

**NEW YORK STATE PUBLIC EMPLOYEES
FEDERATION AFL-CIO
DIVISION No. 263
PROPOSED CONSTITUTION**

ARTICLE I: NAME

This Division shall be known as the Office of the State Comptroller, PEF Division 263.

ARTICLE II: OBJECTIVES

This Division shall be the formal local communicative and administrative body of the New York State Public Employees Federation. It shall exist to promote the welfare of its members in its constituency with respect to all terms and conditions of employment.

ARTICLE III: MEMBERSHIP

(A) This Division's constituency shall include all PEF Members in the Department of Audit and Control assigned to Regions 1 through 9 and Region 12.

(B) Any regular member of PEF in the Division constituency is a regular member of this Division.

ARTICLE IV: DIVISION COUNCIL

SECTION 1. The Division Council shall be composed of the stewards elected by their appropriate Constituency including Executive Board members who are in this constituency. All Council Members shall be the official PEF representatives of this Division. The Officers of this Division shall be elected at the organizational meeting following steward elections from the Council members, except, if by a unanimous vote of the Division Council, any regular member of

PEF in this constituency may be elected to an office and be provided with full voting rights. They shall be known as: Council Leader, Assistant Council Leader, Division Secretary, Division Treasurer. The Council shall be the principal decision making body for the Division.

SECTION 2. The Council shall establish such committees as may be necessary for the functioning of this Division. The following committees must be established: Auditing, Constitution, Grievance, Social and Labor/Management. All committee members must be approved by the Division Council. Except for the Grievance Committee, membership on a committee need not be restricted to elected stewards. Non-PEF members (fee payers) cannot serve on these committees.

SECTION 3. The Division Council shall have the responsibility to prepare and approve a budget within the funding provided by PEF via a per capita; and shall be required to approve any expenses varying from the amounts budgeted by line item. In addition, approval is required for expenses for convention Delegates and the setting price support for social functions. All checks drawn from Division funds must be co-signed. Signatures to be determined by the Council.

SECTION 4. Quarterly the Council Leader and the Division Treasurer shall summarize its Division finances. This shall be forwarded to the appropriate Regional Coordinator(s).

SECTION 5. The Division Council must hold at least four (4) meetings and one (1) general membership per year.

SECTION 6. A special meeting of the Division Council may be called by fifty (50) percent of the Council.

SECTION 7. A quorum shall consist of at least fifty (50) percent of the Council members,

SECTION 8. Notification of general membership meetings shall be sent to the appropriate Regional Coordinator(s) and Departmental Executive Board Member(s) and all Council members.

- SECTION 9.** The Division Council Leader shall:
- (a) be the responsible and chief administrative officer of the division.
 - (b) preside and keep order at all meetings of the council and the Division.
 - (c) present an agenda for all meetings after consultation with the council members.
 - (d) ensure that all Division Officers, stewards and committees perform their duties as authorized by this Constitution and the council.
 - (e) make no agreements that are inconsistent with the policies of the Division.
 - (f) perform other duties as deemed necessary.

- SECTION 10.** The Assistant Council Leader shall:
- (a) assist the Council Leader in his duties as requested by the Council Leader or the Division Council.
 - (b) perform the duties of the Council Leader during his absence.
 - (c) perform other duties as assigned by the Division Council.

- SECTION 11.** The duties of the Division Secretary shall be:
- (a) to record and make available Minutes of the proceedings of each Division and Council meetings.
 - (b) to present typewritten Minutes of each meeting of the Division and Council for approval at the next meeting.
 - (c) to furnish the Treasurer a copy of all motions approved regarding the finances of the Division.
 - (d) to act as custodian of all records of this Division.

- (e) to receive and distribute appropriately, all official communications and correspondence of this Division.

