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New York State
PUBLIC EMPLOYEES
FEDERATION, AFL-CIO

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April 1, 1991

N. Bradley Litchfield, Esq.
Associate General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Re: Public Employees Federation
Request for Advisory Opinion
Our File No. 5060-PGEN(3)

AOR 1991-13

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FEDERAL ELECTION COMMISSION
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Dear Mr. Litchfield:

This is in response to your letter of November 21, 1989, which asked for additional information concerning PEF's request for an advisory opinion.

Enclosed in response to item (1) are copies of PEF's Constitution and Bylaws, as well as the Affiliation Agreement between PEF, AFT and SEIU.

In response to item (2), the Affiliation Agreement, at paragraphs 13-16, sets forth the AFT and SEIU membership rights of PEF members. Pursuant to paragraph 13 of the Agreement, some PEF members, grouped by job classifications, "hold membership in" AFT. The remaining PEF members, grouped by different job classifications under paragraph 14 of the Agreement, "hold membership in" SEIU. Membership in AFT or SEIU is not, therefore, a prerequisite for membership in PEF. Rather, all PEF members, by virtue of their PEF membership, "hold membership in" AFT or SEIU, but not in both. Similarly, membership in PEF is not a prerequisite for membership in SEIU or AFT. Both AFT and SEIU have tens of thousands of members from other local unions who are, of course, not members of PEF. Again, however, all PEF members are members of either AFT or SEIU, but not of both.*

*Please note that in my November 6, 1989 letter to Mr. Noble, I incorrectly stated that PEF members are members of both AFT and SEIU. I hope I have now clarified that point.

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It should be noted that while the Affiliation Agreement provides that PEF members in certain job classifications "hold membership in" AFT, and that those in the remaining classifications "hold membership in" SEIU, this distinction is not always followed as a matter of practice. All PEF members are entitled to all of the benefits of membership of AFT and SEIU except for those benefits specifically excluded under paragraph 15 of the Affiliation Agreement. Additionally, as noted below, for dues purposes the membership of PEF is split numerically between AFT and SEIU. AFT and SEIU each receive dues from PEF on 50% of its membership, without reference to how many PEF members are actually employed in the job classifications assigned to AFT and SEIU under paragraphs 13 and 14 of the Affiliation Agreement.

Pursuant to paragraph 16 of the Affiliation Agreement, eligibility for PEF members to serve as delegates to the AFT or SEIU conventions is also determined by job classification. PEF members, who because of job classification are also SEIU members, are eligible to run as delegates to the SEIU Convention. The remaining members are eligible to run as delegates to the AFT Convention. In other words, a PEF member will only be entitled to run as a delegate to a national convention for either SEIU or AFT, but not both. There have been exceptions to this, in practice. PEF has five "statewide" officers -- officers elected by the entire PEF membership. These officers have been allowed to serve as delegates to both the AFT and SEIU Conventions. Additionally, Rand Condell, PEF's president, is in a job classification assigned to AFT under paragraph 13 of the Affiliation Agreement. He does, however, sit on the SEIU Executive Board.

In response to item (3), dues for PEF members are based on .8% of a member's annual salary, with a maximum cap on yearly dues of \$480. This amount was determined by the 1989 PEF Convention and took effect on April 1, 1990. The amount of dues for AFT and SEIU are determined by their respective convention votes.

PEF collects dues from its membership by payroll deduction and then makes monthly payments to AFT and SEIU based on PEF's average membership for that month. As noted, PEF pays full per capita dues on one-half of its membership to AFT and full per capita dues on one-half of its membership to SEIU. PEF members do not pay dues directly to AFT or SEIU. Rather, dues are paid by the member directly to PEF. PEF then transmits the appropriate dues payments to AFT and SEIU. There is no joint collection or payment system used by the three labor organizations.

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In response to item (4), concerning the governing boards and committees of PEF, the highest order of governance is by a referendum of the membership. PEF Constitution, Article XVII. Next is the PEF Convention, which meets annually as required by the Constitution. *Id.*, Article XVI. The next highest governing unit is the PEF Executive Board, which has 128 elected members (107 Department Representatives, 17 Officers, 1 Retiree Representative and 3 Trustees). *Id.*, Article VII. All Officers and Trustees of PEF are members of the Executive Board. Members of the Executive Board are required to meet at least four times per year. *Id.* The President of PEF governs between Executive Board meetings. *Id.*, Article VI.

SEIU is governed by an Executive Board which is elected by convention every four years. SEIU has a fifty-member board composed of the President, Secretary-Treasurer, 12 Vice-Presidents, and 36 Executive Board members. President Condell of PEF sits on the SEIU Executive Board as an Executive Board member. The PEF Secretary-Treasurer is also eligible for an Executive Board seat. PEF's President or Secretary-Treasurer must be elected to such a seat by the SEIU convention.

AFT is governed by an Executive Council which is elected at its bi-annual convention. The AFT President and Secretary-Treasurer are elected for a two-year term at the same time. There are 38 Executive Council members who are AFT Vice-Presidents.

The AFT Executive Council created AFT/COPE in 1974, and each new Council elects two committees to administer the independent political action committee at the time of its election. The first committee (AFT/COPE Committee) includes eight AFT Vice-Presidents and is chaired by Herb Magidson of New York. It creates new programs, determines priorities and establishes political guidelines for AFT/COPE. The second committee (AFT/COPE Executive Committee) includes eight other AFT Vice-Presidents, chair Albert Shanker, who is the President of AFT/COPE, and Robert Porter, Secretary-Treasurer of the Committee. This Committee allocates all contributions made by AFT/COPE.

No PEF officers or staff serve on AFT governing bodies or committees, although the PEF President and Secretary-Treasurer are eligible to sit on the AFT Executive Council. No AFT officers or staff serve on the SEIU or PEF governing bodies or committees, and no SEIU officers or staff serve on the AFT or PEF governing bodies or committees.

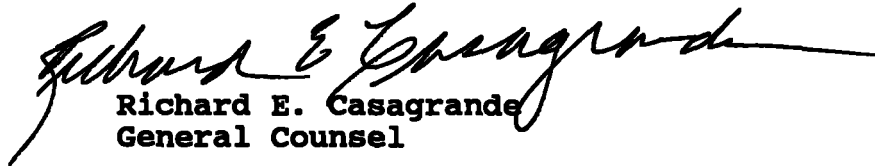
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SEIU's Political Action Committee, SEIU-COPE PCC, was registered with the FEC on April 13, 1976. Richard W. Cordtz is the Treasurer of SEIU-COPE and is solely responsible for its administration. SEIU-COPE was created so that SEIU members would be able to collectively contribute to candidates who support issues which benefit working Americans.

I hope this satisfies your request for additional information. Please contact me if you require further clarification on any of these issues or if there are other questions.

I apologize for the length of time it has taken PEF to respond to your letter. Gathering the information you requested proved more time-consuming than we had anticipated. Thank you for your time and attention to this matter.

Very truly yours,


Richard E. Casagrande
General Counsel

SMK/ldr
Enclosures

cc: Jonathan P. Hiatt, Esq. (SEIU) (w/enc.)
Lyn Utrecht, Esq. (AFT) (w/enc.)

