

CONSTITUTION And BYLAWS
of the FEDERATION OF STATE
CULTURAL AND EDUCATIONAL PROFESSIONALS

Pennsylvania Federation of Teachers Local 2382
American Federation of Teachers

Adopted _____ 1973
As amended to _____ 1993
As amended to _____ 2005
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PREAMBLE

WHEREAS the Commonwealth of Pennsylvania in its Public Employees Relations Act of 1970 (Act 195), recognizing the natural right of workers to bargain collectively, declared it lawful for public employees of the Commonwealth to so organize, and

WHEREAS the Pennsylvania Labor Relations Board in 1972 certified those “Professional employees” (as defined in Article III of Act 195) engaged in various cultural and educational activities to be either in Unit I, the collective bargaining unit, or in Unit II, the meet and discuss unit, (PERA-R-2420-C and PERA-R-2376-C, Oct. 25, 1972), and

WHEREAS after election in both units supervised by the Board, the Board certified the Pennsylvania Federation of Teachers, American Federation of Teachers, AFL-CIO, to be their exclusive representative,

NOW, THEREFORE, those employees of Units I and II who have banded together as Local 2382 of the American Federation of Teachers, hereby establish this Constitution and By-Laws in order to bargain collectively and to meet and discuss with our public employees within the Commonwealth of Pennsylvania.

FOSCEP CONSTITUTION

ARTICLE I NAME

The name of this organization shall be the Federation of State Cultural and Educational Professionals, Local 2382 of the American Federation of Teachers, AFL-CIO. Its acronym shall be FOSCEP.

ARTICLE II OBJECTIVES

The objectives of the Federation of State Cultural and Educational Professionals, hereinafter referred to as the Federation, shall be:

1. To organize those professional-level employees of the Commonwealth of Pennsylvania under the jurisdiction and control of the Governor who share a community of interest in their various cultural and educational activities.
2. To meet and confer with representatives of the Commonwealth and its agencies with respect to wages, hours, and other terms and conditions of employment, including but not limited to the health, safety, and general welfare of unit members and the impact of personnel and management policies on unit members, e.g., disciplinary procedures.
3. To represent those employed in non-supervisory positions (Unit I) in negotiating and bargaining collectively with the Commonwealth, and to represent those employed in first-level supervisory positions (Unit II) in meeting and discussing the issues with the Commonwealth. In particular, to enter into written agreements evidencing the results of such bargaining or discussion.
4. To protect the rights, promote the equal opportunity, and assure the fair treatment of all unit members. In particular --
 - a. To work to eliminate any management policy or practice that
 - 1) fosters preference or privilege of unit members on any basis other than satisfactory professional performance and employment seniority
 - 2) discrimination against unit members on the basis of race, creed, color, religion, sex, age, marital status, national origin, political or union affiliation, lifestyle, non-job handicaps or other non-merit factors
 - b. To administer the provisions relating to the Federation that have been laid down in the collective bargaining agreement for employees of Unit I or in the memorandum of understanding for employees of Unit II, in particular the Grievance Procedure.
5. To provide mutual aid and protection and promote the interests and general welfare of the members of the Federation.
6. To cooperate with other organizations, associations, and federations which seek to advance the cultural and educational interests of the Commonwealth and nation's citizens.
7. To provide a forum in the various Commonwealth agencies for their cultural and educational professionals to discuss matters involving the agency's managerial policies, and to make joint recommendations to agency management regarding the formulation and administration of such policies.

ARTICLE III GOVERNMENT

Section 1. The fundamental authority of this Federation shall be the membership meeting (Article V).

Section 2. Between the membership meetings of the Federation, its governing body shall be the Executive Board with its Executive Committee (Article VI).

Section 3. In all cases in which they are not inconsistent with this Constitution-and-By-Laws or with any special rules of order which the Federation may adopt, the current edition of Robert's Rules of Order: Newly Revised shall govern the Federation.

ARTICLE IV MEMBERSHIP

Section 1. Eligibility for membership

a. All those cultural and educational employees of the Commonwealth of Pennsylvania under the jurisdiction and control of the Governor whose job titles place them in the two units described in the Preamble to this Constitution and By-Laws. Excluded from this eligibility are those defined by Act 195 as confidential employees or management-level employees.

b. Excluded from eligibility are employees who have opted to withdraw their membership, employees who have not paid their union dues, or employees who have had their membership revoked for cause.