- SECTION 12.** The duties of the Division Treasurer shall be:
- (a) to account for the financial matters of this Division.
 - (b) to receive and record all monies paid to this Division.
 - (c) to disburse funds as directed by the Council.
 - (d) to pay and record all just bills and creditors in a timely manner, bearing in mind, that two (2) signatures are necessary on each check.
 - (e) to maintain accurate records of all financial transactions of this Division.
 - (f) to have available, at all times, the financial records of the Division for inspection by any officer of this Division or PEF at their request.
 - (g) to submit all books, receipts and records to an audit to be performed at least once per year.
 - (h) to turn over all financial records to a successor.
 - (i) to be bonded for an amount of money as determined by the Division Council.
 - (j) to prepare an annual budget.

- SECTION 13.** The duties of each steward shall include but are not limited to:
- (a) handle grievances, problems, and act as a first line liaison between Division leadership, management, and members.
 - (b) communicate Division policy to membership at the site he/she represents, and all information that comes to him/her from the union. Also convey to PEF leadership concerns and problems of membership.
 - (c) be able to conduct an effective meeting.
 - (d) be knowledgeable as to the contract, steward manuals, Departmental procedures and policies as well as civil service law.
 - (e) be able to deal with management as an equal as

- well as with his/her peers.
- (f) disseminate all information relevant to membership interest.
 - (g) recruit new membership and see that new employees are given the proper orientation to both their work and to their union
 - (h) attend all meetings. Absences without reasonable cause may result in request for resignation. (Attendance requirement may be set by the Council.)

SECTION 14. PEF Departmental Executive Board Members shall:

- (a) be a member of this Division Council, if he/she is a member of this constituency.
- (b) inform the Division constituency of all matters of concern before the PEF Executive Board.
- (c) relate all matters of concern as expressed by this Division constituency to the PEF Executive Board or the appropriate representatives.
- (d) serve on the Labor/Management Committee.

SECTION 15. The Division Council in consultation with the appropriate Regional Coordinator(s) shall:
Determine the appropriate steward constituencies, provided this apportionment does not exceed the number allowed for this Division. Unless changed by PEF, the intra-departmental steward allocation shall be based on one (1) steward per fifty (50) PS&T unit members.

SECTION 16. Upon succession, all elected representatives must turn over all records and documents in an orderly fashion to their replacements.

SECTION 17. All Council members must serve to enhance the well-being of the Division Constituency and respect all legitimate inquiries concerning the operation of this Division.

SECTION 18. Any steward wishing to pass a resolution prior to a regularly scheduled council meeting will first;

- (a) prepare the resolution in writing and submit it to the Council Secretary or Council Leader.
- (b) the Council Secretary or Council Leader, if he agrees that the question must be decided prior to the next full Council meeting will then poll the stewards by phone, mail, e-mail, or personal contact and prepare a negative statement, if one exists from this initial contact.
- (c) after contacting at least 2/3 of all the stewards the question is set for a vote.
- (d) a second round of polling will begin with the same proposal and positive and negative statements communicated to all stewards. A majority of all stewards is required to pass any resolution.
- (e) a record of the resolution and the results of the polling will be kept and included with the minutes of the next Council meeting.

SECTION 19. Stewards residing or working over 35 miles from a Council meeting site may attend the meeting via tele-conferencing or video-conferencing provided such equipment can be obtained at reasonable cost to the Council. Stewards attending in this manner shall be considered in attendance for all purposes.

ARTICLE V: ELECTIONS

SECTION 1. The Division Council, maintaining fair apportionment, shall select the Election Committee. No candidate for election shall serve on the Election Committee.

SECTION 2. The Elections Committee shall coordinate all upcoming elections with the appropriate PEF Regional Coordinator(s), who shall insure fair elections.

SECTION 3. The Elections Committee shall give reasonable opportunity to potential candidates to have their names submitted to the committee. Nominations for any elected position within the Division shall be made by petition signed by not less than ten (10%) percent of the members of the appropriate constituency and the names of such candidates shall be printed on the official ballot provided for such nominations and filed with the Chairman of the Elections Committee.

