ARTICLE IX - CONVENTION

Section 1 - A convention of AFT New Jersey shall be held during the spring of every even numbered year. The exact time and place of the convention shall be determined by the President in consultation with the Executive Board.

Section 2 - AFT New Jersey shall send written notice, to all affiliates, of the time and place of the convention. This notice shall be sent at least ninety (90) days prior to the opening date of the convention. The convention packet shall be sent to delegates no later than fourteen (14) days prior to the opening date of the convention. A sample ballot for all elected positions of AFT New Jersey shall be posted on the AFT New Jersey website no later than twenty (20) days prior to the opening date of the convention.

Section 3 - The first order of business after the opening of the convention shall be the report of the Credentials Committee which shall have been appointed by the President prior to the opening of the convention. Delegates will be officially seated following the acceptance of the report of the Credentials Committee. This list of accredited delegates shall be made available to the delegates.

Section 4 - The second order of business after the opening of the convention shall be the report of the Rules Committee which has been appointed by the president prior to the opening of the convention. The Rules Committee shall read the regulations as set forth in the convention call and by the Delegate Assembly. Such rules shall be in effect for the convention immediately upon adoption of the Rules Committee Report, with the exception that any changes from previous convention procedures shall require a two- thirds vote of the accredited delegates present and voting at the convention.

Section 5 - Unless otherwise provided in this Constitution, the procedures of the convention and its committees shall be in accordance to Robert's Rules of Order, Newly Revised.

Section 6 - The Chairperson of the convention shall have the right to appoint a parliamentarian to rule on disputed points of procedure.

ARTICLE X - NOMINATION AND ELECTION OF OFFICERS

Section 1 - The convention shall not be adjourned until all of the business of the convention has been conducted and results of the balloting for officers shall have been announced.

Section 2 - AFTNJ shall follow all federal and state laws/regulations regarding the elections of union officers.

Section 3 - Nominations of officers shall be made by petitions signed by at least twenty-five (25) members of an affiliate or affiliates in good standing. Such petitions shall be received and filed with the Elections Committee at the AFT New Jersey office by 11:59 PM, at least thirty (30) days before the start of the convention. If the 30 days falls on a weekend or holiday, the nomination forms must be in the AFT New Jersey office by 11:59pm on the next business day.

Section 4 - Balloting for the election of officers shall be conducted at the convention by an Election Committee which is appointed by the President and approved by the Delegate Assembly. Such balloting shall take place at least one hour before the time set for the close of the business session of the convention.

Section 5 - The Election Committee shall meet within thirty (30) days of their appointment to select a chairperson and implement all procedures, as defined by the United States Department of Labor in their Standards for Conducting Union Officers Elections publication.

ARTICLE XI - AMENDMENTS TO THE CONSTITUTION

Section 1 - Changes in the Constitution may be proposed by any affiliate in good standing, the executive officers (as a group), the executive committee, or any standing committee of AFT New Jersey for action at the convention.

Section 2 - Proposed changes in the Constitution must be received by the Constitution Committee at least seventy-five (75) days prior to the opening date of the convention or seventy-five (75) days prior to the last delegate assembly meeting of the fiscal year in non-convention years. The Constitution Committee will review the proposed changes for continuity and legality.

Section 3 - The Constitution Committee shall distribute, in writing to all affiliates, all proposed changes at least forty-five (45) prior to the opening date of the convention or the date of the last delegate assembly meeting of the fiscal year in non-convention years.

Section 4 - Changes to the Constitution shall require a 2/3 vote of the delegates present and voting, unless delegate strength voting is invoked. In such case the changes shall require 2/3 of the votes cast to pass.

BY-LAWS

ARTICLE I – DUES and FINANCIAL REGULATIONS

Section 1 - Each local shall pay (per member) the following per capita rates:

Full - \$10.00

Half - \$5.00

Quarter - \$ 2.50

Eighth - \$1.25

Laid Off/On leave - \$1.00

Associate – As determined by AFT National

Members-at-large - \$10.00

Section 2 – Locals shall be required to pay AFT New Jersey per capita rates for each month they are required to pay per capita rates to AFT National.

Section 3 - Income level thresholds shall be as prescribed by AFT National Constitution.

Section 4 – Affiliates maintaining their own full time professional staff shall pay one half (1/2) of the per capita rate. Professional staff shall be defined as persons whose daily working responsibilities include negotiating, arbitration and organizing.

