

PEF/ENCON CONSTITUTION

ARTICLE - I NAME

This organization shall be known as the Environmental Conservation Division of the Public Employees Federal (PEF/ENCON). ~~Headquarters shall be maintained at 50 Wolf Road, Albany, New York 12233.~~

ARTICLE II - PURPOSE AND POLICY

This Division is the local communicative and administrative body of the Public Employees Federation and exists to represent its members with respect to all terms and conditions of employment, to better working conditions, to provide information on all aspects affecting employment and union affairs, to promote professionalism, to maintain and promote efficient delivery of service, to advance the interests of all Department PS&T employees, and to promote and foster educational, social and other activities for ENCON employees. It is based on the premise that the most perfect of governments is that in which an injustice to one is the concern of all. It is dedicated to the principle that all power resides in its membership, and that the interest of the membership is best served by open and democratic methods.

ARTICLE III - MEMBERSHIP

Section 1. Any regular member of PEF employed by the New York State Department of Environmental Conservation shall be eligible for membership in this division provided he or she is not a member of another division.

Section 2. This Division may establish special classes of members. These classes of members may consist of retired employees, employees on unpaid leave and/or laid off employees who were previously employed within the jurisdiction of this Division.

ARTICLE IV - DIVISION COUNCIL

Section 1. The Division Council shall be composed of one representative from each ENCON Regional Steward Council, and an equal number of representatives from the Central Office Steward Council, and PEF Executive Board representatives elected by this Division. The PEF/ENCON Division Council shall elect from among its members, a Division Leader, an Assistant Leader, Secretary and Treasurer. The Council shall be the principle decision making body for the Division.

Section 2. The Division Council shall establish such committees as may be necessary for the functioning of the Division. The following committees must be established: Auditing; Budget; Communications; Constitution and By-laws; Finance; Grievance; Labor/Management; Membership; and Nominations/Elections. All members to any committee must be approved by the Division Council, except for the Grievance Committee, membership on a committee need not be restricted to elected stewards.

Section 3. The Division Council shall have the responsibility to prepare and approve a budget within the funding provided by PEF via a per capita; and shall be required too approve any expenses varying from the amounts budgeted by line item. All check drawn from Division funds must be co-signed. Signators to be determined the Council.

Section 4. The Council shall summarize its Division activities, including a financial statement, on a quarterly basis. This shall be forwarded to the appropriate Regional Coordinator(s).

Section 5. The Division Council must hold at least six (6) meetings per year.

Section 6. A special meeting may be called by 50 percent of the Council.

Section 7. A quorum shall consist of at least 50% of the Council members, provided at least half of the regional representatives are in attendance.

Section 8. Timely notification of all meetings shall be sent to the appropriate PEF Regional Coordinator(s) and Departmental Executive Board Member(s).

Section 9. The Division Council Leader shall:

- a) be the responsible and chief administrative officer of the Division.
- b) preside and keep order at all meetings of the council and the Division.
- c) present an agenda for all meetings after consultation with the council members.
- d) insure that all Division officers, stewards, and committees perform their duties as authorized by this constitution and the council.
- e) make no agreements that are inconsistent with the policies of the Division.
- f) perform other duties as deemed necessary.

Section 10. The Assistant Council Leader shall:

- a) assist the Council Leader in his duties as requested by the Council Leader or the Division Council.
- b) perform the duties of the Council Leader during his absence.
- c) perform other duties as assigned by the Division Council.

Section 11. The duties of the Division Secretary shall be:

- a) to record and make available minutes of the proceedings of each Division and Council meetings.
- b) to present typewritten minutes of each meeting of the Division and Council for approval at the next meeting.
- c) to furnish the treasurer a copy of all motions approved regarding the finances of the Division.
- d) to act as custodian of all records of this Division.
- e) to receive and distribute appropriately all official communications and correspondence of this Division.

Section 12. The duties of the Division Treasurer shall be:

- a) to account for the financial matters of this Division.
- b) to receive and record all monies paid to this Division.
- c) to disburse funds as directed by the Council.
- d) to pay and record all just bills and creditors in a timely manner, bearing in mind that two (2) signatures are necessary on each check.
- e) to maintain accurate records of all financial transactions of this Division.
- f) to have available, at all times, the financial records of the Division for inspection by any officer of this Division or PEF at their request.
- g) to submit all books, receipts and records to an audit to be performed at least once per year.
- h) to turn over all financial records to a successor.
- i) to be bonded for an amount of money as determined by the Division Council.

