

**NATIONAL CONSTITUTION & BY-LAWS
OF THE
INTERNATIONAL BROTHERHOOD
OF POLICE OFFICERS**

**Adopted at the 2006 National Convention
September 10-13, 2006**

TABLE OF CONTENTS

	Page
Preamble	3
Mission Statement	3
Vision	3
To Achieve this Vision	4
Article I: Name and Office	5
Article II: Objectives and Purposes	6
Article III: Organization	7
Article IV: Local Units	8
Article IV A: The Handling of Grievances	10
Article V: Eligibility to Membership	12
Article VI: Governing Body	15
Article VII: National Officers	17
Article VIII: National Executive Committee	23
Article IX: National Executive Board	24
Article X: Revenues	26
Article XI: Bonding of Officers and Employees	28
Article XII: Discipline of Locals and Members	29
Article XIII: Non-Liability of National Union	36
Article XIV: Delegates to International Convention of the SEIU	37
Article XV: Amendments to the Constitution	38
SEIU/NAGE Members Bill of Rights and Responsibilities on the Job	41
SEIU/NAGE Member Bill of Rights and Responsibilities in the Union	42
Code of Ethical Practices	43
index	45

PREAMBLE

We who are employed by the Governments of the United States or Canada, or by the political subdivisions thereof or therein, or by any other business enterprise therein, do pledge ourselves to improve the general welfare of all employees, their families, and their dependents, and as almost every improvement in the condition of working people has been accomplished by the efforts of organized labor, and in the interest of a higher standard of citizenship, do ordain and establish these By-Laws and Constitution of the National Association of Government Employees.

MISSION STATEMENT

We are the National Association of Government Employees (NAGE), an organization of members united by the belief in the dignity and worth of workers and the services they provide and dedicated to improving the lives of workers and their families and creating a more just and humane society.

We are public workers (federal, state, county, and municipal), police officers, correctional officers, health care workers (nurses, paramedics, and emergency medical technicians), office workers, professional workers, and allied workers. We seek a stronger union to build power for ourselves and to protect the people we serve.

Women and men of every race, ethnicity, national origin, religion, age, physical ability and sexual orientation, we are the standard-bearers in the struggle for social and economic justice begun nearly half a century ago by shipyard workers who dared to dream beyond their daily hardships and to organize for economic security, dignity and respect.

Our vision is of a society:

Where all workers and their families live and work in dignity.

Where work is fulfilling and fairly rewarded.

Where workers have a meaningful voice in decisions that affect them.

Where workers have the opportunity to develop their talents and skills.

Where the collective voice and power of workers are realized in a democratic and progressive union.

Where union solidarity stands firm against the forces of discrimination and hate and the unfair employment practices of exploitative employers.

Where government plays an active role in improving the lives of working people.

To achieve this vision:

We must bargain contracts that improve wages and working conditions, expand the role of workers in workplace decision-making, and build a stronger union.

We believe our strength comes from our unity, and that we must not be divided by forces of discrimination based on gender, race, ethnicity, national origin, religion, age, physical ability, sexual orientation or immigration status.

We believe our power and effectiveness depend upon the active participation and commitment of our members, the development of our leaders, and solidarity with each other and our allies.

We must organize the unorganized.

We must build political power to ensure that workers' voices are heard at every level of government to create economic opportunity and foster social justice.

We must provide meaningful paths for member involvement and participation in strong, democratic unions.

We must develop highly trained and motivated leaders at every level of the union who reflect the membership in all its diversity.

We must build coalitions and act in solidarity with other organizations who share our concern for social and economic justice.

We must engage in direct action that demonstrates our power and our determination to win.

To accomplish these goals we must be unified, inspired by a set of beliefs and principles that transcends our social and occupational diversity and guides our work.

We believe we can accomplish little as separate individuals, but that together we have the power to create a just society.

We believe unions are the means by which working people build power, by which ordinary people accomplish extraordinary things.

We believe we have a special mission to bring economic and social justice to those most exploited in our community, especially to women, minority groups, and workers of color.

We believe our future cannot be separated from that of workers in other parts of the world who struggle for economic justice, a decent life for their families, peace, dignity and democracy.

We believe unions are necessary for a democratic society to prevail, and that unions must participate in the political life of our society.

We believe we have a moral responsibility to leave the world a better place for our children and everyone's children.

ARTICLE I

NAME AND OFFICE

SECTION 1.

This organization shall be known as the National Association of Government Employees affiliated with Service Employees International Union and may also be referred to as SEIU/NAGE Local 5000 .

SECTION 2.

The Association shall maintain its headquarters at the place designated by the National Executive Board.

ARTICLE II

OBJECTIVES AND PURPOSES

The objectives and purposes of this National Union shall be to benefit its members and improve their conditions by every means, including but not limited to:

A. Securing of economic advantages, including better wages, hours and working conditions, through organizing, collective bargaining, legislative and political action, and the utilization of other lawful means;

B. By organizing and uniting in this National Union all working men and women eligible for membership herein;

C. By engaging in all such civic, social, political, legal, economic, cultural, educational, charitable, and other activities, whether on local, national, or international levels, as will advance this National Union's standing in the community and in the labor movement and further the interests of this organization and its membership, directly or indirectly;

D. By advancing and strengthening the rights of working men and women to bargain collectively;

E. By providing benefits and advantages to individual union members, officers, and employees through education, training, access to new technology, pensions, health and welfare, and death benefits;

F. By helping Local Unions to share experiences, pool resources, learn from each other's best practices, and be accountable to each other;

G. By cooperating with and assisting, by moral, monetary or other means, other labor organizations, whether or not affiliated with this National Union, or any other groups or organizations, having objectives which are in any way related or similar to those of this National Union, or which are of a nature beneficial to this National Union or to its members, directly or indirectly;

H. By strengthening and safeguarding this National Union by every lawful means so that it may carry out its purposes, objectives and obligations;

I. By utilizing, in every lawful way, including but not limited to every kind of use, expenditure and investment, the property and funds of this National 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 National Union and its members.

ARTICLE III

ORGANIZATION

SECTION 1.

The National Association of Government Employees shall be organized for purposes of identification by Local Units. The National Executive Board may establish Local Units in the territorial Commonwealths and insular possessions of the United States and in foreign countries, and shall designate the divisions under which they shall be assigned.

SECTION 2.

Local Units consisting of law enforcement personnel shall have a Division under this Constitution and By-Laws, known as the *International Brotherhood of Police Officers (IBPO)*; Locals consisting of personnel employed by correctional institutions shall have a Division known as the *International Brotherhood of Correctional Officers (IBCO)*; Locals consisting of personnel employed by federal, state, county, and municipal governments shall be *NAGE Locals*; and Locals consisting of personnel employed as EMTs, paramedics, and other related emergency response employees shall have a Division known as the *International Association of EMTs and Paramedics (IAEP)*.

SECTION 3.

The National Executive Committee is empowered to create any Divisions or charter new locals, change or eliminate the existing Divisions to accurately reflect the membership of NAGE consistent with NAGE's jurisdiction. In addition, the National Executive Committee shall have the authority to approve the merger or consolidation of any Division of NAGE.

ARTICLE IV

LOCAL UNITS

SECTION 1.

The National President with the approval of the National Executive Committee, may charter locals of this organization within any United States or Canadian political subdivision or private sector enterprise.

SECTION 2.

Those who desire to form a Local Unit shall make application to the National President. The National President with the National Executive Committee shall review such application, and upon their approval, the Charter Members will be notified by the National President.

SECTION 3.

Each Local Unit shall bear a number assigned by the National Executive Committee. Each Local Unit will be assigned to a Division.

SECTION 4.

Each authorized Local Unit shall adopt as its Constitution and By-Laws, the Constitution and By-Laws of the National Association of Government Employees, unless such Local Unit notifies the National Executive Committee of its intention not to adopt the National Constitution and By-Laws and forwards to the National President a Constitution and By-Laws for approval by the National Executive Committee that has been adopted by the Local Unit and is consistent with the National Constitution and By Laws. In the event that the Local Unit's Constitution and By-Laws are silent or in conflict with the National Constitution and By-Laws, the National Constitution and By-Laws shall prevail.

SECTION 5.

Each Local Unit shall elect a President, one or more Vice Presidents, a Treasurer and such other officers as they shall deem advisable from the membership of the Local Unit. These Officers shall constitute the Local Unit Executive Board. Each Local Unit shall establish a quorum, but in no case shall the quorum be fewer than fifty percent (50%) of the Executive Board. Each Local Unit shall have either an elected or Local President appointed and Local Executive Board approved Grievance Committee.

SECTION 6.

All officers of a Local Unit shall be elected by a plurality vote of the membership participating in the election who are eligible to vote. The election shall be by secret ballot not less than once every three years. Absentee ballots may be permitted subject to the regulations of the U.S. Department of Labor.