Section 2. Membership Acceptance

Those eligible shall become members of the Federation when the Treasurer has received their membership application.

a. Such membership shall be governed by the maintenance of membership section and other sections of the collective bargaining agreement or the memorandum of understanding.

b. Any modification of the dues requirement for an increase in local dues assessments must be approved by the Executive Board and the general membership. Any increases in per capita affiliates (AFT, PaFT, AFL-CIO, Harrisburg CLC) will automatically be added to the dues. This automatic provision will take effect January 1, 1982.

Section 3. Nondiscrimination Statement

No person, otherwise qualified, shall be denied membership in this Federation on the basis of race, creed, color, religion, sex, age, marital status, national origin, lifestyle, political or union affiliation, or physical handicap.

ARTICLE V
MEMBERSHIP MEETINGS

Section 1. Regular Meetings.

- a. Each year in February an annual membership meeting shall be held to receive the reports of the officers and the standing committees and to conduct any other business that may arise.
- b. Regular times for other membership meetings may be established by the Executive Board.
- c. The Executive Board shall determine the day, time, place, and agenda of all regular membership meetings.

Section 2. Special Meetings.

Special meetings of the membership may be called by the President, by the First Vice-President acting in the President's behalf, or by the written request of twelve (12) members.

Section 3. Quorum

At any regular or special membership meeting the presence of twelve (12) members in good standing shall constitute the quorum necessary to adopt resolutions and to conduct all business of the Federation except as may be otherwise required in this Constitution and By-Laws.

Section 4. Question for Vote

Whenever a question arises that, in the judgment of the Executive Board, should be put to a vote of the entire membership, the Board shall submit the question for vote. Unless otherwise required in this Constitution and By-Laws, the closing date for the return of votes shall be established by the Board and the question presented shall be resolved by a majority vote of the returned ballots.

ARTICLE VI EXECUTIVE BOARD

Section 1. Between the membership of the Federation, the Executive Board composed of the Federation officers and directors shall have general supervision of the affairs of the Federation, act when required for the Federation, and perform such other duties as are required in this Constitution and By-Laws.

Section 2. The Executive Board shall be composed of the President, Vice-President, Treasurer, and Secretary to form the Executive Committee; Five (5) Second Vice-Presidents; and Directors of the membership blocs.

Section 3. The Executive Board shall meet regularly preferable monthly to conduct business at a time and place set by the President. Six members shall constitute a quorum for regular meetings of the Board.

Section 4. Special meetings of the Board may be called by the President, by the First Vice-President acting in the President's behalf, or upon the written request of six (6) members of the Board. The purpose(s) of the special meeting shall be stated in the call. Except in an emergency at least three (3) days notice shall be given to all Board members. Six (6) members shall constitute a quorum for special meetings of the Board. At a specialmeeting the only valid motions shall be those relating to the purpose(s) stated in the call.

Section 5. All regular and special meetings of the Executive Board shall be open to all members of the Federation except when the motion to go into executive session has been adopted by a majoring vote of the Board.

Section 6. If by a two-thirds vote in executive session it finds cause, the Executive Board shall discipline an officer, director, or delegate for misconduct or neglect of duty. The punishment imposed may be censure or removal from official position. If the latter, the vacancy shall be filled according to the norms laid down in Section 6, Article VIII.

Section 7. When a situation arises that requires prompt action but does not warrant a special meeting of the entire Executive Board, the Executive Committeeshall act on behalf of the Board. Meetings may be called by the President or by the First Vice-President if the President is not available. Two (2) members shall constitute a quorum for meetings of the Executive Committee. Committee actions shall be subject to review by the full board. None of its acts shall conflict with action taken by the Board.

