TOTEM ASSOCIATION OF EDUCATIONAL SUPPORT PERSONNEL, INC. APEA/AFT (AFL-CIO) LOCAL 6265 BYLAWS/CONSTITUTION

Article I Name

The name of this organization shall be TOTEM Association of Educational Support Personnel Incorporated, APEA/AFT (AFL-CIO) (hereinafter referred to as TOTEM).

Article II Location

The headquarters and principal office of TOTEM shall be maintained in Anchorage, Alaska.

Article III Purpose

To promote:

- a. Professional growth, continuing education, and recognition of educational support personnel as professional members of the educational team;
- b. Commitment to position, profession and community;
- c. Represent TOTEM members and bargain collectively for job security, salary, benefits, and working conditions;
- d. Involvement and collaboration within the membership.

Article IV Membership

Section 1

For the purpose of this document, classified personnel employed by the Anchorage School District and who are members of the Collective Bargaining Unit, are defined as, but not limited to, administrative support personnel and paraprofessional educators shall be eligible for membership in TOTEM.

Section 2

There shall be three classes of Bargaining Unit Members in TOTEM: Members, Service Fee Payers, and Nonmembers.

- a. Members are those in the Collective Bargaining Unit who are paying monthly dues to TOTEM as set forth in these Bylaws and who choose to be members of TOTEM. Members in Good Standing shall be entitled to make motions, vote on all matters coming before TOTEM, hold office, be committee members, apply for Member and Member Dependent scholarships, and to participate in all activities of TOTEM, APEA/AFT.
- b. Service Fee Payers are those in the Collective Bargaining Unit who are paying a monthly service fee to TOTEM as set forth in these Bylaws, but do not choose to be members of TOTEM. The Service Fee Payer does not object to the use of his or her service fees for purposes related to collective bargaining, contract administration, and grievance administration. Service Fee Payers shall only be entitled to the rights and benefits provided within the Collective Bargaining Agreement. Service Fee Payers shall not be allowed to make motions, hold office, be committee members, or vote on any matter coming before TOTEM. Service Fee Payers are not eligible for Member and Member Dependent scholarships or for AFT Plus Benefits.
- c. Nonmembers are those in the Collective Bargaining Unit who have chosen not to pay dues or service fees to TOTEM as set forth in these Bylaws. Nonmembers are entitled to the protections of the collective bargaining agreement, but shall not be

allowed to make motions, hold office, be committee members, or vote on any matters coming before TOTEM. Nonmembers are not eligible for Member and Member Dependent scholarships or for AFT Plus benefits.

Section 3 In order to be considered a Member in Good Standing, members must have paid three (3) consecutive months of dues, be current with their dues, and be actively employed in their position.

Article V Dues/Fees

- Section 1 Yearly dues will be divided into 9 payments starting in September and ending in May. The amount of dues or fees paid to TOTEM for those employees working under the Collective Bargaining Agreement between TOTEM and the Anchorage School District are as follows:
 - a. \$23.00 per year for local activities which TOTEM retains.
 - b. Plus APEA/AFT dues in accordance with the Affiliation Agreement. A breakdown of dues expenses will be included in the new member packet.
- Section 2 Service Fee Payers shall receive upon written request a refund from APEA/AFT for the non-covered expense portion.

Article VI Bylaws

These Bylaws are established to govern the TOTEM organization, including its management by the Board of Directors (hereinafter referred to as the Board).

Article VII Amendment to the Bylaws

- Section 1 Members of TOTEM shall have the power to propose amendments, amend, alter, adopt, or repeal the Bylaws. Amendments to these Bylaws may be proposed in any of the following ways:
 - a. Any Member, upon petition of ten (10) percent of the Membership in Good Standing.
 - b. By a majority vote of the Members at any regular meeting.
 - c. By a majority vote of the Board.

Section 2 Amendment Procedures

- a. Proposed amendments shall be submitted to the Board, in type written format, identifying the article, section, subsection, etc, to be amended. The proposal shall state how the Bylaw currently reads, how the Bylaw will read with the proposed change, the justification for the change, the identification of the person making the proposal, and the financial impact if any.
- b. Proposed amendments must be submitted to the board at least 45 days prior to a board meeting. Within 30 days of the Board meeting, the Board will give notice of the proposed amendment to the membership for voting.
- c. Voting procedures for Bylaw amendments will be followed in accordance with Article XI, Section 2 Voting Secret Ballot.