Constitution & Bylaws

*As Amended
by the
1988 Convention*



**New York State
Public Employees Federation
AFL-CIO**



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CONSTITUTION AND BYLAWS

of the

New York State Public Employees Federation

As Amended by the 1987 Convention

Article I NAME

This labor union shall be known as the New York State Public Employees Federation, AFL-CIO, hereinafter referred to as PEF

Article II OBJECTIVES

PEF exists to promote the welfare of its members by representing them with respect to all terms and conditions of employment PEF shall support and defend the concepts of individual merit and ethical performance as criteria for public service employees in order to best promote efficient delivery of services to the citizens of New York State PEF recognizes that all power ultimately resides in the sovereignty of the citizens and shall therefore insist that the government operate to serve and not dominate its citizens Similarly, it recognizes that PEF exists as sole bargaining agent for its members because of the mandate of this constituency and is hereby bound to serve the interests of its members by

A The securing of economic advantages, including better wages, hours, and working conditions, through organization, collective bargaining, legislative and political action, and the free flow and interchange of information and ideas, and other appropriate action,

B Organizing and uniting in this union all eligible for membership herein,

C Engaging in all such civic, social, political, legal, economic, cultural, educational and other such activities, whether on a local, national, or international level, as shall be consistent with the goals of PEF,

D Advancing the professional standards of its members,

E Cooperating with and assisting, by moral, monetary or other means, other labor organizations, or other groups or organizations, having objectives which are consistent with those of this union, or which are of a nature beneficial to this union and to its members, directly or indirectly,

F Exposing and fighting all forms of bigotry and discriminatory practices that tend to deprive persons of their human and/or civil rights,

G Promoting those aims and objectives in common with the American Federation of Teachers, hereinafter referred to as AFT, and the Service Employees International Union, hereinafter referred to as SEIU,

H Strengthening and safeguarding this union by every means so that it may carry out its purposes, objectives and obligations,

I Utilizing, in every way, including but not limited to every kind of use, expenditure and investment, the property and funds of this union, in order to achieve its purposes and objectives and perform its obligations, and for such other purposes directly or indirectly furthering the interests of this union and its members

Article III AFFILIATE RELATIONSHIPS

It is recognized that the New York State Public Employees Federation (PEF) is a self-governing affiliate created by the coalition of the American Federation of Teachers (AFT) and the Service Employees International Union (SEIU) It is appropriate in order to keep this relationship solidified that per capita taxes be paid to AFT and SEIU respective governance bodies in compliance with their Constitution and Bylaws

There shall be an Affiliate Liaison Committee in order to insure that the interdependent relationship among PEF, AFT and SEIU is maintained and continued The committee established by AFT and SEIU will continue in force as a consultative and advisory body to the PEF governance structure In addition, the committee will also serve to facilitate any and all assistance to PEF flowing from AFT and SEIU

Article IV AFFILIATIONS

A PEF shall be affiliated with the American Federation of Teachers (AFT) and the Service Employees International Union (SEIU), their subordinate bodies and the New York State AFL-CIO

B Additional affiliations may be considered and approved by the Annual Convention

Article V MEMBERSHIP

A Membership in PEF shall be open to any person eligible for inclusion in any one of the categories listed in this Article, provided, however, that membership may be maintained only through the payment of dues, as specified elsewhere in this Constitution and Bylaws

B Categories of Membership

1 Regular membership shall be open to any person employed by the State of New York in the Professional, Scientific, and Technical Unit, and

additionally those in comparable titles employed by New York State Public Authorities, New York State Benefit Corporations, Political Subdivisions of the State of New York, and not-for-profit/charitable and for-profit organizations which provide services to New York State citizens by virtue of direct or indirect contractor relationships with NYS, its Public Authorities, Public Benefit Corporations and/or Political Subdivisions, including those laid off, on paid leave or unpaid leave, or any duly elected officer of PEF

2 An active member shall be a regular member who has performed paid services during the preceding two years, plus one day, in a job title represented by PEF, or a duly elected Officer or Trustee of PEF

3 Retired membership shall be open to all those retirees who were employees of New York State and who are members of the New York State Retirement System Said members shall not be eligible to vote

4 Associate membership, without vote, shall be open to PEF staff members, persons who have left employment while members of PEF, and all persons covered by Article V B 1 , above, who are not currently in a Bargaining Unit represented by PEF

Article VI OFFICERS

A There shall be seventeen (17) Officers of PEF, all of whom shall be members of the Executive Board

B Eligibility No one shall be eligible to be an Officer or Trustee who is not an active member of PEF, as defined in Article V, on the date immediately preceding the final date for nominations This two-year requirement is waived for the initial election and for any election for two (2) years following the founding Convention and for elections for new bargaining units for two (2) years after affiliating with PEF

C The Officers of PEF shall be

President
Secretary-Treasurer
Three (3) Vice Presidents
Twelve (12) Regional Coordinators

D President

The President shall be elected by vote of the entire membership except for the Founding Convention where he/she shall be elected by the delegates The President shall

1 Be the chief executive officer of PEF and shall serve full-time It shall be his/her duty to administer all the affairs of PEF and to execute policies of the organization as determined by the Convention and the Executive Board,

2 Preside at all meetings of the Convention, the Executive Board and Special Meetings,

3 Act as chief spokesperson of PEF,

4 Head delegations and represent PEF at Conventions of organizations with which it is affiliated,

5 Appoint and establish the functions and duties of all committees with notification to the Executive Board,

6 Call regular and special meetings of the Executive Board,

7 Call annual meetings of the Convention,

8 Call special meetings of the Convention upon written petition of two-thirds (2/3) of the total members of the Annual Convention delegates or by a two-thirds (2/3) vote of the Executive Board,

9 Appoint assistants, with notification to the Executive Board, who will serve at his/her pleasure, manage his/her office, speak for and represent him/her, and who, if at the time of appointment were regular members of PEF, shall retain all rights pertaining thereto, such appointments shall be limited to budgetary provisions for such employees,

10 Provide for the holding of special elections to fill any vacancies on the Executive Board within sixty (60) days of the vacancy,

11 Set and implement policy for this union between Executive Board meetings subject to the subsequent review of the Executive Board,

12 Be an ex-officio member of all standing and special committees or designate his/her representative to same,

13 Call and conduct membership meetings,

14 Together with the Secretary-Treasurer sign all checks and vouchers,

15 Designate a signatory with the approval of the Executive Board to sign checks and vouchers in the absence of either the President or Secretary-Treasurer,

16 Submit to the appropriate membership for ratification the complete text of any collective bargaining agreement between PEF and an employer, after such agreement has been approved by the Executive Board under Article VII(D)(13) of this Constitution

17 Fulfill such other duties as his/her office requires and as are consistent with this Constitution and Bylaws

E Secretary-Treasurer

The Secretary-Treasurer shall be elected by vote of the entire membership except for the Founding Convention where he/she shall be

elected by the delegates to the Convention The Secretary-Treasurer shall serve on a full-time basis The Secretary-Treasurer shall

- 1 Assume the duties of the President in his/her absence,
- 2 Keep accurate account of all receipts and disbursements and of all monies, securities and property owned by PEF,
- 3 Conduct official correspondence and be responsible for the seal and official papers,
- 4 Give timely notice and publish an agenda, as required by this Constitution and Bylaws, of all meetings and Conventions,
- 5 Maintain financial and membership records and report to the President and Executive Board at regular meetings,
- 6 Provide membership accessibility to financial and membership records, the Executive Board shall adopt reasonable procedures for this process that shall not abridge this membership right nor unduly burden the SecretaryTreasurer,
- 7 Make a full report of all matters relative to his/her office at each Convention,
- 8 Be covered by an appropriate bond, and provide for the bonding of the President, his/her designee as provided in Article VI D 15 , and any other individual proposed by the Secretary-Treasurer and approved by the Executive Board The cost of any such bonds shall be at PEF expense,
- 9 Receive, collect and deposit all monies due this organization,
- 10 Oversee and conduct, in conjunction with a Certified Public Accountant, a certified annual audit of all the financial transactions of PEF,
- 11 Publish to the membership the official yearly audit and present it to the Annual Convention,
- 12 Together with the President, sign all checks and vouchers for the withdrawal and disbursement of funds belonging to this organization,
- 13 Maintain at PEF headquarters a membership roster including as far as practical, specific rosters of departments, title groups, and other governance and service area membership groups, updates of these rosters shall be made in a timely manner as the information becomes available,
- 14 Assure that monies appropriated by the Convention or the Executive Board be actually disbursed and employed for the intended purposes, making report of any irregularities to the membership
- 15 Assist the Trustees in the discharge of their duties,

