

CONSTITUTION

FAIRFAX COUNTY FEDERATION OF TEACHERS

ARTICLE I – Name and Authority

The name of this organization shall be, Fairfax County Federation of Teachers, Local 2401 of the American Federation of Teachers, AFL-CIO.

ARTICLE II - PRINCIPLES & GUARANTEESSection 1. Freedom of Speech

Members of this Federation shall have freedom of speech concerning the operations of the Federation. Active discussion of Federation affairs shall be encouraged and protected within the organization.

Section 2. Democratic Elections

Members shall have the right to fair and democratic elections at all levels of the Federation. This includes due notice of nominations and questions, dates and places of election, and constitutionally specified election-procedures.

Section 3. Right to Hold Office

Members shall have an equal right to run for and hold office, subject to constitutionally specified qualifications, uniformly applied.

Section 4. Access to Facilities

Candidates for Federation office shall be guaranteed equal access to facilities and records of the Local which may help in their election. Each candidate is guaranteed equal apportionment of these facilities.

Section 5. Participation in Decisions

Members (except retirees) shall have the right to full participation, through discussion and vote, in the decision-making processes of this Local, as specified in this Constitution, and to pertinent information needed for the exercise of this right.

Section 6. Access to Publications

Members shall be guaranteed opportunity and space to reply to issues and content in all publications of the Local, including the web site, subject only to reasonable restrictions on length and space, uniformly applied.

Section 7. Accounting of Funds

Members shall receive a full and clear accounting of all Federation funds. All books of the Local shall be open to the view and consideration of any member. Such accounting may include: the posting of summary reports on the Local's web site, periodic verbal, written reports to the membership at meetings by appropriate fiscal officers, and a yearly audit as provided herein.

ARTICLE III – GOALS; POLICIES and OBJECTIVESSection 1. Organizing

To organize teachers into relations of mutual assistance and cooperation, and to obtain for them the rights to which they are entitled.

Section 2. Education

To raise the standards of the teaching profession by securing the conditions essential to the best professional service, and to promote such democratization of the schools as will enable them better to equip their pupils to take their places in the economic, social, and political life of the community.

Section 3. Collective Bargaining

To promote the welfare of the membership, and to provide a voice in the determination of the broader terms and conditions of employment. We are committed to the process of collective bargaining as the most desirable and effective method to achieve this. Both as Union members and as citizens, we shall also employ available legislative and political action.

Section 4. Social Progress

To promote the welfare of the individual by providing progressively better educational opportunities for all, to eliminate racism in education in all its forms, and to cooperate with other labor organizations in particular and other segments of society in the achievement of common goals.

Section 5. Policies, Procedures, and Objectives

Specific policies set forth by this Local are defined as plans and courses of action to achieve specific objectives. These are outlined in the By-Laws of this Local. Determining the Local's annual objectives is an essential part of the annual budget process. The development of Local office procedures is governed by other articles in this Constitution.

ARTICLE IV – MEMBERSHIP

Section 1. Current employees of Fairfax County Public Schools, including but not limited to, teachers, teaching assistants, counselors, media/technology specialists, speech and physical therapists, psychologists and other specialists, bus drivers, cafeteria workers, custodians and other support personnel, clinic aids and security personnel, and social workers, are eligible for full membership. In addition, administrative personnel who do not formally recommend to the Superintendent or have the authority to hire, fire, promote, demote, evaluate or discipline other employees are eligible for full membership. Every effort shall be made by the Local to offer retirees of the Fairfax County Public Schools and the FCFT the opportunity to continue to stay in contact with FCFT, to receive its publications, and to participate in its activities.

Section 2. Supervisory personnel, who hire, evaluate, and/or fire FCPS employees are removed from membership 30 days after the effective date of the promotion.

Section 3. Teachers in public or private institutions outside

the jurisdiction of this Local may be admitted to membership until a Local is chartered in their jurisdiction.

Section 4. No discrimination shall ever be shown toward individual members or applicants for membership because of age, race, color, religious faith, creed, disability, sex, sexual orientation, gender identity or expression, ethnic origin, national origin, social, political or economic status, or political activities or beliefs.

Section 5. A member in good standing is one who supports this Constitution and pays the dues as approved by the membership of the Federation.

Section 6. Any member who halts paying dues through FCPS's payroll deduction, shall immediately be dropped from the rolls of the Local, or who is using another method to pay dues shall within two months of their delinquency be dropped from the rolls of the Local, their names will be removed from the records at the National office.