SECTION 7

No less than fifteen days prior to an election, notice thereof shall be mailed to each member at his last known home address. A reasonable opportunity shall be given for the nomination of candidates and every member in good standing shall be eligible to be a candidate and to hold office and shall have the right to vote for or otherwise support the candidate of his choice, without being subject to penalty, discipline or improper interference or reprisal of any kind by the Local Unit or by any member thereof. Each member eligible to vote shall be entitled to one vote. No member whose dues have been withheld by an agency pursuant to his voluntary authorization shall be declared ineligible to vote or to be a candidate for office by reason of alleged delay or default in the payment of dues. The votes cast shall be counted; the results published separately. The ballots and records pertaining to the election shall be preserved for three (3) years.

No monies received by way of dues, assessments, or similar levy, shall be contributed or applied to promote the candidacy of any person in an election. However, such monies may be utilized for notices, factual statements of issues not involving candidates, and other expenses necessary for the holding of an election.

SECTION 8.

All Local Units shall have at least one general membership meeting annually.

SECTION 9.

The National President or his/her designee will assist Locals in conducting Local Elections upon request from the Local Unit.

SECTION 10.

The National President shall have the authority to order a secret ballot election if a Local Unit has failed to hold an election under their By-Laws, or beyond their three (3) year term limit.

SECTION 11.

Records of the Local Units, including: bank statements, financial records, checks, correspondence, grievances, grievance records, notes and minutes of official meetings, shall be maintained for five (5) years. Said official records shall be turned over to the duly elected president or his/her designee upon succession to office.

ARTICLE IVA

THE HANDLING OF GRIEVANCES

SECTION 1.

Any person employed in a bargaining unit represented by a Local Unit of the National Association of Government Employees (hereinafter the "Grievant") shall have the following rights and shall employ the following remedies under the provisions of these Constitution and By-Laws if s/he believes that the Grievant's Local Grievance Committee has acted improperly in handling the member's grievance under the Collective Bargaining Agreement.

SECTION 2.

The Grievant, upon receiving written notification from the Local Unit Grievance Committee that the Committee has determined either to (1) reject his grievance; (2) settle the grievance; or (3) decline to further process the grievance shall take the following action to protect his or her rights:

A. Step One – The Grievant shall, within seventy-two (72) hours of notification of the Local Committee's action complained of, notify at least one member of the Grievance Committee, in writing, that the Grievant appeals the Committee's decision to the National President. **The Local shall immediately take the required action to protect the Grievant's rights under the Collective Bargaining Agreement by proceeding to the next step of the Grievance Procedure.**

B. Step Two – The Grievant must notify the National President, in writing within fifteen (15) calendar days following the decision of the Local Grievance Committee, that s/he appeals the Local Committee's decision.

(a) Such appeal shall set forth a complete narrative as to the facts in support of the Grievance, a copy of the Collective Bargaining Agreement, the decision of the Local Grievance Committee and whatever documents are reasonably necessary for an understanding of the case.

(b) The Appeal will be decided by a National Officer duly designated to act by the National President.

(c) The duly designated National Officer will schedule and conduct a hearing on the Grievant's Appeal as soon as is administratively possible.

(d) The duly designated National Officer, at his or her sole discretion, may (1) render a decision conducting whatever investigation s/he deems necessary or (2) refer the matter for decision to the National Executive Committee.

(e) The duly designated National Officer may, at any time, (1) order the Local Grievance Committee to take all steps necessary to protect the Grievant's rights under the Grievance Procedure pending the decision of the National Officer under

(d) above, or (2) if the final decision is in favor of the Grievant, such National Officer shall order the Local to take whatever actions s/he deems necessary under the Collective Bargaining Agreement. Arbitration of termination cases so decided by the National Officer or National Executive Committee will be paid for by the National.

SECTION 3.

Any member of a NAGE Bargaining Unit who believes that his or her grievance has been improperly handled by the Local Unit Grievance Committee or other authorized local bargaining agent shall, without exception, employ the remedies and procedures contained herein. No complainant shall be entitled to enforce or present his or her claim against NAGE or its Local subordinate in any Court or other administrative body without first exhausting these internal procedures.

ARTICLE V

ELIGIBILITY TO MEMBERSHIP

SECTION 1.

A. Subject to the provisions of this Article V, any person shall be eligible for membership in this organization who is (i) employed by the governments of the United States or Canada, or the political subdivisions thereof or therein, or by any business enterprise therein; and (ii) pays all dues and maintains his or her dues on a current basis with the National Union.

B. Any person who is a member of NAGE as of October 1, 2002, may maintain his or her membership status, so long as he or she maintains the same employment status or has been unemployed from that status for less than 6 months. After October 1, 2002, new membership is only open to a person employed in a bargaining unit represented by NAGE or any person employed by or providing service as a staff member or as an elected officer of NAGE.

SECTION 2.

There shall be no discrimination against any member, or any applicant for membership by reason of race, ethnicity, creed, color, religion, gender, marital status, sexual orientation, national origin, ancestry, age, or disability.

SECTION 3.

No person may become a member of the National Association or any Local Unit who has, at any time, been found to be guilty of any conduct violative of Article XII, Sec. 1, of the National Constitution without obtaining a waiver of these provisions by the Executive Board of the Local Unit and the National Executive Committee.

SECTION 4.

A member, upon retirement or separation from employment with federal, state, county, municipal or a political subdivision, government or corporation doing business with the federal, state, county and municipal government, or any other business enterprise, is entitled to become a retired member. However, members who retire and wish to retain NAGE insurance and other benefits at a reduced annual cost may do so. To qualify for reduced cost, such retiree must have been a member for five (5) or more years or a chartered member. Such retired member can attend local meetings but may neither vote nor hold local office unless he/she is a full dues paying member in good standing, and has received a waiver from the National Executive Committee.

SECTION 5.

Any member in good standing in a Local Unit, who has been assigned to the jurisdiction of another Local Unit, shall be entitled to a certificate from his original Local Unit, stating his membership and the duration thereof.

SECTION 6.

The National Association of Government Employees subscribes to the pertinent Executive Order, Labor Management Relations rules, regulations and laws governing the Federal "Standards of Conduct for Labor Organizations" and subscribes to comparable codes for states, counties, municipalities and their subdivisions as may be applicable.

SECTION 7.

No person shall use, conspire to use, or threaten to use force or violence to restrain, coerce, or intimidate, or attempt to restrain, coerce, or intimidate any member of the National Association of Government Employees for the purpose of interfering with or preventing the exercise of any right to which he is entitled under the pertinent rules, regulations, laws and Executive Orders referred to in Section 6.

SECTION 8.

The National Association of Government Employees prohibits its National and Local Unit officers and members from directly or indirectly through a spouse, minor child, or otherwise, from participating in business or financial interests which conflict with their duty to the Association.

SECTION 9.

No Local Unit or National Union shall directly or indirectly make any loan to any member or employee which results in a total indebtedness on the part of such officer, member or employee to the Association in excess of \$2,000.

SECTION 10.

Nothing in this or any other provision of this Constitution shall prevent a Local Unit from investing funds in State chartered credit unions as well as Federal credit unions or in the Federally insured savings and loan associations, whenever such investments shall be authorized by a regular meeting of the local or by the National Executive Committee.

SECTION 11.

No member may resign from his membership in the National Association or subordinate body before he has paid all dues and other obligations due the National Association and all its subordinate bodies or during a period he is the subject of any disciplinary action described in Article XII and no resignation shall become effective until such payment is made or such disciplinary proceeding is completed unless the member shall have received the written approval as to his resignation from the National President.

SECTION 12.

The Code of Ethical Practices is incorporated herein by reference.

ARTICLE VI

GOVERNING BODY

SECTION 1.

The legislative body of the National Association of Government Employees shall be the National Convention, and except as otherwise provided in this Constitution, the decisions of the Convention shall be by majority vote of the duly elected delegates in attendance.

SECTION 2.

The Convention of the Association shall be held every four years at a time to be fixed by the National Executive Board. In the event of a local or National emergency which renders the holding of a Convention impracticable, the National Executive Committee, by a majority vote, may postpone the holding of the Convention until such time as it may become practicable to hold a Convention. The date and location of the Convention will be left to the discretion of the National Executive Board.

SECTION 3.

The National President is authorized to appoint, with the approval of the National Executive Committee, such committees, and chairpersons thereof, as may be necessary to serve during the Convention.

SECTION 4.

Rules and order of business governing the preceding Convention shall be in force from the opening of any Convention of the National Association of Government Employees until new rules have been adopted by action of the Convention.

SECTION 5.

A. Each Local Unit shall elect a delegate or delegates to represent it at National Conventions. An elected delegate must be a member in good standing of the National Association but need not be a member of the Local Unit electing him as a delegate.

B. Election of delegates must be conducted by secret ballot. Notice of the election must be mailed to each member of the local at his last known address, not less than 15 days prior to the election. Notice of nominations and elections may be combined provided that a reasonable time is allowed for nominations. The Local secretary shall preserve for one year the ballots and all other records pertaining to the election.