16 Be a member of the delegation and represent PEF at conventions of organizations with which it is affiliated,

17 Be empowered to execute all secretarial functions of this union not specifically delegated

F Vice Presidents

The three (3) Vice Presidents shall be elected by vote of the entire membership except for the Founding Convention where they shall be elected by the delegates to the Convention The Vice Presidents shall

- 1 Insure proper and adequate service to the PEF members statewide,
- 2 Perform those duties specifically delegated to them by the President, Executive Board and/or Constitution and Bylaws,
- 3 Be a member of the delegation and represent PEF at conventions of organizations with which it is affiliated,
- 4 Generally assist the President in his/her duties

G Regional Coordinators

There shall be twelve (12) Regional Coordinators, one from each region Each Regional Coordinator shall be an active member of that regional constituency, elected by the members of his/her region and responsible to them The Regional Coordinator shall

- 1 Insure that services are satisfactorily provided to all members and feepayers in the region he/she serves,
- 2 Make quarterly reports to the President, present them to the Executive Board, and distribute to his/her specific constituency on the level of service provided to the membership and make recommendations for the improvement thereof,
- 3 Prepare a proposed budget for adequate services to his/her region yearly,
- 4 Hold meetings as necessary,
- 5 Serve as chairperson to all regional steward meetings and general membership meetings,
- 6 Perform other duties as requested by the President, Executive Board or his/her constituency

Article VII EXECUTIVE BOARD

A Purpose and Procedures

The Executive Board shall serve as the policy setting body between Conventions and will be a forum for the exchange of ideas between the

representatives of the various membership constituencies to decide upon their common goals after deliberation

1 The Executive Board will meet at least once in each quarter of the year on a regular schedule and additionally when called by the President or convened by written petition of a majority of its members. The latter two will be known as special sessions. Minutes of each Board Meeting shall include an attendance list and will be recorded by the Secretary-Treasurer. The minutes will be distributed to the Board Members within two weeks of each meeting. The minutes, after approval by the Board at its next meeting, shall be maintained at all PEF offices and be available there for inspection by the PEF membership.

2 The proposed agenda for regular meetings shall be sent two weeks before the meeting to all Board Members. Notice of special sessions shall include the proposed agenda and be sent in as timely a fashion as possible.

3 A quorum of the Executive Board shall consist of a majority of the total number of Executive Board seats established by Article VII B of the PEF Constitution and Bylaws when such seats are filled.

B Eligibility

To be eligible to be an Executive Board Representative an individual must be

1 A regular member of PEF who has performed paid services in a job title represented by PEF for at least one hundred eighty (180) days immediately preceding the final date for nominations, or a duly elected Officer or Trustee of PEF. This one hundred eighty (180) day requirement is waived for elections for new Bargaining Units for one hundred eighty (180) days after affiliating with PEF.

2 Eligible to vote for the Executive Board Representative seat for which he/she is a candidate.

C Composition

The Executive Board shall be composed of the Officers, Board Representatives, and a Retiree Representative appointed by the President.

1 Executive Board Representatives shall be departmental representatives. For the Founding Convention, all Board Members shall be apportioned on a departmental basis. This and all subsequent apportionments shall allow, regardless of membership size, a minimum of one representative to each department, as defined in the New York State Legislative Manual. For the purposes of representation under Article VII, all New York State Public Authorities shall be deemed to be a single department, all New York State Public Benefit Corporations shall be

deemed to be a single department, all Political Subdivisions of New York State shall be deemed to be a single department, all not-for-profit/charitable organizations shall be deemed a single department, and all other private sector employers shall be deemed a single department

2 All apportionments shall require that each representative have a specific membership constituency to whom he/she is responsible and of which he/she is an active member This constituency size shall have a five hundred (500) membership basis

3 If a department has a membership size greater than seven hundred fifty (750), an extra representative shall be provided for each additional five hundred (500) members or any fraction thereof This multiple representation shall be defined at a caucus of the department's delegates to achieve an equitable internal subdivision, which creates a specific constituency for each representative This constituency division may be based on facility location, work station, professional function, title classification groupings, regional areas, any combination of these, or any other basis acceptable to a majority of a quorum of the delegates attending the caucus

a At each Annual Convention held immediately prior to the next general election of Executive Board Representatives, the delegates representing each Department must, prior to the close of that Annual Convention, present to the Secretary-Treasurer their plan for the election of Executive Board Representatives from their Department

b Such plan must demonstrate that

(1) No member of the Department is eligible to vote for more than one Executive Board Representative, and,

(2) That each member of the Department is eligible to vote for a single, specific Executive Board Representative

4 The Founding Convention apportionment for Executive Board Representatives may be modified with time following the alternatives outlined in the Article on Divisions, the only requirement being that a local unit coalition have five hundred (500) members and that these members be subtracted from the departmental membership rolls before apportionment for the next election

5 On the date when a duly elected Executive Board member transfers, is promoted or otherwise undergoes a change which removes him/her from membership in the constituency which he/she represents, that Executive Board seat will become vacant

D Powers and Duties

The Executive Board shall

- 1 Adopt an agenda for each meeting,
- 2 Recommend an Order of Business and Rules of Procedure to the Convention,
- 3 Recommend a legislative program to the Convention,
- 4 Implement policies established by the Convention,
- 5 Set the policy for this union between Conventions,
- 6 Approve the annual budget and quarterly financial reports,
- 7 Act upon expenditures and transfers which may require modification of the budget,
- 8 Provide for implementation of procedures for special elections to fill all Officer and Executive Board vacancies as may occur,
- 9 Interpret the Constitution and Bylaws,
- 10 Approve and adopt all minutes of its meetings,
- 11 Establish schedules and procedures for nominations and elections, consistent with this Constitution and Bylaws,
- 12 Establish procedures to enable membership accessibility to membership records and financial documents of this organization,
- 13 Review and approve or disapprove the complete text of all collective bargaining agreements between PEF and any employer, prior to submission to the appropriate membership for ratification,
- 14 Perform other duties as provided in this Constitution and Bylaws

Article VIII TRUSTEES

There shall be three (3) Trustees elected by vote of the entire membership The Trustees shall

- A Periodically review the fiscal records no less than semi-annually, in cooperation with the Secretary-Treasurer and a Certified Public Accountant
- B Document and report to the membership any activities of this Federation they perceive as not being in the interest of the membership
- C Attend all Executive Board Meetings, and have the right to address that body

Article IX NOMINATIONS

A For Founding Convention

Nominees for election to the offices of this union, the Trustee positions, and Executive Board Members shall be regular members of PEF. Nominations shall be made by the delegates of the Annual Convention in the following manner:

1 President, three (3) Vice Presidents, Secretary-Treasurer and three (3) Trustees shall be nominated by any member of the Delegate Convention.

2 Candidates for the Executive Board and Regional Coordinators shall be nominated by the delegates in their respective constituencies. Eligible candidates must be selected from within the constituency.

3 No person shall be nominated for more than one office or position.

B Subsequent Nominations

1 Nominations for all subsequent elections shall require a petition signed by 10% of the membership of the appropriate constituency. Regular nominations shall begin on the last Monday in March and continue for thirty (30) days in each election year.

2 No person shall be nominated for more than one office or position.

Article X ELECTIONS

Elections for all offices in this union shall be voted on by the appropriate constituency. Regular elections shall be held every three (3) years.

A Regular Elections

1 For Founding Convention, the Officers, Executive Board Members and Trustees shall be elected by majority balloting of the delegates of the appropriate constituency at the Convention.