- A. All powers of this Federation shall be vested in the membership and when appropriately delegated to their duly elected officers and building representatives as defined by this Constitution.
- B. Except as herein provided, membership policy shall be determined at membership meetings, if a quorum is not obtained then the Executive Board shall take appropriate action.
- C. Membership meetings shall not have the power to determine any policy which binds members to strike action until such time as the Commonwealth of Virginia's Legislation, providing for Collective Bargaining for public school employees to strike, becomes.
- D. FCFT political endorsements for Local and state office may be determined by either electronic media balloting, by a paper ballot mailed to the members, or by the membership.
- E. Members may be polled annually by either electronic media polling via the Local's web site, or by mail to determine the annual objectives for the Federation.

Section 8. A member may be expelled for acts detrimental to the Federation upon presentation of written charges signed by at least 1/4 of the total membership and approved by at least 3/4 of the Executive Board. The member may be present and speak to the written charges at the Executive Board meeting. The member shall have the right to appeal the decision at the following membership meeting and shall be reinstated with full rights if a majority of the members present vote to reinstate.

ARTICLE V - MEMBERSHIP MEETINGS

Section 1. Meetings of the Local's building representatives shall be called at the discretion of the Local's Executive Board. A quorum for such meetings shall be established in the By-Laws.

Section 2. Special membership meetings shall be called at the discretion of the Local's Executive Board or by petition of 2.5 percent of the membership. Members shall be notified of the meeting and its agenda at least 5 days in advance by the most expeditious means possible.

ARTICLE VI –ELECTED REPRESENTATIVES

Section 1. - Officers The following officers shall be elected by the membership of this Local:

- A. President
- B. First Vice President
- C. Secretary
- D. Treasurer
- E. Eight Vice Presidents
- F. Vice President for Retirees

Section 2.- Terms of Office The terms of office for the President, the First Vice President, the Secretary, and the Treasurer shall be three years. The President may only be elected to two consecutive terms. Terms of office for the eight Vice Presidents and the Vice President for Retirees shall be three years. These Officers constitute the Executive Board of the Local. Newly elected Officers shall be installed at the Executive Board meeting on or about July 1.

Section 3- Building Representatives Unless a Building Representative and an alternate are elected annually by the Union members working in a specific school building, then the position may be commissioned by the Executive Board. The number of building representatives and alternates per school building will depend on the number of Union members working in the building and the type of school. Specifics on the representatives allocated per Union membership and by type of school are provided in the By- Laws.

Section 4 - Election Process The procedures and timelines for the nominations for office and for the election of officers and building representatives are described in detail in the By-Laws.

Section 5 - Candidacy Qualifications. All candidates for election as officers or as building representatives must have membership in this Local in good standing for at least six months and shall be, when elected, either actively employed or on leave with the Fairfax County Public Schools.

In addition, candidates for the offices of President, First Vice President, Treasurer, and Secretary also shall have served a minimum of two years as members.

Candidates for one of the eight Vice Presidents shall have served a minimum of one full school-year term as a member.

Candidates for the Vice President for Retirees shall be officially retired, when elected, from the Fairfax County Public Schools and shall have maintained membership in this Local, in good standing, for at least two years prior to retirement or be a retiree member for one full year prior to the election.

Section 6 – Vacancies. These provisions pertain to any vacancy in office, except as the result of a recall petition. The Executive Board shall declare the office of President vacant upon receipt of a resignation, or for other reasons not exclusive of notification of death, or notification of an incapacitating illness. Should the office of President be vacated, the succession order shall be: First Vice President, Treasurer, Secretary, and each Vice-President in order of continuous seniority service on the Executive Board. The officer will immediately succeed to that office for the remainder of the term. All other vacancies shall be filled by the Executive Board within 60 days.

Section 7 – Recall. Upon presentation of written charges in

a petition signed by at least 2.5% of the total membership, a motion to recall an officer of the Local will be placed on the agenda of the next Executive Board meeting. The Executive Board shall determine the validity of the petition and the evidence supporting the charges. A recall vote will be conducted after the Executive Board deems the petition is valid by a vote. The officer shall be recalled by a 2/3 vote of the members voting in the recall election. The election procedures are those of the election process outlined in the Constitution. In the event of a recall vote, the election of a new officer shall be held in accord with the election procedure defined in the By-Laws.

Section 10. Effective in the 1999-2000 school year, one Vice-President for Retirees shall be elected. Retired members will be balloted to elect the Vice-President for Retirees but will not be balloted to elect other officers or vote on other issues. Every effort shall be made by FCFT to offer retiree members the opportunity to continue to stay in contact with FCFT and to receive publications. Members who retire while in elected office may complete their terms in that office. Other than the Vice-President for Retirees, all candidates for office shall be members who are either actively employed or on leave with the Fairfax County Public Schools.