C. The Number of delegates allocated to each Local Unit shall be as follows: One delegate for 500 members or less, and one additional delegate for every 500 members or fraction thereof.

D. Local Unit Officers elected by secret ballot also may be voting delegates to intermediate or national bodies including National Conventions if the Constitution and By-Laws of the Local Unit so provide. If the number of elected officers is less than the

number of delegates, then arrangements shall be made for nominations in that Local Unit and secret ballot election, if required. If the total number of officers is greater than the number of delegates allowed, then officers shall attend as delegates in the order listed in the Local Unit By-Laws.

E. For the purpose of voting, the computation of membership for a Local Unit shall not include life members, retired members paying less than the full dues required for working members of their Local Unit, associate members or agency fee payers; but the computation of membership shall be based upon the full-time-equivalent represented by the Local Unit's dues payment to the National Union.

SECTION 6.

In the National Convention, each Local Unit shall be entitled to one vote for each ten members or fraction thereof, in good standing on the first day of June in the year of the National Convention.

SECTION 7.

A quorum for the transacting of business shall consist of delegates representing at least 25% of the represented membership of NAGE at the Convention.

SECTION 8.

A special National Convention of NAGE can be called by either:

A. The National President, with the approval of two-thirds of the members of the National Executive Committee; or

B. A majority of signatures of the members of each of twenty-five (25) locals, such total majority to represent ten (10) percent of the overall membership of NAGE.

ARTICLE VII

NATIONAL OFFICERS

SECTION 1. COMPOSITION

A. The National Convention shall elect the National President and two (2) National Executive Vice Presidents, ten (10) National Vice Presidents, and thirty (30) National Executive Board members.

B. No member shall be eligible for nomination or election to National Office unless he or she has been a member of NAGE in continuous good standing for at least two (2) years immediately preceding the nomination and has during all of that time paid the full dues required for working members of the Local Union within each month when due. The National President may waive the foregoing requirements in his or her discretion for good cause shown. All National Officers shall maintain such membership during their term of office and all National Officers shall pay their dues directly to the National Organization to fulfill the requirements of this section.

SECTION 2. VACANCIES

Such officers shall serve until the election and installation of their successors at the succeeding National Convention following their election. Vacancies in these offices occurring between National Conventions may be filled by nomination by the National President and approved by majority vote by the National Executive Committee to fill such vacancies. Upon the vacancy in the office of National President, the National Executive Vice President who then currently has the greatest total length of service on the National Executive Board, shall assume the Presidency and shall direct the National Secretary to call a meeting of the National Executive Board who will elect a member of the National Executive Committee to fill the vacancy until the next National Convention. Upon a vacancy of the National Executive Vice Presidents, the National President shall nominate from amongst the National Vice Presidents. Said nominee shall be approved by the National Executive Board.

SECTION 3. NATIONAL PRESIDENT—DUTIES AND POWERS

A. (i) It shall be the duty of the National President to preside at the Convention of the National Union and at meetings of the National Executive Board and National Executive Committee, and conduct them in accordance with parliamentary rules and in conformity with this Constitution. Except as otherwise noted, the National President shall appoint all boards and committees and be an ex-officio member of same. The National President shall hire all staff and set their compensation.

(ii) The National President shall act to the best of his/her ability in furthering the purposes and objectives of the organization and the interests of its members.

(iii) The National President shall have general supervision and direction over the affairs of the National Association. The National President, or his/her designee, shall be authorized to call and make arrangements for such meetings, seminars and conferences as he or she may deem necessary, and shall direct all departments, functions and programs of the National Association.

(iv) The National President, or his or her designee, shall have general supervision and direction of the organizing efforts of this National Association. The National President shall have power to appoint organizers, representatives, coordinators and organizing committees and to make such loans or grant such subsidies to Local Units and affiliated bodies as he/she deems necessary.

(v) The National President shall be empowered to employ necessary staff and retain counsel, accountants, staff and other professional personnel as he or she may require to assist in the duties of the office and to fix their compensation. He or she shall be empowered to fix the compensation of the National Executive Vice Presidents, National Vice Presidents and National Executive Board Members.

(vi) The National President shall have authority to decide on all points of law submitted to him or her by Local Units or the membership thereof, or by affiliated bodies, subject to appeal to the National Executive Board, and the next Convention.

B. Any member or officer of a Local Unit aggrieved by any action of his or her Local Unit or affiliated body not covered by the provisions of Article XII of this Constitution (including determinations of election protests) may petition the National President within fifteen (15) days after the act complained of, or may petition the National Executive Board, within fifteen (15) days after the action of the National President thereon, to review the action of the Local Unit or affiliated body. The President will endeavor to have a hearing held within thirty (30) days of the petition or protest, if the President deems a hearing to be necessary, and shall attempt to render his or her decision within thirty (30) days thereafter.

C. The National President shall sign all charters and other official documents of this National Union; shall have the authority to direct an examination of the books and records of any Local Unit or affiliated body; and shall draw vouchers from the National Treasurer for such sums of money as his or her activities require.

D. All vouchers of the National Union shall be submitted to the National President for approval. The National President may at any time appoint a member of the Board of Auditors or such other representative or accountant as he or she may designate to examine any matter affecting the finances of the National Union.

E. The National President shall appoint five (5) Auditors as a Committee, and designate a Chair. Auditors shall be members of the Union. The duties of the Auditors Committee

shall be to estimate the revenues of the Union, present it to the National Executive Board for approval and make recommendations for the allocation of funds and other recommendations related to the finances of the Union. The Auditors shall make a yearly audit of the National Treasurer immediately following the close of each fiscal year, and at such other times as the President or National Executive Board shall deem necessary. The Auditors may retain such accountants' services as they deem advisable. Copies of the statement of condition and of the annual audit report shall be furnished to members upon written request. The Auditors shall also perform such other duties as are usually incidental to their office. Once appointed, said auditors shall serve until the next Convention, and their compensation shall be set by the National President. They may be removed only by a two-thirds (2/3) vote of the National Executive Board.

F. (i) Whenever the National President has reason to believe that, in order to protect the interests of the membership, it is necessary to appoint a Trustee 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 National Union, he or she may appoint such Trustee to take charge and control of the affairs of a Local Unit or of an affiliated body, pursuant to the procedures established in Article XII of this Constitution and Bylaws.

(ii) The National President may appoint a representative to meet with the officials of Local Units or affiliated bodies and to attend any meetings of Local Units or affiliated bodies where in the judgment of the National President there is a need to assist the Local Units or affiliated bodies with respect to their internal needs. The National President may appoint a hearing officer to examine the internal needs of the Local Officers, Unit or affiliated body, and to assist them in determining what remedial action(s), if any, should be implemented by the Local Unit or affiliated body. At any time, the National President also may designate his/her representative as a Monitor with additional oversight responsibility to review compliance with the National President's recommendations and/or otherwise assist in addressing the internal needs of the Local Unit or affiliated body. Among the internal needs to be considered is whether a Local Unit or affiliated body has met applicable standards endorsed by the National Convention or satisfied such procedures, rules and/or regulations duly adopted by the National Executive Committee to carry out the goals set by the National Convention.

(iii) The National President shall order a secret ballot election if a Local Unit has failed to hold an election and said officers are serving under their By-Laws, or beyond their three (3) year term limit.

G. The National President shall have authority to call upon any and all officers for assistance and advice when the occasion demands or requires it.

H. The President shall appoint an advisory committee for the Public Safety Division, EMT's and Paramedics Division, Federal Division, State Division and Local Divisions as well as any further division that may be created. The Advisory Committees shall consist of up to 11 members at least one (1) of which shall be designated to act as the chair by the National President. No member of the Executive Board will be eligible to serve on an advisory committee. The duties of the advisory committee(s) will be to advise the National President, the National Executive Committee and the National Executive Board on matters pertaining to the division they serve. Each Advisory Committee shall meet at least one (1) time annually at a time and place to be designated by the National President.

I. The National President shall make a full report to each National Convention and at all Executive Board meetings.

SECTION 4. NATIONAL EXECUTIVE VICE PRESIDENTS

The National Executive Vice Presidents shall act as representatives of the National President on all matters referred to them by him/her and shall be members of the National Executive Committee. The Executive Vice Presidents shall perform such duties as are assigned to them by the National President. They shall work under the supervision of the National President, and their compensation shall be set by the National President. The National President, with a two-thirds (2/3) vote of the National Executive Board, may create additional National Executive Vice Presidents as they deem appropriate.

SECTION 5. NATIONAL TREASURER

A. The National President shall appoint from among the National Executive Vice Presidents and supervise a National Treasurer. His/her compensation shall be set by the National President and approved by a two thirds (2/3) vote of the National Executive Board. The National President may delegate to the National Treasurer the authority to perform the duties outlined in the following subsections, always subject to the approval and supervision of the National President.