**ARTICLE VII
OFFICERS, DIRECTORS, AND DELEGATES**

Section 1. From among the general membership there shall be selected a President, a First Vice-President, a Secretary, and a Treasurer. In addition to carrying out the general duties of their office as prescribed by the parliamentary authority adopted in Article III:

- a.** The President shall preside at all meetings of the general membership, the Executive Board, and the Executive Committee; act for the Board and represent the Federation when necessary; be a co-signer on any legally or financially binding document of this Federation and perform such other duties as are required in this Constitution and By-Laws.
- b.** The First Vice-President shall assist the President with the duties of that office, carry out those duties in the President's absence, oversee and coordinate the timely completion of all committee tasks, and perform such other duties as are required in this Constitution and By-Laws.
- c.** The Secretary shall record and maintain the minutes of the meetings of the general membership, the Executive Board, and the Executive Committee; keep custody of the Federation's records (except those specifically assigned to others), its seal, and its charter; and perform such other duties as are required in this Constitution and By-Laws.
- d.** The Treasurer shall
 - 1. receive, record and deposit in the name of the Federation all monies from dues and other sources;
 - 2. keep the membership roll and issue receipts and delinquent notices;
 - 3. forward all per capita dues and current membership lists to the national office of AFT and to other affiliated organizations as prescribed;
 - 4. chair the Finance Committee;
 - 5. keep records in accordance with standard accounting procedure, available at any time to the Executive Board and the Audit Committee;
 - 6. pay all bills authorized by the adopted budget, retaining the voucher or invoice - all payments require two signatures (Treasurer and President or Vice President);
 - 7. present to the Executive Board for authorization all expenses that were not included in the budget;
 - 8. invest funds as directed by the Executive Board; and perform such other duties as are required in this Constitution and By-Laws.

Section 2. Five (5) Second Vice-Presidents shall be selected, one from each of the following membership blocs:

- a.** The Department of Education
- b.** The State Library
- c.** The Historical and Museum Commission

- d. The Department of Correction and Bureau of Correction Education
- e. Other Commonwealth agencies.

Section 3. From among each of the membership blocs listed in Section 2 above, there shall be selected one Director for each fifteen (15) members in good standing to a limit of six (6) directors in any one bloc.

Section 4. The Second Vice-Presidents and the Directors shall represent caucus in their respective blocs at the call of their vice-presidents or a majority of the directors, promote membership in their blocs, and perform such other duties as are required in this Constitution.

Section 5. Delegates shall be selected from among the membership to Chair Committees and represent this local Federation at the conventions of the various affiliated regional, state, and national organizations.

Section 6. To enable the officers to fulfill the responsibilities enumerated in this article, the Executive Board may, if the budget permits, authorize expenditures that may include but shall not be limited to the employment of full-time or part-time staff and the leasing of office space.

ARTICLE VIII COMMITTEES

Section 1. Committees in general.

- a.** Eligible to serve on Federation committees shall be all members in good standing, except those as may be specifically prohibited by law, by contractual agreement, or elsewhere in the Constitution and By-Laws.
- b.** At the meeting in which the President is installed, the President shall appoint the chairpersons of the standing committees. Within sixty (60) days the chairpersons shall inform the President of the names of their committee members. The chairpersons and members shall serve for the remainder of the presidential term or until their successors have been selected.
- c.** All standing committees shall be composed of at least three (3) members in addition to the ex officio members. The chairpersons shall make a special effort to recruit at least one member from outside the Executive Board. Although committee members must be members of the Federation, a committee may form a subcommittee whose members need not be members of the Federation.
- d.** All committees, standing and special, shall report regularly to the Executive Board. All standing committees shall report to the general membership at the annual membership meeting.
- e.** If, in the judgment of the Executive Board, a committee's actual activity is below that prescribed, the President shall replace the chairperson. Chairpersons shall likewise replace those committee members who show little or no evidence of cooperation or activity.
- f.** The President shall be ex officio a member of all committees except the audit and nominating committees. The First Vice- President shall be ex officio a member of all committees and shall assist with supervising and expediting their activities.
- g.** A committee shall have the authority to act regularly for the Federation only if so authorized by this Constitution. The Executive Board may authorize a committee to act for the Federation in specific cases.

Section 2. Standing Committees.

- a.** The Grievance and Arbitration Committee
- b.** The Finance Committee
- c.** The Membership Committee
- d.** The Contractual Committees
- e.** The Publicity and Public Relations Committee
- f.** The Legislation Committee
- g.** The Professional Committee
- h.** The Social Committee
- i.** The Sunshine and Retirement Committee

ARTICLE IX AMENDMENTS

Section 1. Proposals

Any member of the Federation in good standing may propose amendments to this Constitution and By-Laws at any time by writing to the Executive Board. Such proposals shall be collected and submitted once each year to the Board. Those approved by the Board shall be submitted to the general membership for ratification. Members shall mark and return their ballots by the due date specified on the ballot, which shall be at least fifteen (15) days from the date of them being sent to the membership. Two-thirds of the votes cast shall be required for approval of the amendments.

