

PSU Amherst/Boston, JEC By-Laws

AMMENDED ON MARCH 15, 2012

ARTICLE I: PURPOSES

1.1 Recognizing that it is to the benefit of all bargaining unit members to unite in one local, while at the same time protecting and upholding the rights of small or minority chapters, we form the PSU Amherst/Boston Joint Executive Council, (JEC). The purpose of the PSU Amherst/Boston JEC, is to associate the PSU Boston and PSU Amherst (Professional Staff and Unit B) chapters in a local called the PSU/MTA/NEA. The term "chapter" as used herein shall mean the PSU Boston or the PSU Amherst.

1.2 The PSU (PSU JEC) shall be the overall governing body of the PSU/MTA/NEA; however, its jurisdiction shall be limited to those matters that affect the entire local and cannot be decided at the chapter level.

Specifically, the role of the JEC shall be:

- A. to represent the interests of the membership before the National Education Association (NEA), the Massachusetts Teachers Association (MTA), and the appropriate political institutions in the Commonwealth and elsewhere;
- B. to initiate and coordinate bargaining, submit for ratification, maintain and enforce a collective bargaining agreement on behalf of the membership;
- C. to further the interests of the membership by striving to maintain and improve public higher education in the Commonwealth and the University of Massachusetts in particular;
- D. to oversee the finances of the local, and
- E. to engage in such other related activities as are consistent with the law **and** the union.

1.3 These By-Laws shall be in conformity with the constitutions and by-laws of the MTA and the NEA. **The bylaws of each chapter shall be consistent with the bylaws of the JEC, MTA, and NEA.**

1.4 Any person who is a member of the bargaining units, as set forth in the collective bargaining agreements between the Local and the Employer, shall be eligible for membership in the PSU/MTA/NEA. Any person who is a member of either the Amherst or the Boston chapter of PSU is automatically a member of PSU/MTA/NEA.

ARTICLE II: GOVERNANCE

2.1 The executive governing body of the Local shall be the JEC. The functions of the JEC are:

- A. to formulate and implement the policies and programs of the Local, consonant with the purpose as set forth in Article 1; and to consider and act upon other matters that concern both chapters;

- B. to elect the Executive Officers of the JEC, except for the Chair and Vice-Chair of the JEC which shall be determined as per Article 2.2;
- C. to ensure the election of bargaining teams which are representative of all units for the purposes of planning and negotiating collective bargaining agreements, to advise and support the bargaining teams during the collective bargaining process, to present the negotiated contracts to the members of the bargaining units in accordance with M.G.L. Chapter 150E and the regulations of the Massachusetts Labor Relations Commission, and to recommend the agreements' acceptance or rejection;
- D. to ensure the establishment of contract campaign committees in all chapters and bargaining units, and to facilitate their coordination;
- E. to determine whether to pursue grievances to outside arbitration under the collective bargaining agreements, upon request of either Chapter Board or the grievant, and to provide a mechanism by which grievants can appeal such determinations, in accordance with Article 5 of this document;
- F. to determine whether to approve any precedent-setting grievance settlements that could potentially have effects on both campuses;
- G. to oversee the finances of the local, and take care of such reporting as shall be required by law or by the union;
- H. JEC is the legal employer of local staff.

2.2 Membership and Officers of the JEC:

- A. Membership of the JEC shall consist of the Co-Chairs of UMA, President of UMB, both Grievance Officers, both Treasurers, plus 1 additional representative from each chapter to be selected by the respective Chapter Boards. The chapters shall separately determine the mode of selection and recall and the terms of office of their respective members.
- B. On July 1 of each year the offices of Chair and Vice-Chair of the JEC shall be filled in the following manner: the President/Chair of one chapter shall fill the Chair, with the President/Chair of the other chapter filling the Vice Chair. These roles will alternate between the chapters annually.
- C. No later than June 30 in alternate years, the JEC shall elect to two-year terms from the membership of the JEC, by majority vote, a Secretary/Clerk and a Treasurer. In other years, the JEC shall fill any vacancies by electing officers from the membership of the JEC to complete unexpired terms.

2.3 Duties of the JEC Officers:

- A. The Chair shall prepare the agenda of the JEC, preside at meetings of the JEC, and represent the interests of the Local in accordance with Section 1.2.
- B. The Vice-Chair shall assist the Chair and assume the Chair's functions when the Chair is unable to perform such duties.
- C. The Secretary/Clerk shall take and distribute the minutes of the JEC (or that duty may be rotated).
- D. The Treasurer shall:

1. no later than **February 1**,
 - i. certify a list of its bargaining unit members by category (dues-paying members, agency fee payers, conscientious objectors) and recommend a per-Unit member JEC assessment rate;
 - ii. in collaboration with the chapter Treasurer(s), prepare a JEC budget **based on the per-Unit Member JEC assessment rate (PSU/JEC/local dues)**;
2. make all disbursements for the JEC;
3. oversee the collection of all dues; and transmit amounts due the MTA, the NEA, and the Chapters (Payments shall be made in accordance with a mutually-agreed upon schedule between the MTA and the PSU);
4. hold the funds of the Local and disburse them in accordance with budgeted authorization;
5. keep accurate account of receipts and disbursements in a secure environment, and shall report **quarterly to the JEC and both Chapter Boards, and upon special request of the JEC or of either Chapter Board**;
6. **annually** prepare **audited** financial statements for publication to members as directed by the JEC;
7. assist with the preparation of the annual audit;
8. carry out all duties in accordance with the MTA's accounting procedures;
9. be bonded, and the premiums shall be paid by this Local.