B. The National Treasurer shall receive and collect all monies due to the National Union. All funds shall be deposited in a bank in the name of NAGE, subject to an order signed by the National President and one of the Executive Vice Presidents. At the request of the National President, the National Executive Committee shall authorize in writing one or more other National Executive Committee members to sign all checks covering expenditures of NAGE, upon the co-signature of the National President or National Executive Vice President.

C. The National Treasurer shall maintain records of the membership of the National Union and shall report to the National President and the National Executive Board as required. He or she shall keep all membership records and application cards, and a record of all members admitted by initiation or otherwise, as well as rejections and suspended or expelled members.

D. The National Treasurer shall with the approval of the National President and subject to policies approved by the National Executive Committee, invest any surplus funds of the Association. In making such investments in all cases, such investments shall be made in accordance with the ‘Prudent Man Rule.’ In addition to the foregoing powers and discretion, the National Treasurer is authorized to purchase certificates of deposit, securities of United States corporations, commercial notes, bonds, shares of common stock and to make investments in the securities of registered investment companies. In connection with the investments of the Association, the National Treasurer is authorized, subject to the approval of the National Executive Committee, to pay the reasonable fees and expenses of any bank or investment counselor for advice with respect to such transactions.

E. The National Treasurer shall make a full report of all matters relating to his or her office to the National Executive Board, and said report shall be presented at each National Convention. In addition, the National Treasurer shall, no less frequently than on a quarterly basis, make a full report of all financial transactions of NAGE to the National Executive Committee.

F. The National Treasurer shall, upon termination of employment, turn over to his or her successor in office all books, monies, property and other belongings of the National Union.

G. The National Treasurer shall keep all records pertaining to income, disbursements, and financial transactions of any kind for a period of at least six (6) years, or longer if required by applicable law. He shall obtain an outside certified financial audit of NAGE on an annual basis.

H. The National Treasurer shall furnish to the Auditors all records they request.

I. The National Treasurer shall have the authority to direct an audit of the books and financial records of any Local Unit to determine its financial status whenever it is deemed advisable or when in his/her opinion a Local is not remitting dues on the membership to which the National Association is entitled.

SECTION 6. NATIONAL EXECUTIVE SECRETARY

A. The National President shall appoint from among the National Executive Vice Presidents and supervise the National Executive Secretary. His/her compensation shall be set by the National President and approved by a two thirds (2/3) vote of the National Executive Board. The National President may delegate to the National Executive Secretary the authority to perform the duties outlined in the following subsections, always subject to the approval and supervision of the National President.

B. In the absence of the National President, the National Executive Secretary shall preside over the meetings of the National Convention, the National Executive Committee, or the National Executive Board.

C. The National Executive Secretary shall keep a correct record of all the proceedings of the National Convention, National Executive Board, and the National Executive Committee. The National Executive Secretary shall have the custody of and maintain the papers and other documents and effects of the National Association and the preceding National Convention. The National Executive Secretary shall maintain the papers and documents of the National Association. The National Executive Secretary shall conduct the correspondence pertaining to the general office and the Executive Committee.

D. The National Executive Secretary shall be authorized in the event of the death or resignation of the National President to summon the National Executive Committee for the election and installment of a successor. In the event that the National Executive Secretary shall fail, refuse or neglect, within fifteen days after said death or resignation, to issue a call for said meeting of the National Executive Committee to be held within thirty days after said death or resignation, then said meeting for the purpose of electing a successor may be held upon the written demand signed by representatives of three or more Locals, giving fifteen days notice thereof.

ARTICLE VIII

NATIONAL EXECUTIVE COMMITTEE

SECTION 1.

A National Executive Committee shall be established and be comprised of the National President, two National Executive Vice Presidents, and ten (10) National Vice Presidents, elected at the National Convention.

SECTION 2.

In connection with an affiliation or merger of another labor organization, the National Executive Board may grant to such labor organization until the next National Convention such executive positions and/or representation on the National Executive Committee or National Executive Board in the form of additional National Vice Presidents and National Executive Board members in excess of the numbers provided in this Article and Article IX.

SECTION 3.

The National Executive Committee shall meet at least every other month or otherwise at the direction of the National President. Yearly, at least two of the National Executive Committee meetings shall coincide with the National Executive Board meetings. The National Executive Committee's function will be to advise the National President on any and all matters relating to members engaged in the various functions in which the Committee delegates are involved. The term of office of each National Vice President will run from Convention to Convention. The Chairman of the National Executive Committee shall be the National President. The National Executive Secretary will chair the meetings in the absence of the National President.

SECTION 4.

A quorum of the National Executive Committee shall be seven (7) members.

SECTION 5.

The National Executive Committee shall elect a subcommittee of three (3) members from amongst its membership to set the salary of the National President and to make a recommendation of the salary of the National President to the National Executive Committee. Said recommendation shall be voted upon by the National Executive Committee.

SECTION 6.

Between National Conventions, the Executive Committee shall have the authority to take such steps it determines are needed to insure that the NAGE shall be able to meet its obligations.

ARTICLE IX

NATIONAL EXECUTIVE BOARD

SECTION 1.

A National Executive Board comprised of the National Executive Committee and thirty (30) Executive Board Members shall be elected at the National Convention. Vacancies and additions to the National Executive Board will be filled by a nomination of the National President upon majority vote of the National Executive Board.

SECTION 2.

The National Executive Board shall meet at least semi-annually or otherwise at the direction of the National President, within twenty-four (24) hours after adjournment of the National Convention, within ten (10) days after the written request of eight (8) or more members of the National Executive Committee, and immediately preceding the holding of the succeeding National Convention. The National Executive Board's function will be to advise the National President and the National Executive Committee on any and all matters relating to members engaged in the various functions and Sub-Committees in which the National Executive Board Members are involved. The term of office of each Board Member will run from Convention to Convention.

Agendas to National Executive Board Meetings will be submitted 30 days in advance in order to allow discussion of such agendas. This requirement shall not affect the ability of any member of the National Executive Board to raise any non-agenda items for discussion or offer any formal motions to be considered at the meeting. Minutes of all National Executive Board Meetings shall be published.

SECTION 3.

The National Executive Board shall annually approve the budget for the operation of the Union. The National Executive Board shall annually formulate and approve an annual organizing plan for the Union. The National Executive Board shall annually formulate and approve an annual education and communication plan for the Union. The National Executive Board shall annually formulate and approve an annual political strategy for the Union.

SECTION 4.

The Sub-Committees of the National Executive Board shall be: *Audit Sub-Committee, Budget Sub-Committee, Education/Communication Sub-Committee, Organizing Sub-Committee, and Political Strategy Sub-Committee*. All Sub-Committees shall be appointed by the National President with the majority vote of the National Executive Board. Additional Sub-Committees may be created by the National President with the majority approval of the National Executive Board. The President shall designate all Chairs and Co-Chairs of all Sub-Committees with the approval of the National Executive Board.

SECTION 5.

A majority of the members shall constitute a quorum of the National Executive Board. When the National Executive Board is not in meeting and the National President deems it necessary for the National Executive Board to act promptly, a designee of the National President shall poll the National Executive Board and such action and vote may be taken by telephone, email, letter, fax, telegram or teletype. Such action so taken on vote of two-thirds (2/3) of the members of the National Executive Board shall constitute official action of the National Executive Board.

SECTION 6.

The National Executive Board shall have the authority to authorize a housing program for the benefit of the Union.

SECTION 7.

The purchase and sale of (1) all motor vehicles; (2) all real estate; (3) all tangible property in excess of \$75,000; and (4) the approval of any and all non-personnel related contracts in excess of \$75,000.00 shall require the approval of the National Executive Board.

ARTICLE X

REVENUES

SECTION 1.

The financial records of the National Office and the Local Units shall be kept on a fiscal year basis. The fiscal year shall begin September first (1st) and end on August thirty-first (31st).

SECTION 2.

The revenue of the Association shall be derived from membership dues and from such other sources as may be approved by the National Convention and implemented by the National Executive Committee.

SECTION 3.

Local Units meeting the requirements of voluntary dues allotments (Dues Check-Off) will sign an agreement with their Agency whereby the Agency will deduct the specified dues and make all payments directly to:

**NATIONAL TREASURER, FISCAL OFFICE
NATIONAL ASSOCIATION OF GOVERNMENT EMPLOYEES
159 BURGIN PARKWAY
QUINCY, MASSACHUSETTS 02169-4213**

or such other address as the National Treasurer shall designate to each Local Unit by written notice.

SECTION 4.

The dues structure of the Union and any division thereof shall not be changed except by a majority vote of duly constituted delegates to a regularly scheduled or special National Convention, or by a seventy five percent (75%), or more, vote of the National Executive Board.

SECTION 5.

Between National Conventions, the National Executive Board shall have the authority to take such steps it determines are needed to insure that the NAGE shall be able to meet its obligations.

SECTION 6.