2 Subsequent elections shall be by membership vote of the appropriate constituency. Statewide and Executive Board elections shall be by secret ballot and certified by the American Arbitration Association. The election period shall commence on the first Monday in June and continue for three (3) weeks. Elections shall be by majority vote of regular members of PEF voting in any election.

B Special Elections

1 In cases of recall, under the provisions of Article XII of this Constitution and Bylaws, a special election shall be held within sixty (60) calendar days following its submission to the Executive Board of PEF. The Executive Board shall appoint three persons to serve as a Special Election Committee to arrange for the conduct of the special election.

2 Special elections to fill vacancies shall be scheduled by the Executive Board of PEF and held within sixty (60) calendar days following creation of the vacancy, the Executive Board of PEF shall appoint three persons to serve as a Special Election Committee to arrange for the conduct of the special election,

3 Persons elected in special elections shall take office immediately upon election and shall serve until the expiration date of the term

Article XI TERM OF OFFICE

A The term of office for all Officers, Trustees and Executive Board Members shall be for three (3) years, except for those elected by special election in which case the term of office will run until the next general election

B For the Founding Convention, the term of office shall commence on October 12, 1979 All subsequent regular terms of office shall commence on August 1 in each election year

C The term of office of all Stewards and Division Officers shall be established pursuant to Article XX, Section B, Paragraph 8

D Upon the expiration of their term of office, each Officer, Trustee or Executive Board Representative shall turn over all PEF records and property in their possession to their successor in an orderly fashion

Article XII RECALL

A petition signed by 60% of the regular membership in any constituency, which requests the removal of that constituency's officer or representative, shall remove that person from office for gross incompetence A special election shall be held within sixty (60) calendar days of the date of the validation of the petition by the Executive Board

Article XIII IMPEACHMENT

A Impeachment proceedings may be initiated in circumstances of criminal actions or actions which are detrimental to union interest Such proceedings shall be initiated by any one of the following

1 A petition of 25% of the regular membership of the appropriate constituency,

2 An affirmative vote of 60% of the PEF Executive Board,

3 An affirmative vote of 60% of the Annual Convention

B Proceedings shall include hearings before the PEF Executive Board Upon two-thirds (2/3) vote in favor of impeachment, the Executive Board shall send a mailing to the members with a statement for and against

impeachment based upon the hearing. The statement against must be prepared with input from the person against whom the proceeding is held. No false information shall be knowingly allowed into this statement. The statement in favor of impeachment must be based upon available evidence and facts brought forth during the hearing.

Members are then to be polled under the auspices of the American Arbitration Association. A majority vote of those members voting would consummate the act of removal from office.

Article XIV CONTRACT AND NEGOTIATIONS COUNCIL

There shall be established a Contract and Negotiations Council which shall be charged with collecting the input and expertise of the membership for negotiations purposes. The council members shall represent all title groups within PEF to insure a broad based and well informed council. After conferring and consulting with the Executive Board, it shall be the duty of the President to request appropriate PEF members to serve on the Negotiations Council.

Article XV DUES

PEF shall finance its operations by the receipt of membership dues and agency fees as provided by New York State law.

Membership shall be maintained by the regular payment of dues. ~~Dues for all categories shall be set by a sixty percent (60%) vote of the Convention.~~ Members not paying dues by payroll deduction shall pre-pay dues on a quarterly basis. Members with dues in arrears for more than one quarter shall lose their membership status.

Regular members who are part-time or hourly employees shall pay prorata dues. It is the duty of such employees to notify PEF of such status.

Article XVI CONVENTION

A Procedures

1 The Convention shall meet once annually between October 1st and November 30th at a time and place determined by the Executive Board and at such other times as prescribed by these Bylaws.

2 A parliamentarian appointed by the President shall be in attendance at all sessions of the Convention. The Convention shall be conducted according to the rules established by the Convention delegates. In any matter not addressed, Robert's Rules of Order, as most recently revised, shall prevail.

3 A list of elected delegates including department, titles, and locations shall be distributed to the membership at least 30 days prior to the

Convention (for Founding Convention seven (7) days notice shall be given)

4 A record of the proceedings shall be maintained at the headquarters of PEF and be available for inspection by any PEF member

5 On all voting, including roll calls, in the Annual Convention, each delegate shall be entitled to one (1) vote No transfer or substitution of voting rights shall be allowed

6 Except as otherwise provided by this Constitution and Bylaws, roll call votes on any matter before the Convention shall require a one-third (1/3) vote of the registered delegates present and voting A majority of the registered delegates shall constitute a quorum

B Composition

The Convention shall be composed of

- 1 All duly registered delegates,
- 2 Officers, Executive Board Members and Trustees

C Representation

1 Representation to the Convention shall be assigned on a one member/one vote basis with one delegate per fifty (50) regular members or major fraction thereof

Delegates from the departmental and agency level, followed by work location, shall be elected according to the schedule and procedures established by the Executive Board to achieve a broad based accountability The schedules and procedures shall specifically provide for delegate eligibility delegate apportionment, nomination and election rules, and any other matters deemed necessary, and shall be furnished at the same time and in the same manner as the nomination petitions for delegate elections

2 Representation for the Convention shall be based on the number of regular members paying dues as of the first pay period in May preceeding the Convention

3 Delegates to the Convention shall be elected by a secret ballot vote of the members of their respective constituencies as established by the Executive Board in the schedule and procedures submitted with nominating petitions

4 Delegates must be regular members in good standing in order to be elected and serve as delegates When an alternate is available to serve an elected de'legate transferred out of his/her constituency between the final date of nominations as a delegate and the date of the Annual Convention shall be ineligible to serve as a delegate at that Convention, provided however, that this shall not apply to involuntary transfers or layoff situations

D Power and Duties

The delegates shall

- 1 Except for matters decided by referendum, have the final power of authority in the organization. A matter decided by referendum may not be taken up again at a Convention before two (2) years have elapsed,
- 2 Act on seating of contested delegates,
- 3 Adopt an Order of Business and Rules of Procedure for its operation,
- 4 Require, receive and approve reports,
- 5 Adopt a legislative program,
- 6 Act on amendments to the Constitution and Bylaws of PEF,
- 7 Establish general policies through resolutions and act on other business as necessary,
- 8 Meet upon call of the President,
- 9 All delegates elected to the Annual Convention shall serve until the next Annual Convention,
- 10 Direct the President to call a special meeting of the Convention upon a written petition of two-thirds (2/3) of the total delegates of the Annual Convention

Article XVII REFERENDA

A The highest level of governance in PEF shall be the referendum of the entire regular membership. Positions or policies established by referendum shall not be subject to reversal or modification by any PEF governing body, nor be subject to a subsequent referendum for a period of at least two (2) years

B A referendum shall be called by a vote of two-thirds (2/3) of either the Executive Board or the Convention, or by a petition signed by twenty (20) percent of the regular membership this membership size being the total taken for the last Annual Convention Delegate election

C Matters not subject to referendum are

1 Employment, assignment, promotion, discharge or compensation of staff.

2 Issues or programs requiring a budgetary expenditure of funds or a change in PEF's dues structure

D Procedure for Referendum shall be as follows

1 For the purposes of this Article, the term "Referendum Statement"

shall mean a clear statement of the issues on which the referendum is to be held, or in the case of a Bylaw, Constitutional provision or substitution, a complete copy of the new Bylaw, Constitution, or provision

2 Within thirty (30) days of a vote for a referendum by the Executive Board or Convention, the Secretary-Treasurer shall mail a copy of the referendum as it will appear on the ballot to every regular member, or, in the alternative, have the referendum published in the official PEF newspaper, with copies of the newspaper sent to each member

3 In the case of a membership petition, a copy shall be filed with the Secretary-Treasurer prior to the first day of circulation by any member. The petition shall conform to the rules in effect for petitioning during the last regular Election except that each petition shall be dated and the date of each signature shown. The completed petition, showing the required number of signatures, shall be filed with the Secretary-Treasurer within ninety (90) days of the original filing of the petition copy with the Secretary-Treasurer