ARTICLE VII - DUTIES OF OFFICERS

Section 1. The President: The President shall be the chief executive and administrative officer of the Federation and shall conduct the affairs of the Federation in accord with this Constitution and the By-Laws. These duties shall include:

- A. Presiding over membership meetings, Building Representatives' meetings, and meetings of the Executive Board.
- B. Sitting as an ex-official member of all committees except the Audit Committee.
- C. Signing all necessary papers and documents.
- D. Co-signing with the Treasurer, all checks to disburse funds.
- E. Issuing all notices and publications, including the content of the Local's web site.
- F. Serving as chief delegate to the Central Labor Council.
- G. The President may delegate duties to committees which shall report to him/her and the Executive Board.
- H. The President shall hold Executive Board meetings at least six times during the fiscal year.

Section 2. The First Vice President: The duties of the First Vice President shall include:

- A. Assisting the President.
- B. Taking over the duties of the President in his/her absence and succeeding the President in the event of a vacancy in that office.

Section 3. The Secretary: The duties of the Secretary shall include:

- A. Determining, with the President, which correspondence is to be considered routine and processed by routine office procedures.

- B. Determining, with the President, which correspondence is to be considered significant and requiring notification of both the President and the Executive Board.
- C. Being the custodian of the seal and charter of the Federation; maintaining the Constitution and By-Laws; maintaining copies of office-worker job descriptions and the book of office procedures.
- D. Causing the approved minutes of the general membership meetings and the Executive Board meetings to be recorded, and minutes may be published for approval and/or posted on the website by the President.
- E. Assuring that confidentiality rights of each member are not violated in any published or written material.

Section 4. The Treasurer: The duties of the Treasurer shall include:

- A. Establishing and documenting, with the President, the appropriate office procedures to process the receipt, the dispersal, and the accounting of all Federation monies, funds, assets, and property.
- B. Receiving, recording, and depositing in the name of the FCFT all monies from dues and all other sources. All funds shall be deposited in financial institutions and in accounts which are federally insured, and/or institutions which invest in Federal Government securities.
- C. Keeping the membership roll, issuing receipts, and delinquent notices.
- D. Forwarding all per capita dues and current membership lists to the National Office of the American Federation of Teachers and to other affiliated organizations to keep this Federation in good standing at all times.

Care shall be taken to see that the per capita tax through June 30th is sent to the National Office no later than 15 days prior to the opening date of the National Convention to make sure delegates from this Federation may be seated.

- E. Serving as the chairman of the Budget Committee.
- F. Preparing a monthly, written report of the financial status of the Federation for each Executive Board meeting, at membership meetings, and following the completion of the annual audit.
- G. Co-signing all checks or appointing a designee along with the President.
- H. Audit preparation.

Section 5. The Vice Presidents

The Vice Presidents shall be assigned to duties by the President, subject to approval by the Executive Board.

ARTICLE VIII - THE EXECUTIVE BOARD

Section 1. The Executive Board shall consist of the elected officers of this FCFT listed in Article VI, Section 1. Each member shall have equal voting rights. The Chairman of the Executive Board shall be the President of the Federation.

Section 2. The Executive Board shall implement the Constitution and By-Laws of the Federation, and in general,

assure that the Local's officers operate in the best interest of the members.

Section 3. The time and place of the Executive Board meetings shall be set by the Executive Board and announced to the membership at least 5 days prior to the meeting. All Executive Board meetings shall be open to the membership.

Section 4. All Executive Board minutes shall be available to any member through the Secretary, except for information which involves the confidentiality of other members.

Section 5. The Executive Board shall be the approval authority for the Federation's Fiscal Year Budget. The Executive Board will review the Federation's expenditures vis-à-vis the approved budget at each of its meetings and the President, with the Treasurer, will recommend any changes.

Section 6. Should any member of the Executive Board who misses two consecutive official Board meetings without notifying the Board at least 24 hours prior to the meeting for each occurrence, the Executive Board shall declare the seat vacant, and shall fill it within 60 days. The Board shall have approval of all appointees. If the Board fails to act in a timely manner, then the President shall make the appointment without the need for the consent of the Board.

Section 7. The Executive Board shall have the power to:

- A. Make contracts.
- B. Employ such employees as shall be deemed necessary to operate the Local efficiently and to accomplish the annual objectives stated in the Union's plan.

Section 8. A major objective of the Executive Board is to foster and encourage member leadership development.

ARTICLE IX - COMMITTEES

Section 1. All committees, standing and special, shall be established by action of the President or the Executive Board with the approval of the Executive Board, designating their duties upon creation. The membership would be notified so that members could be part of the committees.

