

ARTICLE I

NAME

The name of this organization shall be:

The Minnesota Public Employees Association.

ARTICLE II

PURPOSE AND OBJECTIVES

The purpose of this organization shall be:

- Section 1. To provide for the common defense and to promote the general economic and social welfare of the members and to improve wages, hours and all other conditions of employment.
- Section 2. To organize as members, various groups of Minnesota Public Employees, for the purpose of collective bargaining, to act as the labor representative and bargaining agent of its members, and to deal with their employer concerning grievances, terms and working conditions in accordance with the Public Employment Labor Relations Act of 1971, as amended.
- Section 3. The mailing address of the Association shall be:
Minnesota Public Employees Association
PO Box 131143
Roseville, MN 55113

The address on file with the Secretary of State's Office is:
Minnesota Public Employees Association
2233N. Hamline Ave, Suite 603
Roseville, MN 55113

The mailing address shall be set by, and may be changed as needed, by the Association Executive Board.

ARTICLE III

MEMBERSHIP AND DUES

- Section 1. All persons employed in a position covered by an applicable Bureau of Mediation Services unit determination are immediately eligible for membership in this association upon election order or hire; and are immediately full members of MNPEA without the need to sign a membership application. A member must

affirmatively act to become fair share. Additionally, all MNPEA board members and employees shall be dues paying members.

- Section 2. A one time administrative fee of \$25 is due upon each member joining, deducted from payroll for each member. The Association may elect to also charge a one time administrative fee, not to exceed \$10, for set up of the Sworn members FOP LDP.
- Section 3. The membership year shall be from November 1st through October 31st.
- Section 4. The monthly membership dues of the Association shall be determined by the Association Executive Board subject to veto by two-thirds majority of the general membership.
- Section 5. Membership dues shall be paid through payroll deduction. Any person paying dues through regular payroll deduction shall, for as long as such person continues to pay through such deduction method, be considered in good standing. Any member who cancels their payroll deduction shall be suspended from full membership.
- Section 6. A member suspended under Section 5 may be reinstated to membership in the Association on payment of all dues in arrears, or upon payment of a reinstatement fee, as determined by the Association Executive Board. Each case will be handled on an individual basis.
- Section 7. All Association members, except those who are POST licensed, sworn peace officer, shall be enrolled in the Public Employee Association, Non Sworn, Legal Defense Plan (“PENS LDP”), with fees for the PENS LDP to be paid for out of the dues in Section 5 above.
- Section 8. Each Association member who is a POST licensed, sworn peace officer, shall be also be a paid member of the Minnesota Fraternal Order of Police (“MN FOP”), which is required to receive the mentioned benefits of the Association, with yearly MN FOP membership fees to be paid for out of the dues in Section 5 above. Each Association member who is a POST licensed, sworn peace officer, shall also be enrolled in the MN FOP State Legal Defense Plan (“MN FOP LDP”), with fees for the MN FOP LDP to be paid for out of the dues in Section 5 above.

This section may only be modified under the following conditions:

- A. If the MN FOP LDP is degraded to provide a lesser coverage than the MNPEA NS LDP or the MN FOP changes their exclusive legal service provider for their LDP, The MNPEA Executive Board may modify this portion of the by-laws to ensure that the members continue to have appropriate coverage from their LDP.
- B. Other changes to Article III, Section 8 may be made by a 2/3rds vote of the Sworn Peace Officer membership by mailed ballot (Consistent with Article 5, Section 4).

Section 9. The Association shall provide legal labor services to all members. The cost of such services is to be fully covered by the members' dues, consistent with contracts with the Association Legal Services Provider. The associations Legal Services Provider for legal labor services and the PENS LDP is the Fowler Law Firm. This section may only be modified under the following conditions:

- A. If the principle Officer of the Fowler Law Firm becomes incapacitated, or the Firm ceases to exist, the Executive Board may modify this section to ensure that the legal obligations of the Association are met.
- B. Other changes to Article III, Section 9, may only be accomplished by a 2/3rds vote of the Membership (consistent with Article 5, Section 4).

Section 10. Members in good standing, who are called to active duty in The Armed Forces of the United States, or their State of Residence, shall be considered in good standing while on active duty. The member shall provide a copy of their orders to the business agent assigned to their bargaining unit.