Article VIII Meetings

- Section 1 The Board shall meet a minimum of six times a year at the TOTEM Office unless otherwise designated. Meetings will be held within the 9-month school calendar. Any deadlines in these Bylaws will be considered within this time frame.
- Section 2 The President may call special meetings of the Board, of the membership and/or all Collective Bargaining Unit Members as deemed necessary.
- Section 3 The Board, by a majority vote, may call special meetings of the Board, membership or all Collective Bargaining Unit Members.
- A minimum of two (2) membership meetings shall be held each year. Agendas for membership meetings will be available one (1) week prior to the meeting. One membership meeting shall be held during the Spring and shall consist of, but not be limited to, the following business: budget presentation, minutes from previous meeting, officer nominations, and an opportunity for member testimony.
- Section 5 The Members, by written petition of ten percent (10%) of the membership, may call a special membership meeting.
- Section 6 At special meetings, no business shall be transacted except that for which the meeting was called.
- Section 7 Notice of special meetings, which shall include date, time, location, and agenda, shall be given by oral or written means.

Article IX Parliamentary Procedure

Robert's Rules of Order Newly Revised shall govern the conduct of all meetings of TOTEM.

Article X Parliamentarian

The President or the Board may appoint a Parliamentarian as a consultant for any meeting of TOTEM as deemed necessary.

Article XI Voting

Section 1 Meetings

- a. Voting shall be by show of hands or roll call at all Board meetings.
- b. Voting shall be by show of hands or by standing at all membership meetings unless a secret vote is call for, at which time paper ballots will be used.
- c. The Members present at a membership meeting shall constitute a quorum.
- d. Each member shall have one (1) vote on any one (1) question.
- e. There shall be no voting by proxy.

Section 2 Voting – Secret Ballot

- a. Voting on the Collective Bargaining Agreement between TOTEM and the Anchorage School District shall be by secret ballot.
- b. Voting on changes in Local dues or service fee structure shall be by secret ballot.

- c. Voting on the election of the Board shall be by secret ballot.
- d. Voting on Bylaw amendments shall be by secret ballot.
- e. Voting on APEA/AFT and AFT Delegates shall be by secret ballot.
- f. Voting on Director removal shall be by secret ballot.
- g. A majority of the votes cast when voting by secret ballot shall determine the outcome of the vote.
- h. Votes cast by secret ballot shall be in person, by written ballot or by electronic vote.

Section 3 Voting - Secret Ballot Procedures

- a. All voting will be held electronically unless electronic voting is not available. When electronic voting is not available, TOTEM will follow voting procedures set forth by APEA, AFT and OLMS.
- b. Information regarding the vote shall be sent to members by electronic link and shall include:
 - 1. Purpose for the vote.
 - 2. Date and time voting opens and closes.
 - 3. The date the results will be announced.
 - 4. Electronic instructions for ballot registration and voting procedures.
- c. Paper copies of the information and electronic ballot access will be available upon request at the TOTEM Office.

Section 4 Election Procedures

All election procedures that are not referenced in these Bylaws shall be in compliance with the most current U.S. Department of Labor Standards.

Article XII Board of Directors

- Section 1 The Board shall set policy for TOTEM.
- Section 2 The Board shall consist of:
 - a) President,
 - b) Vice President,
 - c) Secretary,
 - d) Treasurer,
 - e) Five (5) Members at Large, three (3) shall represent the instructional members and two (2) shall represent the non-instructional members.
- Section 3 Terms of office shall be for two (2) consecutive years commencing on July 1st.
- Section 4 The election of the Directors shall occur annually according to the following schedule:
 - a. On even numbered years the membership shall elect the Vice President, Treasurer and three (3) Members at Large.
 - b. On odd numbered years the membership shall elect the President, Secretary, and two (2) Members at Large.
- Section 5 A majority of the Board shall constitute a quorum at a Board meeting.
- Section 6 All Directors of the Board shall support the majority voted decision of the membership. If not able to comply, the Director will be given the opportunity to resign within twenty-

four (24) hours or be removed from office as set forth in these Bylaws.