4 The Secretary-Treasurer, upon receipt of a petition containing the required number of signatures, shall have thirty (30) days to validate the signatures before mailing or publishing a copy of the referendum statement

5 The referendum shall be held by secret ballot and certified by the American Arbitration Association. All ballots are to be mailed within fifteen (15) days of the mailing or publication of the referendum statement

6 The results of a Referendum shall not be considered valid unless at least forty percent (40%) of the regular membership of PEF have returned ballots

7 Amendments to this Article approved by the 1985 Convention will become effective April 1, 1986

Article XVIII AMENDMENTS

A An amendment to this Constitution and Bylaws may be proposed by the Executive Board, or by a petition of ten percent (10%) of the regular membership, this membership size being a total taken for the last Annual Convention delegates' election, or by twenty-five percent (25%) of the delegates at the previous Annual Convention. However, any Referendum affecting this Constitution and Bylaws shall be conducted pursuant to Article XVII

B In order to be considered for adoption, a proposed amendment shall be submitted in writing to the Secretary-Treasurer at least sixty (60) days prior to the Annual Convention at which it is to be considered

C A proposed amendment shall be published in the official publication

of PEF at least thirty (30) days prior to the Annual Convention at which it is to be considered

D Copies of a proposed amendment to be acted upon shall be available for each member of the Convention at least three (3) hours prior to the vote upon the amendment

E This Constitution and Bylaws may be amended pursuant to Article XVII, or by a two-thirds (2/3) vote of the members of the Convention present and voting, provided that an affirmative vote shall represent at least a majority of the registered delegates to the Convention

Article XIX PARLIAMENTARY PROCEDURE

Meetings of all duly constituted bodies of this union shall be governed by this Constitution and Bylaws or Convention Rules. In any matters not addressed by the Constitution and Bylaws or Convention Rules, Robert's Rules of Order, as most recently revised, shall prevail

Article XX PEF STRUCTURE

A Structure

1 A Division, which shall consist of a minimum of fifty regular members of PEF, may be formed by the PEF regular members in State departments, facilities, agencies or geographical areas, subject to a ratification vote by the proposed Divisional constituency and subsequent approval of the PEF Executive Board, provided, however, that exceptions to the provisions of this Section 1 may be granted by the PEF Executive Board and further provided that no person may be a member of more than one Division. No Division shall be approved by the Executive Board if it contains members from more than one bargaining unit within PEF

2 An official designation of a Division shall be issued, suspended or revoked on approval of the PEF Executive Board

B Division Council

1 Stewards elected by the PEF membership of an established Division shall constitute that Division's Council, except as otherwise provided by that Division's Constitution

2 In order to adequately project and provide for needed funding, each local unit shall submit a proposed annual budget for approval by the PEF Executive Board

3 It is the declared policy of PEF that all legitimate union activities after expenses incurred for approval by the PEF Executive Board, shall be fully funded in the appropriate manner. Division activities shall be paid for

by PEF on the basis of incurred expenses that are receipted and submitted for payment after the submission of a proposed budget

There shall be an initial start-up fund of \$500 00 for each Division

4 The PEF Executive Board shall establish and publish reasonable rules and guidelines for the expenditure of monies and the reimbursement of incurred expenses by approved Divisions

5 Each Division shall establish a Constitution which shall be consistent with the Constitution and Bylaws of PEF and which shall be approved by the Executive Board of PEF Any amendment to a Division Constitution must be consistent with the Constitution and Bylaws of PEF and must also be approved by the Executive Board

6 Division Councils shall meet at least six (6) times a year

7 A quorum of the Division Council shall be a majority of the membership of the Division Council

8 The terms of office of all Stewards and Division Officers shall be for three (3) years, unless a shorter period is specified in the Division's Constitution

9 In the event a Division Council fails to schedule an election when due, the President of PEF shall take whatever action deemed necessary to insure that the election is held

C Labor/Management Committee

The Council of each Division will elect an equal number of delegates to a statewide Labor/Management Committee who will act upon departmental wide matters PEF Executive Board Members shall serve on the Labor/Management Committee of the department from which they come

Article XXI REGIONS

A There shall be twelve (12) regions of PEF This regionalization is intended to keep PEF services and organization at a reasonable proximity to the membership These regions shall allow general membership meetings to be held within a reasonable travel time/distance for all members of the regional constituency Further, these regions shall assure that all regular members shall have the representation and service guarantee of their Regional Coordinators, no matter how remote their location or small their constituency size The regions shall be comprised as follows

- 1 *Region One shall include the counties of
Niagara, Erie, Wyoming, Cattaraugus and Chautauqua,*

-
-
- 2 **Region Two shall include the counties of**
Allegheny, Steuben, Yates, Schuyler and Chemung,
 - 3 **Region Three shall include the counties of**
Orleans, Genesee, Monroe, Livingston, Ontario and Wayne,
 - 4 **Region Four shall include the counties of**
Seneca, Cayuga, Cortland, Onondaga, Oswego and Jefferson,
 - 5 **Region Five shall include the counties of**
Tompkins, Tioga, Broome, Chenango, Otsego and Delaware,
 - 6 **Region Six shall include the counties of**
Oneida, Lewis, Herkimer, Hamilton, Fulton, Montgomery and
Madison,
 - 7 **Region Seven shall include the counties of**
St Lawrence, Franklin and Clinton,
 - 8 **Region Eight shall include the counties of**
Albany, Warren, Washington, Saratoga, Schenectady, Schoharie,
Rensselaer, Greene and Columbia,
 - 9 **Region Nine shall include the counties of**
Ulster, Sullivan, Orange, Rockland, Dutchess, Putnam and
Westchester,
 - 10 **Region Ten shall include the counties of**
New York and The Bronx,
 - 11 **Region Eleven shall include the counties of**
Richmond, Queens and Kings,
 - 12 **Region Twelve shall include the counties of**
Nassau and Suffolk

Article XXII BILL OF RIGHTS FOR PEF MEMBERS

A 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

B Members shall have the right to receive accurate information relating to the affairs of the union

C An annual financial report will be printed in the union's publications

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

E Members shall be encouraged to participate in the affairs, management and administration of this union

F A constituency, be it regional, departmental, local unit, title group or sub-division thereof, shall have the sole right to determine its leadership

G All collective bargaining agreements shall require ratification by majority of the votes cast by the regular membership of the appropriate constituency Ample notice shall be given prior to the ratification vote in order to allow the membership time to review the complete text of the collective bargaining agreement

H The membership shall be given one month's written notice of the pending consideration by an upcoming Convention of any change in the dues or dues structure

I PEF shall provide adequate and competent staffing necessary for serving the membership Membership service shall be a primary goal of PEF

J Communication to the membership shall on all matters be timely and accurate

K When acting in their official capacity all officials of PEF shall act on'y in the best interests of PEF and its members

Article XXIII DUTIES OF A STEWARD

Duties of a steward shall include but are not limited to

- A The handling of grievances and problems and acting as a first line liaison between union leadership, management and members,
- B Communicating union policy to membership at the site he/she represents and all information that comes to him/her from the union, and conveying to PEF leadership the concerns and problems of the membership,
- C Being able to conduct an effective meeting,
- D Making himself/herself knowledgeable as to the contract, the steward manuals, departmental procedures and policies as well as Civil Service Law
- E Being able to deal with management as an equal as well as with his/her peers,
- F Posting all information he/she receives from the union,
- G Recruiting new members and seeing that new employees are given the proper orientation to both their work and to their union,
- H Representing his/her constituency at Divisional and Regional meetings

Note This list is reprinted from the Affiliation Agreement of September 1979 between PEF, AFT and SEIU
Title Groups A, B, C, D, F, Q and S are eligible to run and to vote for AFT convention delegates, while groups E, G, H, J, K, M, N, O, P and R are eligible to run and to vote for SEIU convention delegates