ARTICLE IV

MEETINGS

Meeting of the Association shall be held as follows:

- Section 1. Regular meeting of this Association shall be held bi-monthly, in the month opposite the membership meetings, at the time and place to be determined by the membership or the Association Executive Board.
- Section 2. Special meetings may be called by the Association president, the Association Executive Board, or by petition filed with the

president or a member of the Executive Board for the president, signed by a minimum of one third of the Association membership.

Section 3. A quorum for Executive Board meetings shall be a simple majority of the Executive Board provided that the meeting is a regularly scheduled meeting or a special meeting with notice of the meeting being given to all board members.

Section 4. A quorum for general membership meetings shall consist of:
A. For regularly scheduled bi-monthly meeting a quorum shall be those members present.
B. For any special called meeting a quorum shall be those members present if adequate notice has been given to the full membership through notices posted one week in advance on the Association Web Site, emailed notices, or through mailed notices.

Section 5. Business of the Association may be conducted at any meeting of the Association subject to the following conditions:
A. No business of the Association may be moved and voted on unless one of the following conditions exists:
1. The matter was on the agenda posted one week prior to the meeting on the Association Bulletin boards and/or the Member Web Site.
2. The motion is made at a regularly scheduled meeting and voted on at the next regularly scheduled meeting.
3. The motion is made at a regularly scheduled or special meeting and vote was taken by mail or email ballot of all members.

ARTICLE V

OFFICERS, NOMINATIONS AND ELECTIONS

Section 1. There shall be three officers of the Association. The officers of this Association shall be; a President, a vice president, and a Director. The initial President of the Association shall be: David Patrick Deal. The initial President shall appoint the remaining positions of Vice President and Director for a full Five year term.

After initial officers have been appointed, and their initial Five year terms are completed, thereafter the above officers shall be elected to Five year terms of office which term commences immediately upon election or appointment and continues until successors enter upon their duties.

- Section 2. Nominations shall be made at a regular or special meeting of the association. At least fifteen days advanced notice shall be given to the membership prior to the nomination meeting. A nomination committee may be appointed or elected to make nominations, but whether or not such nomination committee is used, nominations shall be permitted from the floor at the nomination meeting. All nominations shall be conducted in the month of September.
- Section 3. For a member to be eligible for office, a member must be in good standing for two years prior to the nomination.
- Section 4. Officers shall be elected by secret ballot vote, and the balloting shall be conducted so as to afford all members a reasonable opportunity to vote. At least fifteen days advanced notice shall be given to the membership prior to holding the election. Election ballots shall be mailed to the memberships current residence on file with the association. The election ballots must be received prior to the October election meeting or the date set forth by the association board, which ever is sooner. Any ballots received after this set date will not be counted. All returned ballots will be kept sealed until the October association meeting, where they will be counted by a third party not involved in the election. All ballots will be marked in such a way to insure the integrity of the election. It will be the members' responsibility to inform the association of current or new mailing address.
- Section 5. Vacancies in the office shall be filled by appointment with the agreement of the majority of the association executive board for the appointee. In the event of a vacancy in the office of president, the vice president shall become president and a new Vice President shall be appointed.

ARTICLE VI

DUTIES OF THE OFFICERS, THE EXECUTIVE BOARD, EMPLOYEES and STEWARDS

- Section 1. The President Shall:
- A. Preside at all meetings of the Association and of the Executive Board.
 - B. Be a member of all committees except election committees.
 - C. Countersign checks drawn against the funds of the Association.

- D. Appoint all standing committees and all special committees of the Association subject to approval of the Executive Board.
- E. Report periodically to the membership regarding the progress and standing of the Association and regarding the President's official acts.
- F. Act in the capacity as may be required by board actions.
- G. Maintain close contact with the Association's Legal Counsel.

Section 2. The Vice-President shall:

- A. Assist the President in the work of the President's Office.
- B. In the absence of the President, or the President's inability to serve, preside at all meetings and perform the duties otherwise performed by the President.
- C. Be authorized to act as co-signer of checks drawn on the Association funds.
- D. Act in the capacity as may be required by board actions.