2.4 Finances of the JEC:

A. Approve the Budget

1. **No later than March 1, the JEC proposed budget including the per unit assessment (PSU/JEC/local dues) will be distributed to the membership**
2. **There will be a comment period of no less than 30 calendar days**
3. **In March, a duly-called membership meeting will be held on each campus, to go over the budget line by line, to answer questions, and hear comments**
4. **In May, the Chapter Boards of each campus will meet jointly and must approve a budget. Quorum for this meeting shall consist of at least 50% of each Chapter Board attending the meeting. In order for a budget to be approved, quorum must be met, two thirds of the voting body must vote for the budget, and a majority of the members present from each Chapter Board must vote for the budget.**
5. **The approved budget will be distributed to the membership no later than July 1 of each year.**

B. Expenditures shall cover the costs of JEC operations, **including, if so budgeted, officer stipends/compensation**; and the cost of representing the membership in collective bargaining, including but not limited to cost of negotiating and enforcing collective bargaining agreements not otherwise paid for by MTA/NEA.

C. **The dues structure for JEC dues shall be determined by the JEC.** Each chapter shall be free to determine the dues structure for the members of the chapter on each campus **for chapter dues**,

and to collect **chapter** dues or the equivalent thereof as each chapter sees fit, so long as such arrangements meet the requirements M.G.L. Chapter 150E and the regulations of the Massachusetts Labor Relations Commission and are approved by the JEC.

- D. The JEC, through the Treasurer, shall be responsible for compliance with Article IX, Section 4, of the By-Laws of the MTA, as amended from time to time.
- E. The JEC, through the Treasurer, shall assure Local compliance with the Agency Fee Rebate Procedure promulgated by the Local in accordance with M.G.L. Chapter 150E.
- F. The JEC, through the Treasurer, shall certify the annual dues of the Local to the Employer on an annual basis.
- G. The funds of the JEC may be expended only in matters consistent with the objectives of the JEC. The Treasurer shall deposit the JEC's funds in the name of the Joint Executive Council, in any appropriate financial institution authorized to do banking and/or investment business in Massachusetts.

2.5 Meetings of the JEC:

- A. The JEC shall meet at least two times during each academic year .
- B. Meetings of the JEC are open to all members of the union in good standing, except that the Board may elect to go into Executive Session. The Regularly scheduled meetings should be posted publicly at least 10 working days in advance.
- C. Special sessions may be called by the Chair or by the Vice-Chair, or upon the written application of 50 members.
- D. A quorum shall be five (5) with at least two members from each chapter.
- E. The agenda for a regularly scheduled JEC meeting shall be distributed to all members of the JEC at least five working days in advance of the meeting.
- F. Decision of the JEC shall be made by a vote of the JEC members present at a duly scheduled JEC meeting. A decision must receive a majority of the votes including at least one vote from each chapter.
- G. **Minutes and previous agendas shall be available in the Chapter offices.**

ARTICLE III: GRIEVANCE SETTLEMENTS, ARBITRATIONS AND APPEALS

3.1 Any proposed settlement of a precedent-setting grievance that may potentially affect members in both chapters must be reviewed by the JEC within 10 working days before being signed in the name of the local union. This may be done by meeting, by conference call, or by email. If the JEC determines that such settlement would be harmful to the local union and should not be accepted, it shall inform the appropriate Grievance Officer immediately of the decision, along with the reasons for the decision and instructions as to how to proceed. Such a decision can be made as per Article 2.5(f).

3.2 The JEC shall determine whether the local will pursue a grievance filed to arbitration. Such a decision will be made as per Article 2.5(f) or by conference call within 10 working days of the application. The Chair of the JEC must inform the grievant(s) in writing or by email of the JEC's decision

concerning the grievance within 5 working days of the meeting at which the decision was made. This notification must include guidance about the how to appeal the JEC's decision. In order to meet filing deadlines and to protect members' rights to appeal a JEC decision, each Chapter may file grievances for arbitration prior to the JEC issuing its decision. If the JEC decides against pursuing the case to arbitration the grievance shall be withdrawn.

3.3 The members of each unit represented by the local have the right to appeal the JEC's decision concerning a grievance. A request for an appeal must be made in writing or by email to the Chair of the JEC within 10 working days of the receipt of the notification of the JEC's decision concerning the grievance in question.

3.4 Trial Board

A. The JEC shall appoint a six (6) member Trial Board at its first meeting annually, consisting of three members from each chapter. No one shall be appointed to the Trial Board who is also a member of the JEC. The JEC may replace members of the Trial Board, provided that no such replacement shall affect the course of an appeal which has already commenced. The JEC may appoint additional members of the Trial Board to serve on an ad hoc basis if at any time there are not an adequate number of Trial Board members available to hear an appeal in accordance with the provisions of this article.

B. The Trial Board shall elect a Chairperson. The Chairperson shall serve as the presiding officer at all hearings before the Trial Board and shall have the authority to issue rulings and decisions concerning the conduct of such hearings. The Trial Board shall have the authority to promulgate rules of procedure, subject to approval by the JEC, which shall govern the conduct of the hearings.

C. The Trial Board shall hear and decide appeals concerning the JEC's determination of moving grievances to arbitration. Decision of the Trial Board shall be made by a vote of the members present at a duly scheduled meeting, or by conference call. A decision must receive a majority of the votes including at least one vote from each chapter

ARTICLE IV: AMENDEMENT

These Bylaws may be amended from time to time by a two thirds vote of the JEC members present and voting, and concurrence of the **chapter boards** of each chapter **indicated by two thirds of each chapter boards' members voting in favor of the amendment(s).**