- Section 7 Any vacancy occurring in the Board shall be filled as set forth in these Bylaws.
- Section 8 All Directors may be reimbursed at the end of the fiscal year for their TOTEM dues.

Article XIII Director Duties

The Directors of TOTEM shall perform the duties usual to those offices unless otherwise provided in these Bylaws, and *Robert's Rules of Order Newly Revised*.

Section 1 President

- a. Shall preside at all meetings of TOTEM.
- b. Shall be responsible for the Employee Representatives.
- c. Shall be responsible for the Negotiations Committee.
- d. Shall have the authority to enter into contracts and incur operating expenses during the ordinary course of conducting business on behalf of TOTEM.
- e. Shall enforce these Bylaws, carry out any directions or orders of the Board, and shall generally supervise, coordinate, and control the ordinary business and affairs of TOTEM.
- f. Shall perform such additional responsibilities, duties and powers as may be delegated to them from time to time by the Board.
- g. Shall be an ex-officio member of all committees with the exception of the Nominations/Elections Committee.
- h. Shall read and report on all correspondence and communications of TOTEM.
- i. Shall be, by virtue of the office, a delegate to the APEA/AFT Biennial Caucus.
- j. Shall be, by virtue of the office, a delegate to the AFT Convention.
- k. Shall, by virtue of the office, have a seat on the Alaska State AFL-CIO Executive Board.

Section 2 Vice-President

- a. Shall in the absence or incapacity of the President, perform the duties of the President and when so acting, shall have all the powers of and be subject to all of the duties and responsibilities of the President.
- b. Shall perform such additional responsibilities, duties and powers as may be delegated from time to time by the Board.
- c. Shall be, by virtue of the office, a delegate or alternate to the APEA/AFT Biennial Caucus.
- d. Shall be, by virtue of the office, a delegate or alternate to the AFT Convention.

Section 3 Secretary

- a. Shall take minutes at all meetings of TOTEM.
- b. Shall be responsible for Board and membership notification of all meetings.
- c. Shall permit all records, excluding minutes from executive sessions, grievances, or arbitrations to be inspected during business hours upon request by any member of TOTEM.
- d. Shall perform such additional responsibilities, duties, and powers as may be delegated from time to time by the Board.
- e. Shall be, by virtue of the office, a delegate or alternate to the APEA/AFT Biennial Caucus.

f. Shall be, by virtue of the office, a delegate or alternate to the AFT Convention.

Section 4 Treasurer

- a. Shall oversee the financial responsibilities of TOTEM, with delegated office personnel, to include all receipts, deposits, and disbursements of funds, and the reconciliation of bank statements.
- b. Shall submit a current Treasurer's Report at all Board and Membership meetings, or at such time as requested by the Board.
- c. Shall follow the accounting procedures established by TOTEM, as recommended by TOTEM's Certified Public Accountant (CPA) firm and in accordance with Federal and State Regulations.
- d. Shall be responsible to facilitate the building of the proposed budget for presentation during the Spring Membership meeting.
- e. Shall be responsible for the Finance Committee.
- f. Shall perform such additional responsibilities, duties and powers as may be delegated from time to time by the Board.
- g. Shall be, by virtue of the office, a delegate or alternate to the APEA/AFT Biennial Caucus.
- h. Shall be, by virtue of the office, a delegate or alternate to the AFT Convention.

Section 5 Members at Large

- a. Three (3) Members at Large shall represent the instructional membership at all Board meetings.
- b. Two (2) Members at Large shall represent the non-instructional membership at all Board meetings.
- c. Shall assist with and may serve as the President's designee as Chairperson on the Education, Scholarship, Sick Leave Bank, and Awards/Recognition Committees.
- d. Shall perform additional responsibilities, duties and powers as may be delegated from time to time by the Board.
- e. Shall be, by virtue of the office, a delegate or alternate to the APEA/AFT Biennial Caucus.
- f. Shall be, by virtue of the office, a delegate or alternate to the AFT Convention.

Section 6 TOTEM Office Responsibilities – As long as TOTEM maintains an office and is provided with an Administrative Assistant by APEA/AFT, the following responsibilities shall be considered office duties. The Board may, at any reasonable time and for any reasonable purpose, be given access to the information kept by the TOTEM Office.