Upon receipt of said dues, the National Treasurer will return to said Local (every month for the previous month) the Local's Per Capita. Per Capita shall be paid at the rate of \$3.00 per member, per month, based on full-time-equivalents.

Any Local Unit may notify the National Treasurer to suspend Per Capita payments to said Local Union.

Effective January 1, 2007, following a National Convention, the President of each Local Unit must notify the National Treasurer in writing of its request to continue receiving Per Capita payments. Upon ratification of the first contract of all Local Unions formed after January 1, 2007, said new Local Unions will notify the National Treasurer in writing of their request to receive Per Capita Payments.

SECTION 7.

Any Local Unit which fails to pay the said dues on or before the last day of each month shall be notified by the National Treasurer, and if at the end of three months thereafter it is still in arrears, it may become suspended from membership. Any Local Unit remaining suspended for six months may be required to surrender its charter to the National Treasurer and forfeit all rights and privileges in this Association.

SECTION 8.

A suspended Local Unit may be reinstated in this Association upon payment of all arrearage; provided, however, that the National President shall, in exceptional cases, have the power to remit or abate such arrearage in whole or in part when circumstances warrant such action.

SECTION 9.

The Local Units shall every six (6) months submit copies of their bank statements cancelled checks, and any other information as may be requested. In the event that a Local Unit refuses to comply with this section, the Per Capita payments under section 6 will be suspended until such time as the Local Unit complies. The time period for the Local Unit to submit financial data shall be on January 1 and July 1 annually. Information provided under this section shall be submitted to the Audit Committee for their review (per Article 7, Section 3. E.).

SECTION 10.

Local Units shall maintain a separate bank account for the business of the Local and shall not commingle union monies with any personal accounts. No bank debit/ATM cards will be utilized for Local Unit's bank account(s). Any Local may request a waiver from the National President to justify the use of ATM/Debit Cards for a Local's Business. All checks drafted by the Local Units will be signed by two (2) officers of the Local.

SECTION 11.

The National Treasurer shall have the authority to direct an audit of the books and financial records of any Local Unit to determine its financial status whenever it is deemed advisable or when in his/her opinion a Local is not remitting per capita tax on the membership to which the National Association is entitled.

ARTICLE XI

BONDING OF OFFICERS AND EMPLOYEES

SECTION 1.

Every National Officer and every employee of the National Association who handles funds or other property of the National shall be bonded, with a recognized surety company, in accordance with the provisions of Section 502(a) of the Federal Reporting and Disclosure Act of 1959, as amended. The bond of each such person shall be fixed at the beginning of the National's fiscal year and shall be in an amount not less than ten (10%) percent of the funds handled by such person and his predecessor or predecessors, if any, during the preceding fiscal year of the National, but in no case more than \$500,000.

SECTION 2.

Except with respect to a Local Unit whose property or annual receipts does not exceed \$5,000 in value, every officer, agent, or employee of any Local handling funds or other property of such Local shall be bonded in the same manner as provided for National Officers and employees of the National Association under Section 1 of this Article XI.

ARTICLE XII

DISCIPLINE OF LOCALS AND MEMBERS

SECTION 1.

A. Local officers or members may be charged with the following:

- (1) Violation of any specific provision of this Constitution, or of the By-Laws of the Local Unit;
- (2) Violation of the oath of loyalty and/or their duty to the International Union, NAGE, the Local Unit, and/or the members thereof;
- (3) Mifeasance, malfeasance, or nonfeasance such that they have breached their duty to the International, NAGE, the Local unit, and/or the members thereof;
- (4) Disloyalty or conduct unbecoming a member;
- (5) Financial malpractice;
- (6) Corrupt or unethical practices or racketeering;
- (7) Advocating or engaging in dual unionism or secession;
- (8) Disobedience to the regulations, rules, mandates and decrees of the International Union or NAGE or the Local Unit;
- (9) The wrongful taking or retaining of any money, books, papers or any other property belonging to the International Union, NAGE or Local Unit; or the wrongful destruction, mutilation or erasure of any books, records, bills, receipts, vouchers or other property of the National Union or the Local Unit;
- (10) Working as a strike breaker or violating wage or work standards established by the International Union or NAGE or a Local Unit;
- (11) The bringing of false charges against a member or officer without good faith or with malicious intent;
- (12) Failing to pay his or her proper union membership dues, or failing to remit proper dues from the local to the National;
- (13) Discrimination or advocacy of forbidden discrimination against any other member on the basis of race, ethnicity, creed, color, religion, gender, marital status, sexual orientation, national origin, ancestry, age, or disability.

If such charges are substantiated in accordance with the procedures established hereafter, such remedial and/or punitive action can be taken as is justified and in the best interest of the organization and its members.

B. Disciplinary action, up to and including the imposition of trusteeship or the dissolution of the local unit, may be taken:

- (1) When a local, through mifeasance, malfeasance, or nonfeasance fails to meet its duty of fair representation to its members;
- (2) When a local fails to meet its financial obligations to the National, or to any other vendor or obligee.
- (3) When the local fails in its duty to its membership;
- (4) When the Local fails to preserve and protect its assets, fails to meet its legal obligations, or fails in any other duty such that its obligations to the members, the National, the International, or the Local itself are not being met.

C. For the purposes of this document, the following words are defined as follows:

1. “Misfeasance” - The improper performance of an act(s) which a person is supposed to do.
2. “Malfeasance” - The doing of an act(s) which a person is not supposed to do at all.
3. “Nonfeasance” - The omission of or failure to perform an act(s) which a person is supposed to do.

SECTION 2:

Charges Brought by Member(s) of a Local Unit and Determined at the Local Level:

A. Charges alleging any conduct described in Sections 1 A or B above on the part of any member or officer of a Local Unit shall be filed in duplicate with the Secretary of the Local Unit, who shall serve a copy thereof on the accused either personally or by registered or certified mail, directed to the last known address of the accused, at least ten (10) days before the hearing upon the charges. The Local Unit President shall send a copy of this notice to the National President. The charges must specify the events or acts which the charging party believes constitute a basis for charges and must state which subsection(s) of Section 1 of this Article the charging party believes have been violated. If the charges are not specific, the trial body may dismiss the charges either before or at the hearing, but the charging party shall have the right to re-file more detailed charges which comply with this Section. No charges may be filed more than six (6) months after the charging party learned, or could have reasonably learned, of the act or acts which are the basis of the charges.

B. The Executive Board of the Local Unit shall act as the Trial Body, unless the Constitution and By-Laws of the Local Unit provide for another trial procedure. The accused may appear in person and with witnesses to answer the charges against him/her and shall be afforded a full and fair hearing. The person charged may select any person to act as his/her advocate unless otherwise limited by the Local Constitution and By-Laws.

C. If any portion of the charges is sustained by the evidence, then the trial body shall render such judgment and impose such discipline that it considers just. If the charges are not sustained, they shall be dismissed, and the accused shall be restored to full rights of membership and/or office.

D. If the charges brought are against a member(s) of the Local Executive Board or Trial Body, that person(s) charged shall not sit as a member of that body for the purpose of deliberating on the charges. If this results in an insufficient number of persons to constitute a quorum (or if no definition of “quorum” has been established by the Local, a majority) of the Trial Body, the parties shall agree to a method of establishing a fairly constituted panel to determine the sufficiency of the charges and to issue a judgment. If the parties cannot agree, either party may submit that issue to the National President by

contacting the Executive Secretary in writing. The National President shall determine the method of establishing a fairly constituted panel, or shall order that the National take immediate jurisdiction.

E. If the accused is unable or unwilling to be present at any hearing provided for herein, a defense may be presented in writing. In default of appearance or defense, the Trial Body shall proceed with the hearing regardless of the absence of the accused.

F. The Trial Body, after requisite due process has been afforded, may impose such penalty as it deems appropriate and as the case requires. The National President shall be notified of the Hearing Decision.

SECTION 3:

Charges Brought by or Action Taken by National President

A. Regarding individual members:

(i) When and if the National President finds that by action or inaction any individual officer(s) or member(s) have engaged in, are engaging in, or are about to engage in conduct which constitutes one or more of the offenses found in Section 1 A (1) - (13) above, he shall have the authority to take such action as is warranted to insure that NAGE, its Locals and its members are not subjected to harm or the risk thereof. He shall have the authority to take any and all acts he deems just and necessary, including but not limited to those found in Article XII, Section 2.

(ii) When and if the National President determines that it is appropriate for him to invoke the powers provided him in the above subsection, he shall first cause to be issued a notice, advising the officer(s) or member(s) against whom such action is contemplated that such action is, in fact, contemplated, the reasons for such contemplated action, and a citation to the specific section(s) of this Constitution which he considers has been violated. Said notice shall establish a time and place for a hearing on these charges, which can be held before the National President or before such person as he or she should designate. Said hearing shall be held within thirty (30) days of the issuance of the notice and be held in a reasonable place and at a reasonable time. A decision shall issue within sixty (60) days following the conclusion of the hearing. At such hearing, the party against whom such action is contemplated shall have the opportunity to answer said charges, to offer defenses, and to otherwise dispute that just cause exists for the action contemplated.