Section 2. Standing Committees.

A. The Budget Committee shall prepare a budget for adoption by the Executive Board at least one month prior to the beginning of the next fiscal year. The Treasurer shall chair this committee. The fiscal year shall be July 1 through June 30. The budget shall reflect the fiscal plan to accomplish the Local's annual objectives.

B. The Audit Committee shall receive the annual audit of the FCFT's books and yearly report by an accounting firm which is not involved with the FCFT's bookkeeping. Neither the President nor the Treasurer may chair this committee. The Audit Committee shall present their yearly report to the membership and to the AFT within 6 months of the end of the fiscal year.

C. The Election Committee shall oversee the ballot committee and conduct each of the elections for officers and building representatives, in accord with the By-Laws of this Constitution. No one directly involved with an election can be a member of the committee; however, each candidate may nominate an FCFT member for membership on the committee. The committee may delegate its oversight and the conduct of elections of Building Representatives to

subcommittees at each of the schools involved with contested elections.

Section 3. Every reasonable effort shall be made by this Federation to pay the legitimate expenses of delegates to attend meetings and conventions of affiliated organizations.

Section 4. This Federation to the best of its ability shall be active in the affairs of affiliated organizations.

Section 5. Delegates to affiliated organizations shall meet the same requirements as officers of this Local.

ARTICLE X - AFFILIATION

Section 1. This Federation shall maintain affiliation with and whenever possible send delegates to the following organizations:

A. The American Federation of Teachers.

All delegates and alternates to the National Convention of the AFT shall be elected by the majority vote of the April membership meeting. Notice of election shall be made at the previous membership meeting and mailed to each member at least 15 days prior to the election. The President and Secretary shall certify the election and forward the credentials of all elected delegates and alternates to the National Office no later than 10 days before the convening of the National Convention.

B. The Local Central Labor Council.

Delegates shall be elected at the regular election of officers.

C. The Virginia State AFL-CIO.

Delegates shall be elected at least one month before the state labor convention at a regular membership meeting.

D. State AFT.

This organization shall automatically affiliate with the state AFT at the time of its formation.

Section 2. All delegates shall make reports to the Executive Board on meetings attended.

ARTICLE XI - MEMBERSHIP DUES

Section 1. The annual dues for membership in this Union shall not exceed .13 of the first-year teacher salary and may only exceed that amount if a fiscal emergency occurs.

ARTICLE XII - CONSTITUTIONAL AMENDMENTS

Section 1. This Constitution shall be amended as follows:

A. Any member may present to the Secretary a written petition, signed by at least 10 members in good standing, proposing an amendment which the Secretary will present at the next Executive Board meeting. The exact text of the proposed amendment shall be provided at the meeting. The Executive Board shall determine if the petition is valid and set a date when the proposed amendment shall be presented to the members for a vote.

B. The Secretary shall cause the exact text of the proposed amendment to be printed and distributed to all members, or to be posted on the Local's web page. The proposed amendment shall be voted on within one year from determining it is valid. It shall be adopted if

approved by a majority of the membership voting.

ARTICLE XIII – CHANGES TO BY-LAWS

Section 1. A member may propose by-laws or a change in by-laws by presenting the proposed by-law to the Secretary at least 30 days prior to the next Executive Board meeting.

The Secretary shall cause the exact text of the by-law to be printed and distributed to all members at least 15 days prior to the meeting.

The proposed by-law shall be discussed and voted on at the Executive Board meeting. It shall be adopted if approved by two thirds (2/3) of the Executive Board.

ARTICLE XIV - AVAILABILITY OF CONSTITUTION

Section 1. Three copies of this Constitution and all future amendments shall be submitted to the National Office of the American Federation of Teachers.

Section 2. Copies shall be made available to other affiliated organizations upon request.

Section 3. Copies shall be available for any members of this Federation upon request to the Secretary.

ARTICLE XV - PARLIAMENTARY AUTHORITY

All procedures not covered by this Constitution or by the By-Laws shall be governed by Robert's Rules of Order-Revised.

BY-LAWS

By-Law I: Federation Loans.

The Federation shall make no loans to officers, building representatives, or agents of the Federation.

By-Law II: Conflicts of Interest.

Officers or agents of the Federation, their spouses, minor children, parents, or other relatives in law shall be prohibited from participating in businesses or having financial interests that conflict with their fiduciary obligation as officers, Building Representatives, or agents of this Federation.

By-Law III: Quorums at Meetings.

A quorum at membership meetings shall be 2% of the membership of the Federation.

A quorum at Building Representatives meetings shall be 20% of the elected (or appointed) Representatives.