Section 3. The Director shall:

- A. Keep an accurate record of the proceeding of all membership meetings and of all Executive Board Meetings.
- B. Carry on the official correspondence of the Association, except as otherwise directed by the Executive Board.
- C. Perform other such duties as the Executive Board may require.
- D. Receive and receipt for all monies of the Association.
- E. Deposit all monies so received in the name of the Association in Banks or Credit Unions selected by the Executive Board.
- F. Prepare and sign checks for such purposes as are required by the constitutions, are authorized by the membership, or the Executive Board.
- G. See that members' dues are deducted from their pay by the employer and deposited in the Association accounts.
- H. Keep an accurate record of receipts and disbursements and shall at general membership meetings, submit to the membership, a monthly operating statement of the financial transactions of the Association since the previous meeting. Receipts and disbursements reports shall cover all funds of the Association.
- I. Prepare an annual budget for approval by the executive board and then the membership. Each budget shall contain itemized estimated receipts and expenditures.

J. Maintain close contact with the Association's Legal Counsel.

Section 4. The Board shall establish policies governing financial matters; however, the checking account will require the signatures of two Officers on all transactions. If a check is issued to one of the Officers for any reason deemed appropriate, the signatures on the check shall be the signatures of the other two Officers.

The Board shall establish an annual budget. Any purchase or expense that is to exceed \$15,000 that is not budgeted will require the approval of the Membership.

The Board shall reimburse Business Agents / Employees for approved incidental expenses incurred on behalf of the association.

Section 5. The finances of the Association are open to review by all members of the association. The Officers of the Association will ensure that this transparency is enforced. All monthly reports will be available to the members of the association upon request or thru the member web site.

Section 6. The Association Executive Board shall consist of the President, Vice President and Director, and will:

- A. Be the governing body of this Association except when meetings of the Association Membership are in session.
- B. Decide on all matters affecting the policies, aims, and means of accomplishing the purpose of the Association not specifically provided for in this Constitution or by action of the membership at a regular or special meeting.
- C. Meet at the call of the President, or a majority of the members of the board and on the opposite months of the regular membership meetings.
- D. Report on all actions taken by the board to the general membership at the next following meeting.
- E. Require a majority of its members to be present for a quorum.
- F. Make or cause to be made, at least annually, a review of the finances of the Association. This will include the finances concerning and health and welfare, pension, insurance or other benefit programs covering members of this Association and shall report to the general membership the results of any such review.
- G. Evaluate the merit of all grievances and determine if the Association will pursue them past step three.

- H. The Executive Board shall decide whether to take a member's case to arbitration. The Board may develop policies, procedures and standards as it sees fit for guidance on arbitration cases.
- I. The Executive Board shall decide whether to pursue legal or court action as it sees fit.

- Section 7. Business Agents shall be hired by the Executive Board and assigned tasks as per the policies developed by the board. Business Agents are considered permanent employees. Some of the primary responsibilities of the Business Agents shall be:
- A. To be responsible for processing all grievances brought to their attention by Stewards, members of the Association or non-members who are in the bargaining unit.
 - B. Maintain an accurate and up to date grievance file covering all stages of the grievance and their outcome.
 - C. Keep the Board informed as to grievances, the step they may be in, along with the results.
 - D. Be responsible for putting together terms and requests for the new contract negotiations.
 - E. Attend regularly scheduled Executive Board meetings.
 - F. All other tasks as assigned by the Executive Board.

- Section 8. Stewards are not officers of the Association, nor officers of the Association Executive Board. The number of stewards in a bargaining unit will be determined by the members of that unit. By members volunteering and being elected to be Stewards, they accept the following expectations:
- A. To be responsible for initiating all grievances brought to their attention by members of the Association or non-members who are in the bargaining unit.
 - B. Keep their units assigned Business Agent informed as to grievances, the step they may be in, along with the results.
 - C. Be responsible for putting together terms and requests for the new contract negotiations.
 - D. Attend regularly scheduled Executive Board meetings in an advisory capacity.