(iii) If, in the judgment of the National President, an emergency situation exists, he can invoke the power provided him in Subsection 3 A.(i) and take any and all acts s/he deems just and necessary, including but not limited to those found in Article XII, Section 2. If the National President invokes the authority granted him under this subsection, s/he shall, within thirty (30) days after having taken such action, cause a hearing to be held. At such hearing, the party against whom such action has been taken shall have the opportunity to answer said charges, to offer defenses, and to otherwise dispute that just cause exists for

the action taken. Notice of the date, time, and place for said hearing shall be sent to the party against whom such action was taken within ten (10) days after the action was taken. A decision shall issue within sixty (60) days following the conclusion of the hearing.

B. Regarding Local Units:

(i) When and if the National President finds that one or more of the conditions found in Section 1 B. (i) - (iv) exist within a local, s/he shall have the authority to appoint a trustee to take charge and control of the affairs of such local.

(ii) When and if the National President determines that it is appropriate for him to invoke the powers provided him in the above subsection and in Article VII, Section 3.F., s/he shall first cause to be issued a notice, advising the officers of the Local against whom such action is contemplated that such action is, in fact, contemplated, the reasons for such contemplated action, and a citation to the specific section(s) of this constitution which s/he considers has been violated. Said notice shall establish a time and place for a hearing on these charges, which can be held before the National President or before such person(s) s/he should designate. Said hearing shall be held within thirty (30) days of the issuance of the notice and be held in a reasonable place and at a reasonable time. A decision shall issue within sixty (60) days following the conclusion of the hearing. At such hearing, the officers and members of the local against whom such action is contemplated shall have the opportunity to answer said charges, to offer defenses, and to otherwise dispute that just cause exists for the action contemplated.

(iii) If, in the judgment of the National President, an emergency situation exists, s/he can invoke the power provided him in Section 3 B of this Article and in Article VII, Section 3.F. If the National President invokes the authority granted him under this subsection, s/he shall, within thirty (30) days after having taken such action, cause a hearing to be held. At such hearing, the officers and members of the Local against whom such action has been taken shall have the opportunity to answer said charges, to offer defenses, and to otherwise dispute that just cause exists for the action taken. Notice of the date, time, and place for said hearing shall be sent to the officers of the local against whom such action was taken within ten (10) days after the action was taken. Said hearing shall be held within thirty (30) days following the taking of the action, and a decision shall issue within sixty (60) days following the conclusion of the hearing.

(iv) Upon the imposition of a trusteeship, either under the provisions of Subsections (ii) or (iii) above, the trustee Local and the officers and members thereof shall cooperate with the Trustee designated by the National President, in order that the purposes of the trusteeship may be accomplished as soon as possible. The Trustee shall be authorized to take full charge of the affairs of the Local, to appoint temporary officers or employees at any time during the trusteeship, and to take such other action as in the trustee's judgment is necessary for the good of the local and its interests. The Trustee shall report on the affairs/transactions of the Local Unit or affiliated body to the National President. The Trustee and all of the acts of the Trustee shall be subject to the supervision and direction

of the National President. The National President may remove Trustees at any time and appoint successor Trustees.

(v) The trustee, temporary officers, and persons employed to carry on the affairs of said local, during the period of such trusteeship, shall give bond in such form and amount as may be necessary to indemnify against possible financial loss.

(vi) The Trustee shall take possession of any funds, books, records and papers of the Local and tender receipt for same. He or she shall promptly pay all outstanding claims, properly proved, if funds are sufficient. NAGE shall not be responsible for any actions or activities of a Local unless such actions or activities have been directed or authorized by the Trustee.

(vii) The Trustee is authorized, upon presentation of notice of imposition of temporary trusteeship by the National President, to notify any financial institution where the assets of the subordinate Local are kept or deposited that the Trustee or the designee of same shall have exclusive dominion and control over the assets of the subordinate body, including but not limited to authority to remove said assets from said institution.

(viii) When it is determined by the National President or the Executive Committee that self-governing should be restored, the Trustee shall conduct an election at such time as s/he shall designate, in conformity with the provisions of the Local's Constitution as far as s/he deems practical and, upon installation of officers, the trusteeship shall terminate. When self-government is restored, the Trustee shall return all funds, books, papers and other property to the Local Unit or affiliated body. If, however, the Local Unit or affiliated body is dissolved by the revocation of its charter, then any balance remaining to the credit of the Local Unit or affiliated body shall be forwarded to NAGE and shall become the property of the National Union.

(ix) In case of the dissolution or the expulsion of a Local Unit or an officer of a Local Unit or of a National Officer, all funds, properties, books and assets belonging to the Local Unit, or the National Association, which are or might be in the possession of the Local Unit or an officer of the Local Unit, or the National Officer, shall be turned over to a duly authorized representative of the National Association of Government Employees designated by the National President or the National Executive Committee, and the National Association of Government Employees shall have the right to possession of such properties, books and assets. All such funds, properties, books and assets received by the National Association shall be held in trust by it until such time as such Local Unit which has been dissolved or expelled is either reconstituted, recharged or reorganized, at which time such funds, properties, books and assets shall be returned to such reconstituted Local Unit; provided, however, that if such Local Unit is not reconstituted, rechartered or reorganized within a period of two (2) years from the time such funds, properties, books and assets are received by the National Association, such funds, properties, books and assets shall become the property of said National Association of Government Employees.

SECTION 4- Appeals:

Any person or body against whom disciplinary action has been taken or whose charges have been dismissed in whole or in part shall have the right to appeal as follows:

A. An appeal to the National Executive Committee may be taken by either the accused or the member filing the charges from any decision of a Local Unit with respect to such charges, provided such decision is a final decision under the terms of the Constitution and By-Laws of the Local Unit. Any such appeal must be filed in writing with the National Executive Secretary by registered or certified mail, within fifteen (15) days after the decision. No specific form or formality shall be required, except that such appeal shall clearly set forth the decision being appealed and the grounds for the appeal. During the pendency of any appeal, the decision being appealed from shall remain in full force unless it is stayed by the National Executive Committee. The National Executive Committee may decide the appeal on the records made by the Trial Body or may, in its discretion, upon at least ten (10) days notice, hear argument or hold a rehearing either itself or before a hearing officer or officers designated by it. The National Executive Committee may confirm, reverse or modify the decision appealed from.

B. An appeal to the International Executive Board may be taken by either the accused or the member filing the charges from any decision of the National Executive Committee with respect to such charges provided such decision is a final decision under the terms of the Constitution and By-Laws of NAGE, or from a decision of the International President. Any such appeal must be filed in writing with the International Secretary-Treasurer, by registered or certified mail, within fifteen (15) days after the decision. No specific form or formality shall be required, except that such appeal shall clearly set forth the decision being appealed and the grounds for the appeal. During the pendency of any appeal, the decision appealed from shall remain in full force, unless it is stayed by the International Executive Board. The International Executive Board may decide the appeal on the record made by the Trial Body or may, in its discretion, upon at least ten (10) days notice, hear argument or hold a rehearing either itself or before a hearing officer or officers designated by it. The International Executive Board may affirm, reverse or modify the decision appealed from.

C. Appeals from any decision of the International Executive Board with respect to charges may be taken to the next International Convention. Any such appeal shall be filed in the same manner and within the same time as appeals to the International Executive Board. During the pendency of such appeal, the decision appealed from shall remain in full force. The appellant shall have the right to appear before an appeals committee of the Convention and, if the appellant is a Local Unit or a member appealing an expulsion from membership, shall have the right to appear before the Convention itself only with the consent of the Convention. The action of the Convention on all appeals shall be final and binding.

SECTION 5- Appeals of Elections:

Any member of a Local may use the following procedure to appeal the results of an election for Local Officers and delegates to the National Convention. Within fifteen (15) calendar days after the tally of ballots has been furnished to the members of the Local, any member of that Local may file objections to the conduct of the election or conduct affecting results of the election to the Local's Executive Committee or Board of Directors. Objections must be made in writing and must contain specific reasons in support thereof.

SECTION 6- Exhaustion of Administrative Remedies:

Subject to the provisions of applicable statutes, every Local Unit or member or officer thereof or officer of the National Union against whom charges have been brought and disciplinary action taken as a result thereof or who claims to be aggrieved as a result of adverse rulings or decisions rendered, agrees, as a condition of membership or affiliation and the continuation of membership or affiliation, to exhaust any remedies provided for in the Constitution and By-Laws of the International Union, of the National Union, and of the Local Unit and further agrees not to file or prosecute any action in any court, tribunal or other agency until those remedies have been exhausted.

SECTION 7:

The SEIU Member Bill of Rights and Responsibilities in the Union shall be enforced exclusively through the procedures provided in this Article and any decision rendered pursuant to the procedures provided for herein, including any appeals, shall be final and binding on all parties and not subject to judicial review.