- a. Shall be responsible for the maintenance of all Collective Bargaining Unit Member records.
- b. Shall be responsible for the daily operating expenditures of TOTEM, to include all receipts, deposits, and disbursements of funds, overseen by the Treasurer, and at the direction of the Board.
- c. Shall present the financial records to the CPA firm for annual audit by September 1st.
- d. Shall perform such additional responsibilities, duties and powers as may be delegated to them from time to time by the Board.

Article XIV Director Liability

Section 1 No Director of TOTEM APEA/AFT (AFL-CIO) shall be personally liable for any of its debts, liabilities, or obligations, nor should any person be subject to assessment for

TOTEM's obligations.

Section 2 TOTEM APEA/AFT (AFL-CIO) will defend, indemnify and hold harmless all of its Directors, including the Employee Representatives when serving on the Grievance Committee, from any and all liability or damage arising out of acts on behalf of TOTEM APEA/AFT (AFL-CIO) done within the course and scope of their duties.

Article XV Director Indemnification

- Section 1 Each Director and Employee Representative of TOTEM shall be provided protection as provided for in the Articles of Incorporation.
- Section 2 A blanket bond in an amount to be determined by the Board shall be provided for the protection of the Members of TOTEM and shall cover all elected officers, elected directors, Employee Representatives, and all appointed committees and committee members.

Article XVI Director Nominations and Elections

Section 1 Nomination Procedures

- a. Members shall be given notification of the slate of Directors for election.
- b. Members shall be given, at the time of notification, the opportunity to nominate themselves or another eligible Member.
- c. The slate of Directors shall be presented at a membership meeting no less than 20 days prior to the date of the vote.
- d. Eligible Members may also be nominated at the Membership meeting when the slate of Directors is presented.
- e. Closure of nominations shall be at the conclusion of the membership meeting when the slate of Directors is presented.
- f. In the event a Member is nominated for more than one position, the nominee must select the one (1) position they wish to seek.
- g. Each eligible nominee shall be given an Acceptance of Nomination Form to be returned within 15 days.
- h. If the Acceptance of Nominations form is not returned by the deadline, the Member shall no longer be considered an eligible nominee.
- i. If a Member is unopposed at the close of nominations, a ballot vote will not be required and the Member will assume office on July 1st.
- j. Write-in votes are only permitted in the absence of any eligible nominee for a position.

Section 2 Voting Procedures

Voting procedures for Board of Directors will be followed in accordance with Article XI, Section 2 Voting - Secret Ballot.

Article XVII Director Vacancies

- Section 1 Vacancies shall be filled for the unexpired term.
- Section 2 In the event the President's position is vacant, the Vice President shall assume the

position for the remainder of the term.

- Section 3 All other vacancies shall be filled from the recommendations made by the Nomination/Election Committee. The names of nominees must be given to the Board no later than 30 days after the position becomes vacant.
- Section 4 In the event there is more than one (1) nominee for a vacant position, the nominee receiving the majority vote of the Board shall fill the position.
- Section 5 In the event there are no nominations to present to the Board, the vacancy may be filled by a Member appointed by the President and approved by the Board.
- Section 6 Any Director, with exception of Treasurer, vacating their position before the expiration of the term of office, shall within ten (10) calendar days, transfer all records of the position to the Board.
- Section 7 Should the Treasurer vacate their position before the expiration of the term, the Treasurer shall within five (5) calendar days, transfer all records of the position to the Board for audit.

Article XVIII Director Removal

Section 1 Cause for Removal

An elected Director accused of malfeasance, misconduct, conflicts of interest, termination of employment, change in status of employment inconsistent with further membership in TOTEM, dereliction of duties, or failure to carry out the objectives and policies of TOTEM and the office held, shall be subject to a vote to remove from office.