SECTION 4. The term of office for all positions shall be three (3) years and shall commence on April 1, 2024. Any vacancy which occurs shall be filled by a special election to be held within sixty (60) days of the vacancy's occurrence. This vacancy will occur when notification is given to the Council Secretary.

SECTION 5. All regular members of the Division shall have the opportunity to vote by written secret ballot for representatives from their constituency. The balloting will be conducted in the manner prescribed in this constitution and will guarantee the right of each member to vote. The Elections Committee shall provide at least ten (10) days notice before the elections.

SECTION 6. All ballots should provide adequate space for a write-in vote and should clearly state the date upon which the ballots must be received. The distribution of the ballots and the return of the completed ballots shall be accomplished in such a manner as to guarantee each member an opportunity to cast his ballot without the necessity of his physical presence at the polling place. The Elections Committee and the appropriate Regional Coordinator(s) shall be responsible for the custody and counting of ballots.

SECTION 7. Election balloting may be on-site, by mail, or a combination of the two. The election results shall be promptly announced after the close of the balloting.

SECTION 8. Upon showing just cause, a member who is unable to cast his ballot personally may be permitted to cast his ballot by mail.

ARTICLE VI: STRUCTURE

SECTION A. Parliamentary procedure shall be in accordance with Roberts' Rules of Order, newly revised, insofar as they do not conflict with the Constitution and By-Laws of P.E.F.

SECTION B. Regular Division meetings will be held as necessary. Meetings will be called by a majority vote of the Division Council or by a petition signed by 10% of the Division constituency. Five (5) days notice will be given.

SECTION C. A quorum for divisional meetings shall be five (5%) percent of the divisional constituency and a majority of the Division Council.

SECTION D. The fiscal year of the Division shall be concurrent with the fiscal year of PEF, which presently is April 1 to March 31.

ARTICLE VII: RECALL

A petition, signed by sixty (60) percent of the regular membership in any appropriate division constituency, which requests the removal of that constituency's representative, shall remove that person from office for gross incompetence. A special election shall be held within two (2) months following the removal.

ARTICLE VIII: AMENDMENTS

- (A) The Constitution may be amended in whole or in part by:
- (1) a 2/3 vote of the Division Council

- followed by a majority vote of the division constituency, or,
- (2) a petition signed by sixty (60%) percent of the Division constituency.
- (B) Amendments may be proposed by the Division Constitution Committee or a petition signed by twenty (20%) percent of the Division constituency.
- (C) Notification
- (1) Any proposed amendment must be submitted in writing to the Division Constitution Committee, which will forward it to the PEF Executive Board.
- (2) The Division Constitution Committee must submit the proposed amendment in writing to the Division constituency at least one (1) month prior to any vote for approval.
- (D) The PEF Executive Board will review amendments to assure constitutional soundness and consistency with PEF's Constitution and By-Laws.

SECTION 4. Members shall not be restricted in the exercise of their right of freedom of speech concerning the operation of this Division or any other. Active and open discussion of Division affairs and the expression and/or publication of views of Division members shall be protected within this Division.

SECTION 5. Members shall be encouraged to participate in the affairs, management, administration of this Division.

SECTION 6. Membership service shall be a primary goal of this Division.

SECTION 7. Communication to the membership shall on all matters be timely and accurate.

SECTION 8. When acting in their official capacity, all council members shall act only in the best interest of this Division and its members.

(Amended: 4/7/98)
(proposed amendment: 1/23)
(Amended: 3/24/23)

ARTICLE IX: BILL OF RIGHTS FOR DIVISION MEMBERS

SECTION 1. No person, otherwise eligible for membership shall be denied membership on the basis of race, color, sex, age, creed, national origin, prior union membership, sexual preference or political persuasion.

SECTION 2. Membership shall have the right to receive accurate information relating to the affairs of the Division.

SECTION 3. An annual financial report will be printed in the Division publications.