ARTICLE XIII

NON-LIABILITY OF NATIONAL UNION

Except as is otherwise specifically provided in this Constitution, no Local Unit, or affiliated body, nor any officer, employee, organizer or representative of a Local Unit or affiliated body or of this National Union shall be authorized to make contracts or incur liabilities for or in the name of the National Union unless authorized in writing by the National President and the National Executive Board.

ARTICLE XIV

DELEGATES TO INTERNATIONAL CONVENTION OF THE SERVICE EMPLOYEES INTERNATIONAL UNION

SECTION 1.

The convention of the SEIU International Union meets every four (4) years and will convene sometime during the months of April, May, June or July at such time and place as the SEIU International Executive Board may determine.

SECTION 2.

Special SEIU conventions may be called upon order of the SEIU International Executive Board to convene at such time and place as the Board may determine, and any and all business, including appeals from suspensions and decisions of the SEIU International Executive Board, may come before such special convention unless specifically limited by the call. Notice of such call shall be given to each Local at least sixty (60) days prior to the date of the special convention. All other provisions of Article IV of the International Constitution shall control all special conventions.

SECTION 3.

The NAGE delegates to the International Conventions shall serve in the following order:

National President

Executive Committee Members

Executive Board Members

If the number of members at any level exceeds the number of Delegates who may serve, then the officers shall be selected according to their seniority for service on said board.

ARTICLE XV

AMENDMENTS TO THE CONSTITUTION

SECTION 1.

All proposed resolutions and proposed amendments to the NAGE Constitution and Bylaws must be submitted by a NAGE Local Union to the NAGE National Executive Committee at least thirty (30) days prior to the Convention except that proposed resolutions and proposed amendments not so submitted may be considered by the Convention upon unanimous consent of the delegates present. Three copies of each proposed resolution and amendment should be submitted to the NAGE National Executive Committee. The NAGE National Executive Committee may present proposed resolutions and constitutional amendments to the Convention at any time during the Convention without the requirement of unanimous consent. Amendments and resolutions shall be considered adopted upon majority vote.

SECTION 2.

Amendments to the National Constitution and By-Laws which shall not have been presented as prescribed in Section 1 of this Article, may be proposed at the National Convention, but adoption shall be only on or with the two-thirds vote of the total authorized representation at said Convention.

SECTION 3.

Amendments by referendum. Any Local Unit of the National Association of Government Employees and/or the National President with the approval of the National Executive Committee may prepare and circulate a petition for the purpose of causing a resolution of National importance or amendment to the Constitution to be brought to a vote of the whole Association.

SECTION 4.

Before circulating such a petition by a Local Unit, the National President shall be notified in writing of such action and furnished with a copy or draft of the proposed question, resolution or amendment.

If such a petition is subscribed to by a majority of signatures of the members of twenty-five Local Units, such total majority to represent ten percent (10%) of the overall membership of the National Association of Government Employees, the National President must submit such referendum of amendment to the Constitution to a referendum vote as hereinafter pre scribed; provided, however, that any Convention of this Association may, by motion, submit any resolution or amendment to the entire membership.

SECTION 5.

Such petition shall be filed with the National President. A National Executive Vice President shall furnish ballots as provided in Section 3 hereof.

SECTION 6.

The proposition and a sample ballot shall be printed in an official Notice at least one month before the mailing of the referendum ballots.

SECTION 7.

The National President shall appoint a Referendum Election Committee of ten (10) members, five (5) to be on one side of the proposition to be voted and five (5) on the other, no two (2) of whom shall be members of the same Local Unit, to canvas the vote and count the ballots at National Headquarters. The Referendum Election Committee shall separate the resumed ballots according to Local Units against the mailing list for Local Units by means of the return card, and shall then remove the sealed blank envelope containing the ballot and place it in its proper receptacle. After all such ballots from a Local Unit have been so placed in the receptacle they shall be opened and the ballots removed from the envelopes. The Referendum Election Committee shall then proceed to count the Ballots. Upon completion of the count the Referendum Election Committee shall certify the results of its count to the National President. It shall make a written report showing the number of ballots invalidated and the number of votes cast from each Local Unit for each side of the proposition submitted.

The results of the Referendum vote shall be published in the Association's official newspapers.

SECTION 8.

The National Executive Secretary shall mail to each member at his last known address appearing on the official records of the National Association one (1) ballot, one (1) blank envelope, and one (1) business reply envelope, bearing the return card of the member. The mailing list shall be the same as the mailing list used to distribute the issue of the Association's official newspapers containing the sample ballot. The ballots mailed to the members of any Local Unit shall not exceed the number on which per capita tax is currently paid. The member shall mark his ballot, place it in the return envelope which shall in turn be sealed and enclosed in the business reply envelope. The National Executive Secretary shall obtain a post office box to which all ballots shall be returned. The ballots may be withdrawn from the post office box only by two (2) or more members of the Referendum Election Committee. A letter of instructions only shall accompany the ballots mailed to the membership and no circular material, either pro or con, may be included with the ballot. The letter of instructions shall be prepared by the Referendum Election Committee and signed by two (2) or more of the said Committee but shall contain all of the Committee's members' names.

SECTION 9.

Arguments for or against a referendum shall be printed in the Association's official newspapers but not more than two thousand (2,000) words for a side. If more than one argument is submitted, the editor is required to publish that which is submitted by the Local initiating the proposition to be voted on.

SECTION 10.

It shall require a majority vote cast to decide all questions other than amendments to the Constitution which shall require two-thirds (2/3) affirmative vote to carry and decide.

SECTION 11.

No resolution or amendment adopted by a referendum vote of the national membership may be appealed or amended within one (1) year after election.

SECTION 12.

Except as otherwise expressly stated, any amendment to this Constitution and By-Laws shall become effective immediately upon adoption at the close of the Convention at which it was adopted.

SECTION 13.

The Constitution and By-Laws of this Local Union shall at all times be subordinate to the International Constitution and By-Laws, as it may be amended. Except where expressly waived in the Affiliation Agreement with the International Union, no amendment shall be valid or become effective until approved by the International Union.

SEIU/NAGE MEMBERS BILL OF RIGHTS AND RESPONSIBILITIES ON THE JOB

- The right to have work that is worthwhile to society, personally satisfying to the worker, and which provides a decent standard of living, a healthy and safe workplace, and the maximum possible employment security.
- The right to have a meaningful and protected voice in the design and execution of one's work and in the long-term planning by one's employer as well as the training necessary to take part in such planning.
- The right to fair and equitable treatment on the job.
- The right to share fairly in the gains of the employer.
- The right to participate fully in the work of the Union on the scope, content and structure of one's job.
- The responsibility to participate in the Union's efforts to establish and uphold collective principles and values for effective workplace participation.
- The responsibility to recognize and respect the interests of all Union members when making decisions about Union goals.
- The responsibility to be informed about the industry in which one works and about the forces that will affect the condition of workers in the industry.
- The responsibility to participate fully in the Union's efforts to expand the voice of workers on the job.
- The responsibility to give fully and fairly of one's talents and efforts on the job and to recognize the legitimate goals of one's employer.

SEIU/NAGE MEMBER BILL OF RIGHTS AND RESPONSIBILITIES IN THE UNION

- The right to have opinions heard and respected, to be informed of Union activity, to be educated in Union values and Union skills.
- The right to choose the leaders of the Union in a fair and democratic manner.
- The right to a full accounting of Union dues and the proper stewardship over Union resources.
- The right to participate in the Union's bargaining efforts and to approve Union contracts.
- The right to have members' concerns resolved in a fair and expeditious manner.
- The responsibility to help build a strong and more effective labor movement, to support the organizing of unorganized workers, to help build a political voice for working people, and to stand up for one's co-workers and all workers.
- The responsibility to be informed about the internal governance of the Union and to participate in the conduct of the Union's affairs.
- The responsibility to contribute to the support of the Union.
- The responsibility to treat all workers and members fairly.
- The responsibility to offer constructive criticism of the Union.

SEIU/NAGE CODE OF ETHICAL PRACTICES

SECTION 1. This Code of Ethical Practices shall be applicable to SEIU/NAGE.

SECTION 2. All officers and managerial employees of SEIU/NAGE, whether elected or appointed, have a trust and high fiduciary duty to honestly and faithfully serve the best interests of the membership.