Typed 12/20/88
SB mnk



PEF Job Title Groupings

- A Nurses and Related Nursing Titles
- B Engineers, Right-of-way Agents, Designers, Architects, Drafting and Related Engineering Technicians, Pilots and Conservation Titles
- C Teachers, Librarians, Trainers, and Related Educational Titles
- D Doctors, Dentists, Psychiatrists, Psychologists, Dieticians, Veterinarians, Pharmacists, Health Care, Home Economist and Related Medical Researchers
- E Social Workers and Social Services
- FQS Chaplains, Scientists, Cultural Affairs Specialists, Related Arts and Sciences Professionals, Management Personnel and Related Administration Specialists, Planners and Supervisors
- G Attorneys, Referees, Hearing Officers, Hearing Examiners, Mediators and Judges
- H Therapists — Rehabilitation
- J Parole Officers, Drug Abuse Counselors, and Related Law Enforcement Professionals
- KR Computer Professionals, Superintendents, Maintenance Specialists, Technicians and Skilled Tradesmen
- M Claims Examiners, Investigators and Inspectors
- N All Counselors
- O Interviewers, Manpower Specialists, OJT Specialists, Apprenticeship Representatives, Consultants and Field Representatives
- P Accountants, Auditors, Estimators, Examiners, Appraisers, Analysts, Reporters, Statisticians, Economists and Head Clerks

Note This list is reprinted from the Affiliation Agreement of September 1979 between PEF, AFT and SEIU
Title Groups A, B, C, D, F, Q, and S are eligible to run and to vote for AFT convention delegates, while groups E, G, H, J, K, M, N, O, P and R are eligible to run and to vote for SEIU convention delegates

Statewide Officers

Rand Condell
President

James J Sheedy
Secretary-Treasurer

Margaret Litzenberger
Vice President

Barry Markman
Vice President

Howard A Shafer
Vice President

Regional Coordinators

John Culkin
Region 1 Coordinator

Raymond Ferraro
Region 5 Coordinator

Neila Cardus
Region 9 Coordinator

Kevin O'Buckley
Region 2 Coordinator

Jo Cecilia Moore
Region 6 Coordinator

Ken Robertson
Region 10 Coordinator

Kenneth McClenathan
Region 3 Coordinator

William Crotty
Region 7 Coordinator

Vacant
Region 11 Coordinator

Terry J Kirwan, Sr
Region 4 Coordinator

Roger E Benson
Region 8 Coordinator

David Greene
Region 12 Coordinator

Trustees

Joan A Brewster
Trustee

Jack Marsch
Trustee

Mary Frances Welch
Trustee

September 3, 1979

AGREEMENT

This Agreement made and entered into this 25 day of September, 1979, by and between the New York State Public Employees Federation, AFL-CIO, (PEF), the American Federation of Teachers, AFL-CIO, (AFT) and the Service Employees International Union, AFL-CIO and CLC (SEIU),

WHEREAS: PEF was formed as a joint project of the AFT and SEIU in 1974 for the purposes of organizing and representing an appropriate bargaining unit of professional, scientific and technical employees in the State of New York; and,

WHEREAS: PEF was held to be a labor organization under the Taylor law of the State of New York in a decision of the Public Employment Relations Board (PERB) of the State of New York in Case No. U-27555, dated August 22, 1977; and,

WHEREAS: PEF, the jointly created and jointly financed organizing arm of AFT and SEIU was chosen by the employees in the appropriate bargaining unit as their exclusive bargaining representative in an election conducted in April 1978; and,

WHEREAS: PEF was certified on September 27, 1978 by PERB as the exclusive collective bargaining representative of the employees in the appropriate bargaining unit;

For the mutual consideration herein provided, the parties agree as follows:

1. That PEF shall be chartered as a single statewide Local Union by both AFT and SEIU, with all rights and responsibilities accorded to Local Unions and their members by the Constitutions and Bylaws of AFT and SEIU, except as otherwise provided by these unions;

2. That PEF shall be affiliated with and subordinate to AFT, SEIU, the New York State United Teachers (NYSUT) and all other affiliates with whom PEF is required to maintain affiliation by the Constitutions and Bylaws of AFT and SEIU.

3. That the Constitution and Bylaws of PEF shall be approved by the Executive Council of AFT and by the International Executive Board of SEIU and shall be subordinate to the Constitutions and Bylaws of AFT and SEIU.

4. Any amendment to the Constitution and Bylaws of PEF must be submitted to and be approved by both AFT and SEIU before it can become valid, and no Constitution and Bylaws of PEF or any amendment thereto shall be approved unless the following provisions are contained therein:

a. PEF shall maintain its affiliation with AFT, SEIU, NYSUT, the New York State AFL-CIO, and any other organizations as required by the Constitutions and Bylaws of AFT and SEIU.

b. A member of PEF shall maintain his or her status as a member in good standing by timely payment to PEF of membership dues, assessments, fines and other monies; provided, however, that a grace period of 10 days shall be allowed following the due date of any single payment during which it may be paid without loss of said status.

c. The dues and agency fees for each category of membership in PEF shall be set by a majority vote of the Delegate Assembly, except that minimum dues shall be subject to the approval of the Executive Council of AFT and the International Executive Board of SEIU.

d. Each occupational grouping, set forth in Lists 1 and 2 hereof, shall be entitled to one member on the Executive Board of PEF for each 1000 members or major fraction thereof and to one delegate on the Delegate Assembly of PEF for each 100 members or major fraction thereof, each member on the Executive Board and each delegate on the Delegate Assembly to be elected in a secret ballot election. V

e. The highest level of governance of PEF shall be the referendum of the entire membership and the Constitution and Bylaws of PEF shall set forth the requirements for calling for a referendum and also shall state that the following matters shall not be subject to a referendum:

1. employment, assignment, promotion, discharge or compensation of staff;
2. amendment and/or interpretation of this Constitution;
3. programs requiring a budgetary expenditure of funds;
4. powers specifically assigned to other persons or bodies by this Constitution;
5. the amount of per capita dues payable to those organizations with which this one is affiliated or the procedure or schedule for such payment;
6. amendment or interpretation of the affiliation agreement between AFT and SEIU and this organization.

f. the requirements for programming and voting upon an amendment to the Constitution and Bylaws of PEF and

providing further that the PEF Constitution and Bylaws shall contain the following provisions which may be amended only upon a majority vote of the Affiliates Advisory Committee and by the approval of the Executive Council of the AFT and the International Executive Board of SEIU:

Affiliations

This organization shall maintain its affiliation with the New York State United Teachers (NYSUT), the American Federation of Teachers (AFT), the Service Employees International Union (SEIU), and the New York State AFL-CIO, and any other organizations as required by the Constitutions and Bylaws of AFT and SEIU.

Membership

A member maintains his/her status as a member in good standing by timely payment to this organization of membership dues, assessments, fines and other monies; provided, however, that a grace period of 10 days shall be allowed following the due date of any single payment during which it may be paid without loss of said status.

The dues and agency fees for each category of membership shall be set by a majority vote of the Delegate Assembly, except that minimum dues shall be subject to the approval of the Executive Council of the AFT and the International Executive Board of SEIU.

per capita shall be paid as required :
each organization with which this organization
is affiliated, in accordance with the procedure
and schedule established by AFT and SEIU.



The payment of per capita to the AFT shall be based on those members on List 1 and payment of per capita to the SEIU shall be based on those members on List 2.

Executive Board

Representation:

Each occupational grouping, as set forth in the attached lists 1 and 2 shall be entitled to one member on the Executive Board for each 1000 members or major fraction thereof.

Elections of officers and of members to the Executive Board shall be by secret ballot vote.