- Section 2 Procedures for Removal
 - a. A petition submitted, in type written format, to the Board.
 - 1. By a majority vote of the Board.
 - 2. By 30 percent of the Members.
 - b. The Petition shall include the charges and applicable documentation.
 - c. Within five (5) business days of receipt of the petition, eligibility verification of petition signers shall be completed.
 - d. Upon completion of verification, a copy of the petition shall immediately be provided to the accused Director who shall have ten (10) business days from receipt in which to offer a written rebuttal.
 - e. Voting procedures for Director removal will be followed in accordance with Article XI, Section 2 Voting Secret Ballot.
- Section 3 Removal is without prejudice to the Collective Bargaining Agreement rights of the person being removed.
- Section 4 Election or appointment of a Director does not in itself create contractual rights to that position with the exception of the right to indemnification.

Article XIX Employee Representatives

Section 1 Employee Representatives shall be a Member of TOTEM who are recommended by the President and approved by the Board.

Section 2 Duties

- a. Shall represent all employees in the Collective Bargaining Unit at investigatory meetings, evaluations and other meetings as may be necessary to resolve employee issues.
- b. Shall assist the President in preparing a grievance.
- c. Shall serve as liaison between the Board and all employees in the Collective Bargaining Unit at the worksite.
- d. Shall provide worksite contacts and Members with information about union activities.
- e. Shall organize and conduct worksite meetings regarding union issues.
- f. Shall attend Employee Representative meetings called by the President, relevant trainings and special union meetings as needed.
- Section 3 Employee Representatives may be reimbursed at the end of the fiscal year for their TOTEM membership dues.
- Section 4 Employee Representatives may be removed for missing three (3) or more meetings and/or at the discretion of the Board.

Article XX Permanent Committees

All committees, with the exception of the Nomination/Elections and Negotiations committees, shall consist of a minimum of three (3) Members (one of whom is a Director), shall hold meetings as necessary, shall take direction from and shall carry out the policies as set forth by the Board, and shall report to the Board. Each chairperson shall be responsible for appointing members who must then be approved by the Board. The Chairperson of the committee shall send notice to the TOTEM Office of scheduled meetings. Members are welcome to attend committee meetings, unless special circumstances apply.

Section 1 Finance Committee

- a. Shall have the Treasurer serve as Chairperson.
- b. Shall be responsible for development of the annual operating budget submitted to the Board for approval.

Section 2 Negotiations Committee

- a. Shall have the President or designee serve as Chairperson.
- b. Shall consist of Members who represent the various TOTEM job classifications.
- c. Shall facilitate communication with the Negotiation Team and the membership.
- d. Shall be charged with gathering pertinent data for the Negotiating Team.

Section 4 Education Committee

- a. Shall have a Board Member at Large or designee serve as Chairperson.
- b. Shall be responsible for promoting professional growth.
- c. Shall keep an up-to-date list of relevant continuing education and college courses, and shall work with the TOTEM Office to make this list available to all Members.
- d. Shall be responsible for any TOTEM provided trainings, which includes the annual TOTEM Conference.

Section 5 Awards/Recognition Committee

- a. Shall have a Board Member at Large or designee serve as Chairperson.
- b. Shall be responsible for effective administration and promotion of awards and recognition for Members and other persons assisting TOTEM.
- c. Shall be responsible for programs at Membership meetings.
- d. Shall assist in the publication of membership information and updates.

Section 6 Sick Leave Bank Committee

- a. Shall have a Board Member at Large or designee serve as Chairperson.
- b. Shall while exercising reasonable discretion, review and approve or deny Sick Leave Bank applications.
- c. Shall maintain Member confidentiality by reporting to the Board only the number of Members assisted, the number of hours used and the balance of hours in the Bank.
- d. Shall consult with appropriate District personnel when necessary to evaluate applications.
- e. Shall provide written notification of the Committee's decision to the applicant.
- f. Shall provide a copy of the written notification of the Committee's decision to Benefits, Payroll and HR Departments.
- g. Shall return completed applications to Payroll.
- h. The decision of the Committee shall be final and shall not be subject to grievance or appeal by the applicant.
- i. The Committee shall reserve the right to reconsider their decision for just cause.

Section 7 Scholarship Committee

- a. Shall have a Board Member at Large or designee serve as Chairperson.
- b. Shall be responsible for Member and Member Dependent Scholarships.

Section 8 Nominations/Elections Committee

The Nominations/Election Committee shall consist of up to five (5) Members, none of whom are currently running for office, one shall be a Director, while the remainder shall be members who are not concurrently serving on the Board. The committee will oversee the nomination and election processes for elected officers and are bound to follow established procedures.