Section 13. Grievance Stewards and Communicators

- a) Each ENCON Region shall have at least one grievance steward.
- b) If a region has over 50 PS&T employees or large offices geographically separated, that region shall be allotted additional grievance stewards.

- c) If a region has more than one grievance steward, the region may be sub-divided into this number of constituencies for election purposes.
- d) Each region shall have a Steward Council, composed of the region's grievance stewards. This Regional Council shall be the region's governing body and have the duty of assuring that the needs of their constituency are attended to. This council shall select one of its members as Chief Steward for the region, or delegate those responsibilities amongst themselves. Each Regional Steward Council shall select its representatives to the Division Council meeting(s).
- e) The grievance stewards of this Division shall be registered by PEF with OER and be the official PEF representatives for this Division.
- f) The duties of each grievance steward shall include but are not limited to:
 - i) handle grievances, problems and act as the first line liaison between Division leadership, management and members.
 - ii) communicate Division policy to membership at the site he/she represents and all information that comes to him/her from the union. Also convey to PEF leadership concerns and problems of membership.
 - iii) be able to conduct an effective meeting.
 - iv) be knowledgeable as to the contract, steward manuals, Department procedures and policies as well as Civil Service law.
 - v) be able to deal with management as an equal as well as with his peers.
 - vi) disseminate all information relevant to membership interest.
 - vii) recruit new membership and see that new employees are given the proper orientation to both their work and to their union.
 - viii) attend all meetings. Absences without reasonable cause may result in request for resignation. (Attendance requirement may be set by the Council).
- g) Each ENCON office shall have at least one communicator steward, who shall be responsible for coordinating information flow between the members and their representatives. A communicator may be a member of the Regional Council and participate in any capacity the Regional Council determines.
- h) Any group of members may define themselves as an appropriate constituency for a communicator. This may be done by filing a petition with the Division Council Secretary.
- i) Each constituency may select a communicator from its membership by filing a petition with the Regional Steward Council.

- j) If an office has no communicator, the Division shall solicit interest until one is found.

Section 14. PEF Departmental Executive Board members shall:

- a) be a member of this Division Council if he/she is a member of this constituency, and may be an officer of the Council if so elected.
- b) inform the Division constituency of all matters of concern before the PEF Executive Board.
- c) relate all matters of concern as expressed by this Division constituency to the PEF Executive Board or appropriate representatives.
- d) serve on the Labor/Management committee.

Section 15. The Division Council, in consultation with the appropriate Regional Coordinator(s), shall determine the appropriate steward constituencies, provided this apportionment does not exceed the number allowed for this Division. Unless changed by PEF, the intra-departmental steward allocation shall be based on one (1) steward per fifty (5) PS&T until members.

Section 16. Upon succession, all representatives must turn over all records and documents in an orderly fashion to their replacement.

Section 17. All council members must service to enhance the well being of the Division Constituency, and respect all legitimate inquiries concerning the operation of this Division.

ARTICLE V - ELECTIONS

Section 1. The Division Council, maintaining fair apportionment, shall select the Election Committee. No candidate for election shall serve on the Elections Committee.

Section 2. The Election Committee shall coordinate all upcoming elections with the appropriate PEF Regional Coordinator, who shall ensure fair elections.

Section 3. The Election Committee shall give reasonable opportunity to potential candidates to have their names submitted to the Committee. Nominations for any elected position within the Division shall be made by petition signed by not less than ten percent (10%) of the members of the appropriate constituency and the names of such candidates shall be printed

on the official ballots provided for such nominations and filed with the Chairman of the Election Committee.

Section 4. The term of office for all stewards shall be one (1) year, and shall commence on April 1. Any vacancy which occurs shall be filled by a special election to be held within sixty (60) days of the vacancy's occurrence. This vacancy will occur when notification is given to the Division Council Secretary.

Section 5. All regular members of the Division shall have an opportunity to vote by written secret ballot for steward(s) from their constituency. The balloting will be conducted in the manner prescribed in this constitution and will guarantee the right of each member to vote. The Election Committee shall provide at least ten (10) days notice before the election.

Section 6. All ballots shall provide adequate space for a write-in vote and clearly state the date upon which the ballots must be received. The distribution of the ballots and the return of the completed ballots shall be accomplished in such a manner as to guarantee each member an opportunity to cast his ballot without the necessity of his physical presence at the polling place. The Election Committee and the appropriate Regional Coordinator(s) shall be responsible for the custody and counting of the ballots.