Delegate Assembly

Composition:

The Assembly shall be composed of:

- a. all duly elected delegates;
- b. the Executive Board members, including officers.

Representation:

- a. delegates shall be elected by a secret ballot vote of the members in each occupational grouping as defined in lists 1 and 2.

Referenda

Section 1. The highest level of governance of this organization shall be the referendum of the entire membership. Positions or policies established by referendum shall not be subject to reversal or modification by any governing body of this organization by a subsequent referendum for a period of at least two (2) years.

Section 2. A referendum shall be called by a vote of two-thirds (2/3) of any two (2) of the following bodies:

- a. the officers;
- b. the Executive Board; or
- c. the Delegate Assembly.

Section 3. Matters not subject to referendum are:

- a. employment, assignment, promotion, discharge or compensation of staff;
- b. amendment and/or interpretation of this Constitution;
- c. programs requiring a budgetary expenditure of funds;
- d. powers specifically assigned to other persons or bodies by this Constitution;
- e. the amount of per capita dues payable to those organizations with which this one is affiliated or the procedure or schedule for such payments;

f. amendment or interpretation of the
affiliation agreement between AFT and SEIU and
this organization.

Section 4. Referendum voting shall be conducted
in accordance with the procedures established by the
Executive Board.

Amendments

The provisions of the Constitution may
be amended by a two-thirds (2/3) vote of the
Delegate Assembly present and voting, provided
that an affirmative vote shall represent at least
a majority of the members of the Delegate Assembly,
and provided further, that, in addition to the
above requirements, the following provisions of
the Constitution required herein may be amended
only upon a majority vote of the Affiliates
Advisory Committee and by the approval of the
Executive Council of the AFT and the International
Executive Board of the SEIU:)

Affiliations

Membership

Executive Board

Delegate Assembly

Referenda

Amendments

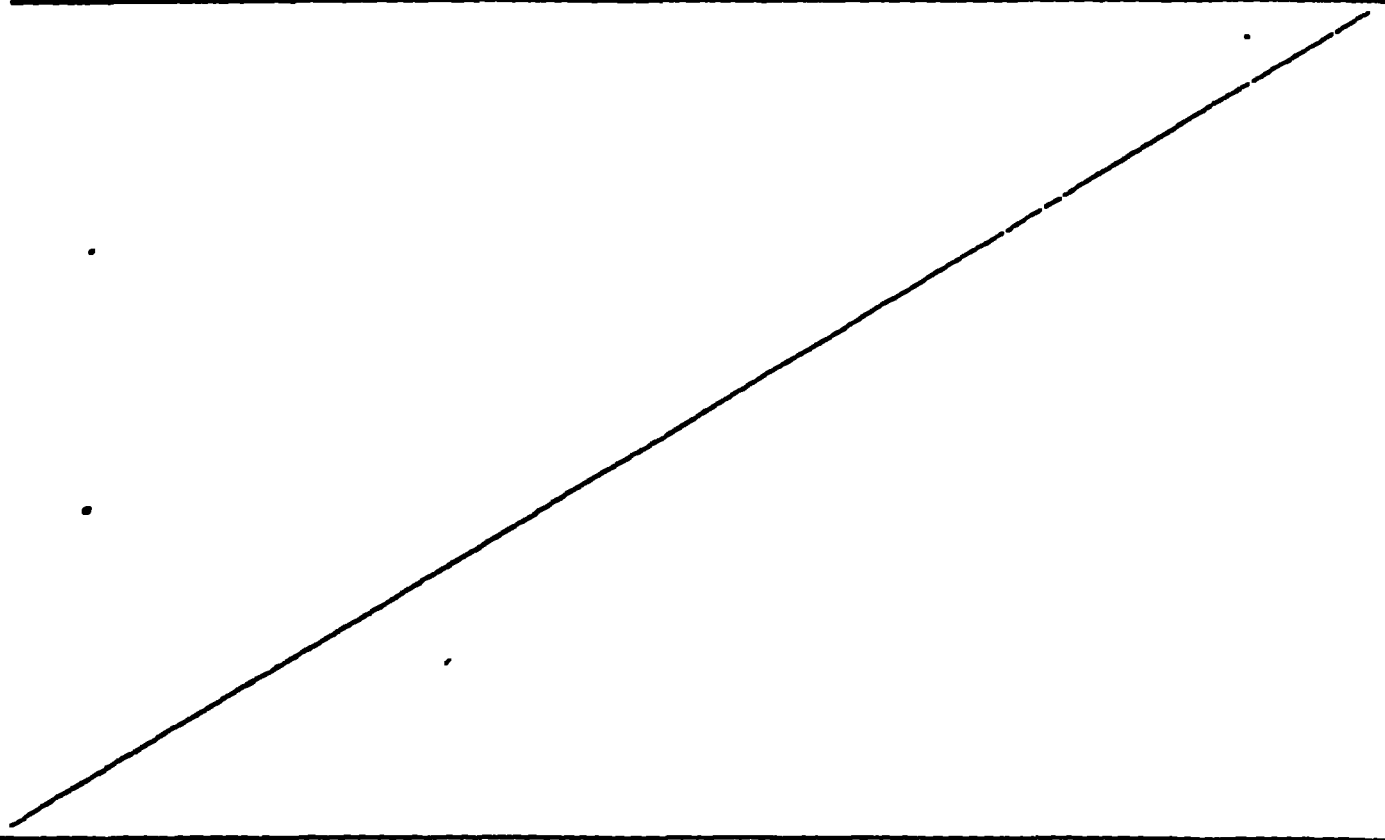
Affiliates Advisory Committee; par. 10 herein

Convention Delegates; par. 16 herein



5. That minimum membership dues and agency fees payable to PEF shall be subject to the approval of the Secretary-Treasurer of AFT and the International Secretary-Treasurer of SEIU.

6. That the Executive Council of the AFT and the International Executive Board of the SEIU may appoint a Trustee to take charge of and control the affairs of PEF for the purpose of correcting corruption or financial malpractice, assuring the performance of collective bargaining agreements or other duties of a bargaining representative, restoring democratic procedures, or otherwise carrying out the legitimate objectives of this Agreement or the Constitutions and Bylaws of PEF, AFT, and SEIU, or in response to any act of disaffiliation or dissolution. No action under this provision shall be taken by either AFT or SEIU



without the written approval of the other. The Trusteeship shall be administered in the following manner:

a. The Trustee shall be authorized and empowered to take full charge of the affairs of PEF, to remove any or all officers and to appoint temporary officers or agents during his/her Trusteeship, and to take such other action as in his/her judgment is necessary for the preservation of PEF and its interests. The Trustee shall report on the affairs and transactions of PEF to the Executive Council of the AFT and the International Executive Board of SEIU. The Trustee and all of the acts of the Trustee shall be subject to the supervision and direction of the Executive Council of AFT and the International Executive Board of SEIU.

b. That upon the institution of the Trusteeship, all monies, books, records and property of PEF shall be turned over to the Trustee, and shall be administered by the Trustee.

c. That when self-government is restored, all monies, books, records and property shall be returned by the Trustee to PEF. If, however, PEF is dissolved or disaffiliated by AFT and SEIU, all monies, books, records and property of PEF shall be turned over to and become the property of AFT and SEIU.

d. PEF may within 10 days from the institution of such trusteeship appeal to AFT and SEIU by written communication addressed to AFT and SEIU. If an appeal is so filed, the International Executive Board of SEIU and the Executive Council of AFT shall provide for a hearing within thirty (30) days of the filing of such appeal. The decision of the International Executive Board of SEIU and the Executive Council of AFT shall be final and binding. A decision by both AFT and SEIU shall be necessary to sustain an appeal.

e. ... regarding Trusteeship shall be invoked, regardless of the the provisions of the Constitutions and Bylaws of AFT and SEIU, unless the party invoking such procedures obtains the written consent of the Executive Council of AFT and the International Executive Board of SEIU.