Section 5 - Affiliates without professional staff shall receive rebates equaling one month's per capita rate. This rate is based on the number of months the affiliate is required to pay the sum equal to one month's per capita rates based on the number of months the affiliate is required to pay per capita rates.

Section 6 – Agency fee payers or fair share payers shall pay a percentage of the monthly per capita rates in Section I as determined by the annual AFT New Jersey Agency Fee Report.

ARTICLE II – OFFICERS

Section 1 - The President's responsibilities will include:

- a. To serve as Chief Executive Officer of AFT New Jersey; to administer the affairs of the AFT New Jersey; serve as chair of the AFT New Jersey Convention; to execute policies established by the Convention and the AFT New Jersey Delegate Assembly; to report specifically on his/her activities at each meeting of the Delegate Assembly.
- b. With the approval of the Executive Board, appoint all committee's members named in the bylaws and all ad-hoc committees except the Budget Committee. The Budget Committee will be selected by the Executive Board from the ranks of the Delegate Assembly at the first meeting of the year.
- c. Appoint all staff with the recommendation of the Executive Officers and with the approval of the Executive Board.
- d. Direct the employees of AFT New Jersey and be responsible for upholding the terms and conditions of the employees' contracts.
- e. Submit to the Treasurer ~~and~~ a monthly report on a form provided by AFT New Jersey. Examination of the monthly reports by any member of the Delegate Assembly shall be permitted within ten (10) days of such request.
- f. Conduct all meetings of AFT New Jersey in accordance with Robert's Rules of Order Newly Revised.
- g. Hold meetings of AFT New Jersey Executive Board, consisting of all elected officers, prior to each meeting of the Delegate Assembly. The agenda for the Delegate Assembly meeting shall be presented at such meetings.
- h. Meet with the Executive Officers at least four (4) times a year to address the business and issues of AFT New Jersey.
- i. The President will appoint representative(s) to the New Jersey AFL-CIO with the approval of the Executive Board.

j. The President, or his or her designee, will be a delegate to the Convention of the American Federation of Teachers and meetings or conventions of its affiliated bodies.

k. The President and the Executive Vice Presidents and/or their designees will represent the organization before the public, community groups, the news media, executive and legislative officials.

l. The President of AFT New Jersey may conduct an investigation of an affiliate either upon request of the President and/or Executive Board of that affiliate. If the matter is not resolved, the findings will be forwarded to the National leadership of AFT for action. Upon conclusion of the investigation, he/she will report his/her findings to that affiliate and the Delegate Assembly of AFT New Jersey. Section 2 - The Executive Vice-Presidents will perform the following duties:

Section 2 - The Executive Vice-Presidents will perform the following duties:

- a. Assist the President in the performance of his/her duties.
- b. Create and chair the Divisional Policy and Planning Committee and develop programs for the affiliates in the division. These committees shall meet a minimum of three (3) times a year. The Executive Vice President will represent the division in the state legislative process and develop policy proposals within the division through studies, conferences and other programs when appropriate.
- c. Each Executive Vice President shall serve as Legislative Chair for their division and work with the President and COPE to determine recommendations for legislative and political action.

Section 3 - Each Divisional Vice President will perform the following duties:

- a. Act as the liaison officer with affiliates in his/her division as assigned by the Executive Vice Presidents and attend at least three (3) meetings of the division.
- b. Assist affiliate presidents with specific and immediate problems when requested.
- c. Serve on the Policy and Planning Committee of his/her division.

Section 4 - The Secretary will be responsible for:

- a. Maintaining the non-financial files and records of the organization.

- b. Taking the minutes of the Executive Board and Delegate Assembly meetings, as well as the Convention.
- c. Maintaining permanent records of the attendance and actions of the delegates at each meeting.
- d. Keeping an up-to-date copy of the AFT New Jersey Constitution and have this available at each meeting of the Executive Committee and Delegate Assembly.
- e. Overseeing the work of and receiving reports from the Elections Committee.

Section 5 - The duties and responsibilities of the Treasurer include:

- a. Maintain current membership records.
- b. Issue receipts and notices of delinquency.
- c. Serve as chairperson of the Budget Committee.
- d. Make a report at each regular meeting of the Delegate Assembly regarding the AFT New Jersey's income, expenses, and cash balance.
- e. Be one of the responsible financial officers of the organization and make regular and usual disbursements of funds.
- f. Maintain all financial records of the organization.
- g. Comply with all requirements of the Independent Auditor.
- h. Oversee the financial and reporting requirements of AFT and AFT New Jersey.
- i. Perform duties of the office as required by the Labor-Management Reporting and Disclosure Act, and the guidelines developed by the AFT.