Section 2. Copies of Amendments

Copies of amendments that have been approved by the Board and ratified by the general membership shall be submitted as required to the various affiliated regional, state, and national federations.

FOSCEP BY-LAWS

ARTICLE I MEMBERSHIP

Section 1. Automatic Removal

Any member whose job title is certified by the Pennsylvania Labor Relations Board to be reclassified out of Units I and II or who is promoted to a management-level position shall be considered automatically removed from membership on the effective date of the certification or the promotion.

Section 2. Discipline

Members whose conduct has injured the Federation of its purposes shall be disciplined by the Federation. All such disciplinary actions must be approved by a two-thirds vote of the Executive Board.

a. The Board shall make every effort to resolve potentially serious situations quietly and informally.

b. Formal procedures shall be regarded as a drastic step and reserved for situations that have become serious, e.g., tending to injure the good name of the Federation, disturb its well-being, or hamper it in its work.

1. All formal procedures shall be in executive session and shall adhere to the steps set forth in Robert's Rules of Order: Newly Revised in order to insure a fair disciplinary process.
2. Punishment imposed may be reprimand or expulsion.

c. A member found guilty shall have the right to appeal the decision to the membership at the following membership meeting provided previous notice has been given. The member shall be reinstated or have the reprimand expunged by a majority vote of the members present.

ARTICLE II ELECTIONS

Section 1. Official Position

All members who have been in good standing in the Federation for at least one year shall be eligible for selection for an official position whether by election, by appointment, or by reason of another office held (ex officio).

Section 2. President, First Vice-President, Secretary and Treasurer

The President, the First Vice-President, the Secretary, and the Treasurer, shall be elected by ballot of the general membership to serve for two (2) years or until their successors have been selected.

Section 3. Second Vice-Presidents and Directors

At the same time as the election of the officers listed in Section 2 above takes place, the four (4) Second Vice-Presidents and the Directors shall be elected by ballot of their respective membership blocs to serve for two (2) years or until their successors have been selected.

Section 4. Delegates

The President and the First Vice-President by virtue of their office shall be delegates, the ranking and the alternate ranking delegates respectively, to the conventions of the various affiliated regional, state, and national organizations. Additional delegates, if needed, shall be elected from the membership at large by either a ballot or a general membership meeting called for this purpose. The Executive Board shall honor the requirements of the affiliated organizations for official delegation to their conventions. The payment of the expenses of the delegates to these conventions shall be at the discretion of the Executive Board.

Section 5. Election Process

The election process shall be as follows:

- a.** At their December meeting in even-numbered years the Executive Board shall select a Nominating Committee and an Elections Committee.
- b.** At the February membership meeting in the following year the Nominating Committee shall present a slate of officers and directors who have provided a signed statement agreeing to serve if elected. Additional nominations shall be accepted from the floor or by electronic submission that are accompanied by petitions and a signed statement from the nominee agreeing to serve if elected. Petitions for President, Vice-President, Secretary and Treasurer must be signed by at least 10 (ten) members; petitions for 2nd Vice-President and Director must be signed by at least 5 (five) members.
- c.** Upon election, officers and directors shall sign a statement agreeing to perform the duties required in the Constitution and By-Laws and special assignments requested by the President or Executive Board.

- d.** Within fifteen (15) days of the meeting the Elections Committee shall send ballots to all members in good standing. Members shall mark and return their ballots by the due date specified on the ballot, which shall be at least fifteen (15) days from the date of them being sent to membership.
- e.** The Elections Committee shall act as tellers. The candidate who receives the most votes for a position shall be declared elected. Should a tie vote occur, the Executive Board shall vote to break the tie.
- f.** The Executive Board shall certify the election results at the first opportunity.
- g.** In June at a meeting of the general membership or of the Executive Board, the newly elected officers and directors shall be installed, at which time their term of office shall begin, except that the term of office for the Treasurer shall begin on July 1 with the start of the Federation's new fiscal year.