Section 7. Election balloting may be on-site, by mail, or a combination of the two. The election results shall be promptly announced after the close of balloting.

Section 8. Upon showing just cause, a member who is unable to cast his ballot personally may be permitted to cast his ballot by mail, provided it is received prior to the close of elections.

ARTICLE VI - STRUCTURE

Section 1. Parliamentary procedure shall be in accordance with Robert's Rules of Order Newly Revised, insofar as they do not conflict with the Constitution of this Division or the Constitution and By-Laws of PEF.

Section 2. Regular Division meetings will be held as necessary. Meetings will be called by a majority vote of the Division Council or by a petition signed by 10% of the Division constituency. Five (5) days notice will be given.

Section 3. A quorum for Divisional meetings shall be 5% of the Divisional constituency and a majority of the Division Council.

Section 4. The fiscal year of the Division shall be concurrent with the fiscal year of PEF, which presently is April 1 to March 31.

Section 5. Nothing herein shall be construed to prohibit a Division from charging additional dues except that a failure to pay such dues shall not be used to deny the right to vote in Division elections or fully participate in Division business.

Section 6. Interpretation of the meaning and intent of this constitution shall be made by the presiding officer who shall render a decision subject to appeal to the members present, and such decision shall be recorded as a precedent for future guidance.

Section 7. By-laws not inconsistent with the provisions of this constitution may be adopted at a regular or special meeting of the Division.

Section 8. The Division budget shall:

- a) fund all expenses necessary for proper functioning of division operations, such as intro-division communications, travel, etc., on a statewide basis.
- b) provide for a contingency fund for unforeseen expenses.
- c) allocate a local usage fund to each Regional Council in proportion to its membership size.

Section 9. This Division shall form along the regional structure of the Department of Environmental Conservation. Therefore, all references to regions within this Division reflect departmental regions with the central office, treated as a separate region. Any ENCON region, not part of this Division shall not have representation within this Division.

ARTICLE VII - RECALL

Section 1. A petition, signed by 60% of the regular membership in any appropriate division constituency, which requests the removal of that constituency representative, shall remove that person from office. A special election shall be held within two (2) months following the removal.

Section 2. The recall vacancy becomes effective when the Division Secretary validates the authenticity of the petition signatures. This validation must be done within ten (10) days of filing the petition.

ARTICLE VIII - AMENDMENTS

Section 1. This Constitution may be amended in whole or in part by:

- a) a 2/3 vote of the Division Council followed by a majority vote of the division constituency or,
- b) a petition signed by 60% of the division constituency.

Section 2. Amendments may be proposed by the Division Constitution Committee or a petition signed by 20% of the division constituency.

Section 3. Notification

- a) any proposed amendment must be submitted in writing to the Division Constitution Committee, which will forward it to the PEF Executive Board.
- b) the Division Constitution Committee must submit the proposed amendment in writing to the division constituency at least one (1) month prior to any vote for approval.

Section 4. The PEF Executive Board will review amendments to assure constitutional soundness and consistency with PEF's Constitution and By-Laws.

ARTICLE IX - BILL OF RIGHTS FOR DIVISION MEMBERS

Section 1. No person, otherwise eligible for membership shall be denied membership on the basis of race, color, sex, age, creed, national origin, prior union membership, sexual preference or political persuasion.

Section 2. Membership shall have the right to receive accurate information relating to the affairs of the Division.

Section 3. An annual financial report will be printed in the Division publication.

Section 4. Members shall not be restricted in the exercise of their right of freedom of speech concerning the operation of this Division or any other. Active and open discussion of Division affairs and the expression and/or publication of views of Division members shall be protected within this Division.

Section 5. Members shall be encouraged to participate in the affairs, management, and administration of this Division.

Section 6. Membership service shall be a primary goal of PEF/ENCON.

Section 7. Communication to the membership shall on all matters be timely and accurate.

Section 8. When acting in their official capacity all council members shall act only in the best interest of PEF/ENCON and its members.

ARTICLE X - REFERENDA

Section 1. The highest level of governance in PEF/ENCON shall be the referendum of the entire active membership.

Section 2. Positions or policies established by referendum shall not be subject to reversal or modification by any governing body nor shall it be subject to a subsequent referendum for a period of at least two (2) years.

Section 3. By-laws established by referendum shall not be subject to reversal or modification by a governing body or shall it be subject to a subsequent referendum for a period of at least one (1) year.