Section 6 - Any officer who does not attend 3 consecutive meetings of the Executive Board without being excused by the Executive Board is in danger of being removed from that Board. The executive Board shall be notified, by the President, ten (10) days prior to the next Executive Board meeting, of the removal, by certified mail with return receipt requested. That officer will be

allowed to be present and have a hearing at the meeting. The officer may be removed at said meeting, upon motion, second and a majority vote of the Executive Board members present.

Section 7 – Vacancies in any other elective office except the Presidency shall be filled by selection from the Delegate Assembly at its next regular meeting after due notice to all member affiliates. The President may appoint a member of the Delegate Assembly to fill said vacancy until the next meeting of the Delegate Assembly.

Section 8 - In case of a permanent vacancy of the office of President, the Treasurer will serve as the Acting President and must convene a special meeting of the Executive Board within fourteen (14) days of the vacancy to appoint a new President from among the remaining Executive Officers to serve out the remainder of the term.

Section 9 - No officer may use his/her AFT New Jersey title for the purpose of endorsing any political candidate or political issue who/that has not received the endorsement of the Delegate Assembly.

Section 10 - No officer of AFT New Jersey shall interfere or participate in the internal elections of any affiliate other than the local(s) of which that officer is a member.

Section 11 - The Delegate Assembly shall meet upon call of the President following the filing of a written petition of one-third of the total members of the Delegate Assembly to consider the removal of an elected officer for just cause as defined in the constitution of AFT. The Officer shall have the right to be heard or represented on his/her own behalf following timely notice of said meeting. The Delegate Assembly may remove the officer from office by a roll call vote requiring two-thirds of those delegates present and voting.

Section 12 – All officers shall submit their reports in writing to the AFT New Jersey office for archival purposes within twenty (20) days of such meeting.

Section 13 – Any Executive Officer, except the President may be appointed to serve on any Standing Committee in a voting capacity. All such appointments must be approved by the Executive Board, as described in Article VIII, Section 3 of the AFTNJ Constitution.

Article III – The DELEGATE ASSEMBLY

Section 1 - Representation to the Delegate Assembly from each affiliate in good standing shall be based on the following:

Number of Members	Number of Delegates
1-50	1
51-250	2
250-500	3
501-750	4
751-1000	5

Plus one (1) additional delegate for each additional 250 members, or fraction thereof.

Membership shall mean the average number of members calculated during an appropriate three month period the affiliate is required to pay per capita rates prior to the Delegate Assembly meeting.

In case of a newly chartered affiliate, the average shall be computed on the number of months of affiliation.

Section 2 - Not later than September 30 of each year, each affiliate of AFT New Jersey shall submit to the Secretary an official list of duly designated delegates and alternates who are to serve in the Delegate Assembly for the ensuing year. Affiliates failing to meet this requirement shall not have their delegates seated.

The Secretary shall also be notified by the affiliate president (in writing) of any changes to the affiliate's representation in the Delegate Assembly at least 72 hours prior to the meeting at which such a change is to take effect.

Section 3 - Delegate Assembly has the following responsibilities:

- a. To approve all proposed amendments to the constitution and by-laws
- b. To approve terms and conditions of the employment of officers and staff.
- c. To approve the annual budget
- d. Recommendations concerning candidates or referendum questions in public elections shall be voted on by the Delegate Assembly after due notification to all affiliates prior to the meeting at which the vote is to be taken. Have charge of all business delegated to the Assembly by the Convention.
- f. To act upon all the Resolutions and motions brought before them.

Section 4 - In all matters decided by the Delegate Assembly each member of the Assembly shall be entitled to one vote. Prior to any vote, a minimum of three locals is necessary to induce delegate strength voting on that particular matter Proxy voting shall not be allowed.

Section 5 - The Delegate Assembly shall meet at least quarterly. Special sessions may be called by the President or by a majority of elected officers or 40% of the members of the Delegate Assembly by petition.

Section 6 - Every member of the Delegate Assembly shall be notified in writing of each meeting of the Assembly at least seven (7) days prior to each meeting. The tentative agenda for each meeting shall be included in this notification.