A quorum at Executive Board meetings shall be more than 50% of the elected (or appointed) officers holding seats.

By-Law IV: Nomination and Election Procedures.

Section 1: Notice of Election: Nominations.

Notwithstanding the foregoing, if there are school closures for inclement weather or holidays, any deadline affected by the closure shall occur on the following school day or be extended at the reasonable discretion of the Election Committee.

Notice of Election: Notice of the election will be sent by first-class mail to members' last known home address by the first Monday of December, or if the first Monday of December is a school holiday, on the following school day. Notice of Election must include the date on which the

election will occur.

Nomination Petitions: Nomination Petitions for office will be accepted until 5pm on the third Monday of December, or if the third Monday of December is a holiday, on the following school day.

Notice of Election and Nomination Petitions if combined will be mailed to members' homes and must include the date on which the election will occur.

Nomination Petitions must include the original "wet signatures" of at least ten (10) non-Executive Board members of the Federation in good standing.

In the event of a contested Election, the candidate will submit a biography that is a "camera-ready" copy to the Election Committee. This information shall be posted on the Federation's website and included in the details of the Election Notice.

Section 2: Election Process. Officers will be elected through online voting on the second Monday in January and voting will remain open for 14 days. The vote will be a plurality vote: the candidate with the most votes will be deemed the winner.

Section 3: Electronic Ballots Procedure. The Election Committee shall certify election results as soon as possible after voting is closed. Voting records shall be maintained for a period of one year after voting is closed.

Electronic ballots shall not be viewed until polls are closed. Electronic ballots will be automatically counted, and the results will be certified by the Election Committee. Any members who have cast an electronic ballot shall be verified to be a member in good standing by the Election Committee. At the conclusion of the certification, the Election Committee shall announce the election results. This announcement will occur as soon as possible after the results are certified by the Election Committee.

Election appeals shall be filed with the Election Committee no later than 5 calendar days from election result announcement date. The Election Committee shall report to the Executive Board within 72 hours after an appeal is filed; the report must outline the validity of the appeal. The Executive Board will render a final written decision regarding the appeal within 5 calendar days after receiving the Election Committee's report.

Section 4: Election Committee. The Election Committee will review the election results in accord with these By-Laws. No one directly involved with an election can be a member of the committee. Each candidate may nominate a Federation member in good standing for membership on the Election Committee.

Section 5: March 1 Notice. Any non-retired members elected to serve on the Federation Board who will not be in the classroom must give notice to FCPS of their impending leave of absence on or before March 1st of the year in which they are elected.

By-Law V: Building Representatives. Building Representatives must be on continuing contract status and constitute a vital element of leadership within the Federation. Building Representatives provide the basis for (1) knowing what is going on at each school, (2) maintaining contact with Federation members at each school, and (3) providing initial contact with potential new members. The processes for nominating, electing, and appointing Building Representatives require flexible and unique methods.

Section 1. Basis for Representation. Schools shall be allotted one Building Representative and one alternate per 20 Federation members. Special education centers located at regular schools, which are listed as separate centers in the FCPS directory of work locations, are considered separate schools for the purpose of electing Building Representatives. Secondary schools are considered separate middle and high schools for the purpose of electing Building Representatives.

Section 2. Nominations and Elections. Building Representatives and alternates shall be elected by a paper ballot of the Federation members at each school in the 4th quarter of every school year. Nominations may be made informally to the school election committee. An election committee of at least 2 non-candidate members at each school shall oversee the nominations, the election, count the ballots, and report the results to the Federation Secretary.

Section 3. Building Representative Lists. Each school Election Committee will return the election results to the Federation Secretary on forms sent to committee members by the Federation. An official list of elected Building Representatives will be given to the Executive Board by the Secretary at the first Executive Board meeting following the close of all Building Representative elections and will be available upon request at all membership and Building Representative meetings.

Section 4. Appointed Building Representative. If a Building Representative position is uncontested, or if any Building Representative position becomes vacant, then the President may appoint a member in good standing until the next election cycle.

By-Law VI: Transition Period.

Section 1. Election Results to Installation in Office.

The interim period falling between the announcement of election results and the installation of office in early June is considered a "Transition Period."

During this Transition Period, newly elected officers will attend Executive Board meetings to familiarize themselves with office procedures and current Federation issues.

Section 2. Courtesy and Respect. Outgoing officers must be courteous and respect the incoming officers for the good of the Federation and out of respect for the decisions of their fellow Federation members. As a courtesy to the incoming officers and to the greatest extent possible, outgoing officers must meet with the new officers, share any useful information, and generally make themselves available to the incoming officers to help facilitate the transition.