7. That the Officers and the Executive Board of PEF shall report on a regularly scheduled basis as shall hereinafter be determined, to both the President of AFT and the International President of SEIU regarding the status of all its collective bargaining negotiations and regarding its administration of any contracts.

8. That PEF shall furnish to the Secretary-Treasurer of AFT and the International Secretary-Treasurer of SEIU, annual financial audits as well as any other audits or financial information or reports as may be requested by those bodies.

9. That PEF shall, on request, submit to the President of AFT and the International President of SEIU any books, records or other documents in the possession or control of PEF.

10. That a permanent Affiliates Advisory Committee composed of one representative and/or an alternate chosen by the Executive Council of AFT and one representative and/or an alternate chosen by the International Executive Board of SEIU, shall be established with the following powers and authority:

a. To assist and advise PEF as requested by the officers of PEF;

b. To act as liaison between PEF and the President of AFT and the International President of SEIU;

c. To meet on a regularly scheduled basis, but at least in advance of all meetings of the Executive Board of PEF;

of PEF regarding its compliance with this Agreement, its conduct as a collective bargaining agent, and its internal affairs;

e. To attend all meetings of the Executive Board and the Delegate Assembly of PEF.

11. That PEF shall promptly submit notification to the President of AFT and the International President of SEIU of its elected leadership.

12. That, without the prior expressed written authorization of the other party, neither the Executive Council of AFT nor the International Executive Board of SEIU or their affiliates may impose or initiate any proceedings which may result in the imposition upon members, officers or administrative bodies of PEF of reprimands, fines, suspensions, expulsions, removal from office, revocation or suspension of privileges or benefits or commands to do or perform or to refrain from doing or performing specific acts, notwithstanding the provisions of the Constitutions and Bylaws of SEIU and AFT or their affiliates; provided, however, that any such action or proceedings shall involve AFT and SEIU jointly and equally.

13. All members of PEF employed within the following job classifications shown in List 1 shall hold membership in and receive those services and publications of AFT required to be provided to members:

LIST I

- A. Nurses and Related Nursing Titles;
- B. Engineers, Right-of-Way Clerks, Designers, Architects, Drafting and Related Engineering Technicians, Pilots, Conservation Titles;

C. Librarians, Trainers and

Related Educational Titles;

D. Doctors, Dentists, Psychiatrists, Psychologists, Dieticians, Veterinarians,

Pharmacists, Health Care, Home Economists and Related Medical Researchers;

FQS Chaplains, Scientists, Cultural Affairs

Specialists, Related Arts and Sciences

Professionals, Management Personnel and

Related Administration Specialists,

Planners and Supervisors.

14. All members of PER employed within the following job classifications shown in List 2 shall hold membership in and receive those services and publications of SEIU required to be provided to members:

LIST 2

E. Social Workers and Social Services;

G. Attorneys, Referees, Hearing Officers, Hearing Examiners, Mediators and Judges;

H. Therapists - Rehabilitation;

J. Parole Officers, Drug Abuse Counselors and Related Law Enforcement Professionals,

KR Computer Professionals, Superintendents, Maintenance Specialists, Technicians and Skilled Tradesmen;

M. Claims Examiners, Investigators and Inspectors;

N. All Counselors;

- C. ... Specialists, Apprenticeship Representatives, Consultants and Field Representatives;
- P. Accountant, Auditor, Estimator, Examiner, Appraiser, Analyst, Reporter, Statistician, Economist and Head Clerk.

15. In view of the benefits already accorded to employees within the job classifications shown in List 1 and List 2, no death gratuity benefits or accident, death or dismemberment benefits of any kind shall be provided for members of PEF by either AFT, SEIU, or their affiliates, notwithstanding the provisions of any benefit program or the provisions of Article XVIII of the Constitution and Bylaws of SEIU or of any other provision of either Constitution and Bylaws or the Constitution and Bylaws of any affiliate.

16. That, in addition to the requirements provided by the Constitutions and Bylaws of AFT and SEIU, delegates of PEF to any convention, seminar or other program or meeting conducted or sponsored by AFT, SEIU or any other organizations with which PEF is affiliated, shall in order to attend AFT functions be on List 1 hereof, and in order to attend SEIU functions be on List 2 hereof, except that Officers may be members of both organizations and attend the functions of each.

17. PEF shall pay per capita to the AFT on all members within the classifications shown on List 1 as provided in the Constitution of AFT. PEF shall pay per capita to the SEIU on all members within the classifications shown on List 2 as provided in the Constitution of SEIU. In the event that per capita payments for either or both the AFT and SEIU are less than constitutionally required by each organization, PEF shall increase the per capita to meet constitutional requirements

in accordance with Article 17 attached hereto and made a part
hereof.

18. The officers of PEF, by virtue of their election to office by secret ballot, shall be delegates to any conventions of AFT or of SEIU held during their term of office. At any such convention, the number of votes which may be cast by PEF shall be based upon the per capita tax payments for members of PEF which have been made to SEIU or to AFT, respectively, in accordance with the provisions of the Constitution and Bylaws of the respective Union.

19. That should any party to this Agreement disagree as to the interpretation or application of any provision of this Agreement, any party may submit the issue(s) to arbitration. The arbitration shall be conducted in accordance with the rules of the American Arbitration Association. A written notice of demand for arbitration shall be served by the demanding party upon the other parties. In the event the arbitrator finds a violation, he/she shall have the authority to award an appropriate remedy, including money damages. The decision of the arbitrator shall be final and binding. The costs of the arbitration shall be borne equally by the parties involved.

20. Arbitration under this Agreement shall be the exclusive remedy for any dispute thereunder, and the right to obtain such arbitration hereunder shall be a complete defense to any action at law or in court or in any other tribunal to enforce, modify, construe, or assert any right under this agreement. The arbitrator shall have the power to require the attendance of any party to a dispute hereunder or of any

witness whose testimony may be relevant to the arbitration of such dispute and to subpoena books, records, and other instruments relevant to such dispute.

21. The job classifications shown in List 1 and in List 2 above have been agreed upon by and between the parties hereto. In the event that there are changes in these job classifications or new job classifications are hereafter included within the appropriate bargaining unit, the parties hereto shall endeavor to place such new or revised job classifications within List 1 or List 2 in keeping with the same spirit and lines of division which have gone into the formation of List 1 and List 2 as shown above. If the parties shall be unable to agree upon the placement of such new or revised job classifications, any dispute regarding the placement within List 1 or List 2 shall at the written request of AFT or SEIU be submitted to arbitration pursuant to the provisions of paragraph 19 hereof, and the arbitrator shall endeavor to follow the same spirit and yardsticks as were used by the parties hereto in formulating List 1 and List 2.

22. That, notwithstanding any provisions of the Constitutions and Bylaws of AFT, SEIU or any of their affiliates to which PEF is required to pay per capita taxes, no action shall be taken to revoke, terminate or suspend the charter of PEF unless the organization seeking such revocation, termination or suspension shall first obtain the express, written approval of the Executive Council of the AFT and the International Executive Board of SEIU.

23. That this Agreement may not be modified, or amended without the written consent of the Executive Council of AFT and the International Executive Board of SEIU.

24. That this Agreement shall become effective upon its execution by the parties and shall continue in full force and effect thereafter until terminated upon the express written approval of the Executive Council of AFT and the International Executive Board of SEIU.

Executed this 25 day of September, 1979.

American Federation of Teachers, AFL-CIO

BY: Albert Shanker, Pres. Dated: September 21/79
(Name and Title)

Service Employees International Union, AFL-CIO, CLC

BY: Gene Hardy, Pres. Dated: September 25/79
(Name and Title)

New York State Public Employees Federation, AFL-CIO

BY: John J. Kramer Dated: Sept 25/79
(Name and Title)