Section 7 - A quorum of the Delegate Assembly necessary to conduct business at its meeting shall consist of 10% of delegates from affiliates in good standing representing a minimum of two (2) affiliates in each division. No delegates from affiliates in bad standing can be seated, heard, or vote at the Delegate Assembly meeting.

ARTICLE IV - STANDING COMMITTEES OF THE AFT NEW JERSEY

Section 1 - Any standing committee listed in the Constitution shall operate at the written direction of the Executive Board except the Adjunct Faculty Issues Committee which is under the direction of the Higher Education Division.

Section 2 – Where appropriate, committees shall be co -chaired by a member of each division.

Section 3 – During a search to fill a vacancy in the AFTNJ staff, if the Personnel Committee decides that there is no one on the Committee who has expertise in the area in which the candidate will be hired, then another AFTNJ delegate or a member of one of AFTNJ affiliates who has expertise in the area maybe assigned to work with the Committee for that search. This assignment will be an adhoc, non- voting position. The Executive Board shall approve the adhoc appointment.

Section 4 - All committee chairs and co-chairs shall be elected by their respective committees.

ARTICLE V - CONVENTION

Section 1 - One delegate to the AFT New Jersey Convention may be designated by each affiliate in good standing having a membership of 50 or less. Membership shall mean the average number of months the affiliate is required to pay per capita rates for the calendar year preceding the convention. For each additional 50 members or major fraction thereof, one additional delegate may be elected. Therefore, each affiliate would have representation as follows:

50 or less	1 delegate	301 - 350	7 delegates
51 - 100	2 delegates	351 - 400	8 delegates
101 - 150	3 delegates	401 - 450	9 delegates
151 - 200	4 delegates	451 - 500	10 delegates
201 - 250	5 delegates	501 - 550	11 delegates
251 - 300	6 delegates	etc.	

Section 2 - No later than thirty (30) days prior to the convention each local shall provide AFT New Jersey office a list of their delegates and alternates.

Section 3 – Elected officers of AFT New Jersey may serve as delegates of their local affiliate. However, if the elected officer is not a delegate of their local, they may still attend the convention, but may not vote.

Section 4 - For the election of the officers and on all roll call votes in the biennial convention each affiliate represented shall be entitled to delegate voting strength. All affiliates with a delegate or delegates properly credentialed and present will vote their delegate strength. The votes of an affiliate shall be distributed as evenly as possible among its delegates present at the time of the voting, but votes shall not be fractionated. No affiliate may vote by proxy for another affiliate.

Section 5 - The convention shall be a delegated body and all locals in good standing shall send delegates in accordance with regulations promulgated by the Delegate Assembly and set forth in the convention call.

Section 6 - A roll call vote shall be ordered by the Chairperson of the convention at the request of ten (10) delegates from at least three different affiliates.

Section 7 - Additional resolutions may be presented on the floor of the convention after the Resolutions Committee's report, but such action shall require a two-thirds vote of the delegates present and voting.

Section 8 - All decisions of the convention and its committees shall be by majority vote, except where otherwise provided.

Section 9 - Unless otherwise provided in this constitution, the procedures of the convention and its committees shall be in accordance with Robert's Rules of Order, Newly Revised.

Section 10 - The Chairperson of the convention shall have the right to appoint a parliamentarian to rule on disputed points of procedure.

ARTICLE VI – AMENDMENTS TO THE BY-LAWS

Section 1 - Changes in the By Laws may be proposed by any affiliate in good standing, the Executive Officers (as a group), the Executive Board, or any standing committee of AFT New Jersey for action at the convention or the last delegate assembly meeting of the fiscal year in non-convention years.

Section 2 - Proposed changes in the By-Laws must be received by the Constitution Committee at least seventy-five (75) days prior to the opening date of the convention or seventy-five (75) days prior to the last delegate assembly meeting of the fiscal year in non-convention years. The Constitution Committee will review the proposed changes for continuity and legality.

Section 3 - The Constitution Committee shall distribute, in writing to all affiliates, all proposed changes at least thirty days (30) prior to the opening date of the convention or the date of the last delegate assembly meeting of the fiscal year in non-convention years

Section 4 - Changes to the By-Laws shall require a majority vote of the delegates present and voting, unless delegate strength voting is invoked, in which case changes shall require a majority of the votes cast to pass.