SECTION 3. No officer or managerial employee of SEIU/NAGE shall, to the best of his/her knowledge, have an ownership or other substantial interest which conflicts with his/her fiduciary duty. In particular, it shall not be permissible for any officer or managerial employee to:

- a) have a substantial ownership or financial interest in any firm that engages in collective bargaining with SEIU/NAGE or any of its affiliates, unless that ownership or financial interest complies with applicable law and has been fully disclosed to the National President and National Executive Secretary/Treasurer and they have determined that it does not compromise the officer's or employee's ability to act in the best interest of the SEIU/NAGE and its members; or
- b) have a substantial ownership or financial interest in any firm which does business or seeks to do business with SEIU/NAGE or any of its affiliates, unless that ownership or financial interest complies with applicable law and has been fully disclosed to the National President and National Executive Secretary/Treasurer and they have determined that it does not compromise the officer's or employee's ability to act in the best interest of the SEIU/NAGE and its members; or
- c) be the sole or effective decision-maker concerning SEIU/NAGE's relations with a firm in which his/her parent, spouse, spousal equivalent or dependent child of that relationship, grandparent, grandchild, brother, sister, first or second cousin, mother-in-law, father-in-law, sister-in-law, brother-in-law, daughter-in-law, step-parent, step-sibling, foster parent, foster child, or business partner has a substantial ownership or financial interest; or
- d) engage in any self-dealing transactions with SEIU/NAGE or any of its affiliates, such as buying property from, or selling property to SEIU/NAGE, without the informed approval of the National Executive Secretary/Treasurer obtained after full disclosure, including an independent appraisal of the fair market value of the property to be bought or sold.
- e) For purposes of these rules, a "substantial ownership or financial interest" is one in which either contributes significantly to the individual's financial well-being or which enables the individual to significantly affect or influence the course of the business entity's decision making. A "substantial ownership or financial interest" does not include a stock purchase plan, profit-sharing plan or ESOP.

SECTION 4. No officer or managerial employee of SEIU/NAGE shall accept any non-de minimis personal payment or gift from any employer that engages in collective bargaining with SEIU/NAGE or its affiliates or from any business or professional firm that does business or seeks to do business with SEIU/NAGE or any of its affiliates, other than regular pay and benefits for work performed, except as may be otherwise permitted under the terms of the applicable federal law.

SECTION 5. No officer or employee of SEIU/NAGE shall convert or divert any funds or other property belonging to SEIU/NAGE to such individual's personal use or advantage.

SECTION 6. No officer or managerial employee of SEIU/NAGE shall receive compensation of any kind from a fund established for the provision of health, welfare, or retirement benefits for serving as an employee representative or labor-designated trustee on such employee benefit fund or plan, except for reimbursement of reasonable expense properly and actually incurred, provided uniformly to such representatives or trustees. It is not a violation of this provision for an officer or managerial employee who is not a full-time employee of the SEIU/NAGE or of an affiliate to be a lawfully paid employee of a retirement, health or welfare fund, as long as such employment is consistent with applicable legal restrictions.

SECTION 7. No person shall serve as an officer or managerial employee of SEIU/NAGE who has been convicted of any felony involving the infliction of grievous bodily injury or any felony involving abuse or misuse of such person's position or employment in a labor organization or employee benefit plan to seek or obtain an illegal gain at the expense of the members or the beneficiaries of the employee benefit plan, except for the limited exceptions as may be set forth in applicable federal law.

SECTION 8. As long as there is compliance with the terms of Section 3 above, this Code is not intended to preclude officers or employees of SEIU/NAGE from owning publicly traded shares of any employer that SEIU/NAGE or an affiliates seeks to organize or that engages in collective bargaining with SEIU/NAGE or its affiliates, through a mutual fund, national securities exchange or other similar investment vehicle, provided that all transactions affecting such interests are consistent with rates and terms established by the open market. Further, this Code does not apply to investments held in a blind trust.

SECTION 9. Any allegation that this Code has been violated should be brought to the attention of the National President or National Executive Secretary/Treasurer, who shall refer the matter to the SEIU/NAGE Legal Department for appropriate further action or investigation.

Index

<p>Absentee ballots8</p> <p>accountants 18, 19</p> <p>age12</p> <p>agency fee payers16</p> <p>AMENDMENTS TO THE CONSTITUTION.38</p> <p>ancestry12</p> <p>appeal 18, 34, 35</p> <p>Appeals34, 35</p> <p>associate members16</p> <p>audit19, 21, 27</p> <p><i>Audit Sub-Committee</i>24</p> <p>Auditors 18, 21</p> <p>Auditors Committee18</p> <p>ballots and records9</p> <p>BONDING OF OFFICERS AND EMPLOYEES28</p> <p>books and records18</p> <p><i>Budget Sub-Committee</i>24</p> <p>business or financial interests13</p> <p>Charges Brought by or Action Taken by National President31</p> <p>Chief Financial Officer 18, 20, 21, 22, 26, 27</p> <p>Code of Ethical Practices2, 14</p> <p>coerce13</p> <p>color12</p> <p>contracts4, 25, 36, 42</p> <p>Convention .. 2, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 26, 34, 35, 38</p> <p>Corrupt29</p> <p>credit unions13</p> <p>creed12</p> <p>delegate15</p> <p>delegates 15, 23, 26, 35, 38</p> <p>DELEGATES TO INTERNATIONAL CONVENTION OF THE SERVICE EMPLOYEES INTERNATIONAL UNION37</p> <p>disability12</p> <p>disbursements21</p> <p>DISCIPLINE OF LOCALS AND MEMBERS 29</p> <p>discrimination12</p> <p>Discrimination29</p> <p>Disloyalty29</p> <p>Disobedience29</p> <p>dissolution of the local unit29</p> <p>Division7</p> <p>dual unionism29</p> <p>dues 9, 12, 13, 16, 17, 26, 27, 29, 42</p>	<p>dues paying member 12</p> <p><i>DUTIES AND POWERS</i>...<i>See</i> National President</p> <p>duty of fair representation 29</p> <p><i>Education/Communication Sub-Committee</i>..... 24</p> <p>ELIGIBILITY TO MEMBERSHIP..... 12</p> <p>emergency situation31, 32</p> <p>EMTs <i>See</i> IAEP</p> <p>ethnicity 12</p> <p>fair hearing30</p> <p>false charges 29</p> <p>Financial malpractice 29</p> <p>financial transactions 21</p> <p>force13, 15, 34</p> <p>gender 12</p> <p>general membership meeting 9</p> <p>goals 4</p> <p>GOVERNING BODY 15</p> <p>Grievant 10</p> <p>HANDLING OF GRIEVANCES 10</p> <p>headquarters 5</p> <p><i>IAEP</i> 7</p> <p><i>IBCO</i> 7</p> <p><i>IBPO</i> 7</p> <p>income 21</p> <p>intimidate 13</p> <p>investments13, 21</p> <p>loan 13</p> <p>Local Unit 8, 9, 10, 11, 12, 13, 15, 16, 18, 19, 21, 26, 27, 28, 29, 30, 32, 33, 34, 35, 36, 38, 39</p> <p>Local Unit By-Laws 16</p> <p>Local Unit Executive Board 8</p> <p>Local Units 7</p> <p>LOCAL UNITS 8</p> <p>malfeasance 29</p> <p>Malfeasance 30</p> <p>marital status 12</p> <p>member in good standing 13</p> <p>Misfeasance29, 30</p> <p>MISSION STATEMENT 3</p> <p>Monitor 19</p> <p>motor vehicles 25</p> <p>NAME Name and Office 5</p> <p>National Executive Board .. 2, 5, 7, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 36</p> <p>National Executive Board members17, 23</p> <p>National Executive Committee 2, 7, 8, 12, 13, 15, 16, 17, 19, 20, 21, 22, 23, 24, 26, 33, 34, 38</p>
---	--

National Executive Vice Presidents	17, 18, 20, 23
NATIONAL OFFICERS	17
national origin	12
National President	17
<i>NATIONAL PRESIDENT</i>	17
National Vice Presidents	17, 18, 23
nonfeasance	29
Nonfeasance	30
NON-LIABILITY OF NATIONAL UNION	36
OBJECTIVES	6
official documents	18
ORGANIZATION	7
<i>Organizing Sub-Committee</i>	24
other professional personnel	<i>See National President</i>
Per Capita payments	26
petition	18, 38, 39
plurality vote	8
<i>Political Strategy Sub-Committee</i>	24
PREAMBLE	3
PURPOSES	6
quorum	8, 24, 30
Quorum	23
race,	12
real estate	25
records	15, 20, 21, 26, 27, 29, 33, 34, 39
religion	12
restrain	13
retired members	16
retirement	12
revenues	19
secession	29
secret ballot election	16
SEIU MEMBER BILL OF RIGHTS AND RESPONSIBILITIES IN THE UNION	42
SEIU MEMBERS BILL OF RIGHTS AND RESPONSIBILITIES ON THE JOB	41
SEIU/NAGE Local 5000 AFL-CIO	5
sexual orientation	12
staff	<i>See National President</i>
Standards of Conduct for Labor Organizations	13
strike breaker	29
Sub-Committees	24
tangible property	25
term of office	17, 23, 24
Trustee	19, 32, 33
trusteeship	29, 32, 33
unethical	29
Vacancies	17, 24
VACANCIES	17
violence	13
<i>vision</i>	4
vouchers	18
working members	16, 17
wrongful taking	29