Section 4. A referendum shall be called by a vote of two-thirds (2/3) of either the Division Council, or by a petition signed by twenty (20%) percent of the active membership.

PEF/ENCON BY-LAWS

EXECUTIVE COMMITTEE:

The Executive Committee shall be composed of the Division Officers and Executive Board Representatives.

ROLES AND RESPONSIBILITIES OF PEF COMMITTEE REPRESENTATIVES

- 1) Provide to Steward Council and/or Executive Committee frequent, prompt reports of actions occurring in and/or instituted by the Committee.
- 2) File with the Division Secretary all Committee minutes, correspondence, and/or reports.
- 3) Report progress, problems and/or conflicts, requiring immediate action, to Executive Committee.
- 4) Work in a professional and harmonious manner with other Committee members, keeping in mind that one serves as an advocate of labor rather than automatically an adversary of management.
- 5) Not assume unauthorized authority to take actions or make policy decision beyond the responsibilities assigned by the Division.
- 6) Coordinate efforts and share information with other PEF Committee representatives (if any) and alternate(s) on all Committee business.
- 7) All committees shall have a pre-meeting unless the committees vote not to.
- 8) After the above is followed, the Committee Chair is the authorized agent to sign agreements with management which result from Committee meetings.

RULES OF PROCEDURE FOR SHOP STEWARDS

Committees:

Stewards serving on committees will abide by the Roles and Responsibilities of PEF Committee Representatives. In addition, the heads of committees are required to report on the status of committee work at every Stewards' meeting. Verbal reports are not to exceed five (5) minutes. Committee heads not attending a meeting must inform an officer of the status of his committee work prior to the Stewards' meetings so that other Stewards can be apprised of the current status at the meetings.

As all Stewards are members of the Grievance Committee, any Steward involved in a possible or actual grievance must besides adhering to the Roles and Responsibilities of PEF Committee Representatives:

- A. Contact and coordinate with the PEF Field Representative all processes [initial discussion, informal resolution, Step 1 filing, Step 1 hearings, receipt of Step 1 decision, Step 2 filing, Step 2 hearing (field representative should be present), Step 2 decision].
- B. Discuss case at weekly Steward meeting (applies to Wolf Road only).
- C. Except for 30th day of first Step filing, under no circumstances should above procedures be neglected.

Confidential Matters:

- A. Information pertaining to grievances is confidential and is not to be discussed publically. If a Steward breaches confidentiality, that person will be requested to resign.
- B. In addition to grievances, other matters may be confidential in nature. Stewards should evaluate the need for confidentiality of non-grievance related matters based on potential harm to those involved. Unauthorized disclosure of such matters which are judged confidential by majority vote of the Stewards will result in a request for resignation.

- C. At the start of all Steward meetings, the steward conducting the meeting will notify those present of all ongoing confidential matters so that the stewards may be apprized of the need for confidentiality.

Local Rule for Central Office Stewards:

Attendance and Election To A Committee - Stewards who do not attend three (3) shop steward meetings in a row, without a valid excuse, will become “inactive” at the subsequent Steward meeting. “Inactive” Stewards will be requested to resign their stewardship and are removed from any office, any committee, or any other responsible PEF/EnCon position.

“Inactive” Stewards may petition the active Stewards for reinstatement at a succeeding Stewards’ meeting by obtaining the signatures of ten (10) members thus reaffirming their active status. Stewards declared “inactive” a second time must obtain the signatures of twenty (20) PEF members to reaffirm their active status. Stewards declared “inactive” a third time will be required to obtain signatures, etc. The petition reaffirming active status must state that the petitioner was declared “inactive” for non-attendance at three (3) successive Steward meetings.

The Secretary will notify Stewards who are declared “inactive” and advise them that they must petition and reaffirm their active status. Stewards declared “inactive” and who are reinstated upon petition are reinstated to active status only, not to any office, committee, or other responsible PEF/EnCon position that they may have formerly held. Reinstatement to any office, committee, or other PEF/EnCon position must be done by separate majority vote of the Stewards. When an inactive Steward fails to petition within three (3) weeks for reinstatement, a notice to that effect will be posted on the bulletin boards by the active members. An attendance list of Stewards marked present, absent and excused shall be posted. The validity of excuses will be considered on a case by case basis at each Steward meeting. The Secretary will be charged with the responsibility of tracking absences, excuses, and the status of Stewards. Vacation, sick leave, personal leave, and job assignments away from 50 Wolf Road will be considered as valid excuses.