Section 6. Vacancies

- a.** Should the office of President become vacant, the office shall be filled by the First Vice-President, the office of First Vice-President thereby becoming vacant.
- b.** Should the office of a Second Vice-President become vacant, the office shall be filled by presidential appointment with input from the other directors in the bloc, if there be any.
- c.** Should a vacancy occur in the position of Director, the Second Vice-President of the bloc shall appoint a new Director from its membership with input from the other Directors in the bloc, if there be any.
- d.** A vacancy in any elected position other than President, Second Vice-President, or Director, shall be filled by presidential appointment with input from the Executive Board.
- e.** No member shall hold more than one office at a time, other than that of delegate.

ARTICLE III COMMITTEES

Section 1. Standing Committees.

- a.** The Grievance and Arbitration Committee shall
 - 1)** keep abreast of developments in the field of public employee labor relations,
 - 2)** act on grievances submitted in writing through step four of the grievance procedure, and make its recommendations to the board in matters regarding the providing of legal/financial support to the grievant.
- b.** The Finance Committee, chaired by the Treasurer, shall take a special interest in all matters relating to the fiscal affairs of the Federation and advise accordingly the Executive Board and the general membership.
- c.** The Membership Committee, chaired by the First Vice-President, shall take a special interest in all matters relating to membership affairs and to the growth and vitality of the Federation, and advise accordingly the Executive Board and the general membership.
- d.** The Contractual Committees prescribed in the collective bargaining agreement and the memorandum of understanding shall have the authority to act for the Federation in their prescribed areas. These shall include but need not be limited to:
 - 1)** Federation representatives to the joint management-union Board of Trustees of the Health and Welfare Trust Fund.
 - 2)** Travel Regulations, implementing and revising.
 - 3)** Management Consultation, regarding contract matters.
 - 4)** Federation representatives to the joint management-union Evaluation and Promotion Committee to recommend criteria for such.
- e.** The Publicity and Public Relations Committee shall make its special concern keeping the membership and general public informed of Federation affairs and shall carry out such programs as may be given to its charge. In particular, it shall be responsible for the preparation and distribution of a Federation newsletter.
- f.** The Legislation Committee shall keep abreast of proposed and newly enacted legislation affecting the Federation, advise accordingly the Executive Board and the general membership, maintain liaison with the Pennsylvania Federation of Teachers legislative representative, and carry out such other activities as may be given to its charge.
- g.** The Professional Committee shall take a special interest in the professional growth and development of the members, advise accordingly the Executive Board and the general membership, and carry out such activities as may be given to its charge.
- h.** The Social Committee shall make its special concern determining suitable social and recreational activities, advise accordingly the Executive Board and the general membership, and carry out such activities as may be given to its charge.

i. The Sunshine and Retirement Committee shall keep informed of the retirement, serious illness, injury, death, or promotion to management level of Federation members, make appropriate presentations on behalf of the Federation, and carry out such other activities as may be given to its charge.

Section 2. Special Committees.

- a. Special, select, or ad hoc committees, hereinafter referred to as special committees, shall be appointed by the President as special needs arise and shall serve until their assigned tasks have been completed and reports made to the Executive Board. They shall include but not be limited to the following:
- b. An Audit Committee which, within sixty (60) days of the close of the Federation's fiscal year, shall complete their audit of the financial records of the Federation and the annual report of the Treasurer.
- c. A Contract Negotiations Committee.
- d. Nominating Committee (see Constitution, Article VIII).
- e. Elections Committee (See Constitution, Article VIII).

Section 3. Other Committees

Such other committees, standing or special, shall be established by the President as the membership or the Executive Board may from time to time deem necessary to carry on the work of the Federation.

**ARTICLE IV
STATES OF EMERGENCY**

Section 1. Regular and Emergency Board Meetings

a. During federal- or state-declared states of emergency, the President, with consent of the Executive Board, may cancel regular meetings of the board.

b. The President shall be authorized to call regular board meetings via alternative methods, including but not limited to video chat.

c. Any member of the Executive Board may call an emergency meeting to address issues that may arise. Meetings shall be held in any manner conducive to the state of emergency.

Section 2. Elections

The President, with consent from the Executive Board, may suspend election of officers for up to one-year from the termination of the state of emergency.

Section 3. General Membership Meeting

a. The Executive Board shall consider having the annual general membership meeting in a forum conducive to the general membership.

b. In lieu of the annual general membership meeting, the President and Treasurer shall provide the general membership with a summary of the previous years' undertakings and a financial summary of the Local. This information shall be conveyed in a means to ensure each member has access while considering the financial health of the Local with privacy and security to the Local.