- a. An Election Judge shall serve as the Chairperson.
 - 1. Shall be appointed by the Board for a term of one (1) year. The Election Judge may not be a Director currently serving on the Board.
 - 2. Shall be the deciding voice should election problems arise during the ballot design, printing, dissemination, and counting process that the Committee cannot resolve.
- b. Shall be responsible to follow all deadlines set forth in these Bylaws.
- c. Shall be responsible to create and disseminate nominations notice and forms.
- d. Shall be responsible for receiving nomination forms and sending them out for confirmation.
- e. Shall be given access to current membership lists for verification.
- f. Shall, with the help of the TOTEM Office, be responsible for preparing ballots, overseeing notifications of voting procedures and approving all communications.

Section 9 Additional Ad Hoc Committees

- a. Ad Hoc Committees may be established by the President and approved by the Board as deemed necessary.
- b Shall have a Member of the Board or designee serve as Chairperson.
- c. Shall within ten (10) business days of the conclusion of appointment, transfer files to the Board.

Article XXI Finance

- Section 1 All checks written on the TOTEM account shall be co-signed by two (2) of the following people: President, Vice-President, Secretary, or Treasurer.
- Section 2 The fiscal year shall be July 1st to June 30th.

Article XXII Representation

- Section 1 The President and/or designee shall represent TOTEM at meetings where the good of TOTEM is involved and shall have the authority to exercise those duties and responsibilities as contained in the Collective Bargaining Agreement between TOTEM and the Anchorage School District.
- Section 2 TOTEM shall submit a list of members willing to serve as delegates to the Anchorage Central Labor Council (ACLC).
- Section 3 TOTEM shall submit the name of the President and a list of members elected at large as delegates to the APEA/AFT Biennial Caucus.
- Section 4 TOTEM shall submit the name of members elected at large as delegates to the AFT Convention.
- Section 5 TOTEM may have APEA/AFT staff members serve as representatives.
- Section 6 TOTEM recognizes APEA/AFT as its exclusive representative for the purpose of administration of Collective Bargaining Agreement. TOTEM shall control the content of contract proposals and shall direct APEA/AFT as to the concerns during negotiations.
- Section 7 TOTEM will maintain its full-service contract administration service with APEA/AFT. The membership has the right, with a vote of a two thirds majority, to opt out of service administration.

Article XXIII Negotiations

- Section 1 The Negotiations Team shall be comprised of six (6) members:
 - a. President,
 - b. Vice President or other Director,
 - c. Three (3) Members recommended by the Board,
 - d. One (1) Member who will serve as the official recorder.
- Section 2 An APEA/AFT staff member may serve as a representative to the Team.

Section 3 The President or APEA/AFT staff member shall serve as the Negotiator upon approval by two-thirds (2/3) vote of the Board. Section 4 The Negotiating Team shall remain intact until the conclusion of negotiations even if the members' terms of office have expired. Section 5 A log shall be kept by the recorder showing the date, hours spent, location, and attendance of TOTEM and the District team members of each negotiation session. Section 6 When across-the-table negotiations have ceased, the Negotiations Team shall present the proposed agreement to the Board for review. Section 7 The Negotiations Team will present the proposed agreement to the Members by electronic link. Section 8 Voting procedures for a proposed Collective Bargaining Agreement (contract) will be followed in accordance with Article XI, Section 2. Voting - Secret Ballot. Section 9 If the proposed agreement is rejected by the Members, the Negotiation Team will re-enter negotiations representing the Members' suggestions for consideration. Section 10 If the proposed agreement is accepted by the Members, the Negotiation Team shall deliver all related files and records to the TOTEM office within ten (10) business days.

Article XXIV Contract Ratification

- Section 1 Informational meetings shall be held prior to the Contract Ratification vote.
- Section 2 Voting procedures for Contract Ratification will be followed in accordance with Article XI, Section 2. Voting Secret Ballot.
- Section 3 If a majority of the vote is to reject the agreement and further negotiations have failed to reach agreement, a Strike Vote may be called. If the Vote is to strike, the TOTEM Board will decide when a strike will occur. Ratification of an Agreement would be necessary for Members to return to work.