- Section 9. Disciplinary action: Any member who shall be charged and found guilty of conduct detrimental to the association may be disciplined, suspended, and/or expelled from membership as deemed appropriate. However, nothing shall prohibit or limit a member from exercising their right to freely express their views and

opinions on union or employment business, within legally allowable limits. Members who have been expelled shall there upon lose all the rights and privileges of membership. This provision shall be implemented in the following manner:

- A. Any member may file with the president a charge in writing, stating the name and address of a member alleged to have engaged in conduct detrimental to the association and stating in detail the nature and circumstances of the alleged offense. Actions subject to such charges may include, but shall not be limited to those as specified in association policy.
- B. The president shall review the charges for sufficiency and shall cause them to be investigated for the purpose of determining whether the charges warrant disciplinary proceedings. The president shall prepare a confidential report to the executive board.
- C. If the executive board finds reasonable cause to believe the charges to be true, the executive board shall direct the president to prepare the charges for forwarding to the next membership meeting, shall hold a hearing at a time and place convenient to both the charging party and the charged party. At such hearing, evidence supporting the charge in defense of the charged party shall be heard; rights of the confrontation and cross-examination are guaranteed.
- D. Upon conclusion of the hearing, the membership shall determine in a closed session by the majority either the innocence or guilt of the charged party based on the evidence presented at the hearing. If the membership finds the party guilty of any of the charges, it shall state the penalty to be imposed in agreement of the executive board.

Section 10. Any elected officer or employee of the Association can only be removed from office for just cause, which is defined as either: 1) gross misconduct, or 2) clear and protracted neglect of duty in office. This shall occur upon unanimous vote of remaining members of the Executive Board (meaning the member accused of misconduct shall not vote) casting written ballots. A special election will be held amongst the general membership to fill the remainder of the removed officer's term.

ARTICLE VII

MISCELLANEOUS PROVISIONS

- Section 1. Except to the extent specified in this Constitution, no officer of this Association shall independently have the power to act as an agent for or otherwise bind this Association in anyway whatsoever. No member or group of members or other person or persons shall have the power to act on behalf of or otherwise bind the Association except to the extent specifically authorized in writing by the President of this Association or the Executive Board of this Association.
- Section 2. Robert's Rules of Order, revised shall be the guide in all cases to which they are applicable and in which they are not inconsistent with this Constitution and By-laws.

ARTICLE VIII

AMENDMENTS

- Section 1. This constitution and By-Laws may be amended, revised, or otherwise changed by a majority vote of the membership. Proposed amendments to this Constitution and By-Laws must be read at a regular or special meeting of the Association. Adequate and proper notice shall be given to the general membership prior to the date on which the vote is to be taken.

ARTICLE IX

ASSOCIATION FISCAL YEAR

- Section 1. The fiscal year shall extend from January 1 through December 31 of the year following, inclusive.

ARTICLE X

NEGOTIATIONS

- Section 1. Ratification of Bargaining Agreements:
A. No officer shall enter into a collective bargaining agreement or approve any subsequent modification thereof covering any unit until a formal ratification vote has been taken by simple

majority of those members voting. The president shall call a meeting of all members of the particular collective bargaining unit, in which the president or his or her designee shall outline all the provisions of the proposed contract and provide adequate opportunity for discussion, debate, and answering of questions.

- B. When the appropriate time arrives, the president shall indicate the executive board's recommendations for or against ratification and conduct a secret ballot election among the members in good standing. A copy of the proposed contract language changes along with an election ballot shall be mailed or emailed to these members current address on file with the association. It will be the members' responsibility to provide up to date and current mailing and email address information to the association. Election ballots must be returned by the date set forth by the association board. Any ballots returned after this date will not be counted. All returned ballots would be kept sealed and delivered to the contract meeting, where they will be counted. All ballots will be marked in such a way to insure the integrity of the election. Members will be provided adequate time to discuss the proposed changes prior to the return date. No absentee ballots will be provided.
- C. The members can vote to over-ride the boards decision on issues of arbitration. The over-ride must be initiated by a petition filed with the board containing the signatures of at least 30% of the affected unit's members. The board would then either review and reverse their decision or send out ballots (via email or us mail) to the affected members. The ballots will be counted and, if more than 70% of the affected members (meaning 70% affirmative vote- not just a majority of those returning ballots) returned ballots reversing the boards decision, the decision will be reversed.

Updated as amended 10/27/2011
Physical Address updated 01/26/2012