

CONSTITUTION



PROFESSIONAL AIRWAYS SYSTEMS
SPECIALISTS, AFL-CIO

OCTOBER 2005

ARTICLE ONE

Name and Objectives

Section 1. The name of this organization is the Professional Airways Systems Specialists (AFL-CIO) (hereinafter referred to as “PASS”).

Section 2. The objectives of PASS shall be:

- (a) To preserve, to promote and to improve the profession, the safety and the working conditions of its members.
- (b) To preserve, to promote and to improve the safety of the flying public.
- (c) To develop as an organization with membership involvement at all levels.
- (d) To lead in the promotion and the improvement of the professionalism and the competence of all employees working in the National Airspace System.
- (e) To represent all members by favorably influencing legislation that affects our members’ work lives and increasing public awareness of our members, their leadership roles in making air travel safe and the causes important to them.
- (f) To enhance the rights of its members through all lawful means, including collective bargaining, political action, training and educating members, and contributing to such civic and charitable organizations as the PASS Executive Board deems to be in the best interests of PASS.

Section 3. PASS is irrevocably authorized and empowered to appear and to act for each of its members before any board, court, committee or tribunal in any matter affecting their status, singly or jointly, as employees or as members of PASS, and to act as agent of all members and bind each of them in the presentation, prosecution or adjustment of any kind or character, arising out of the employer-employee relationship as fully as the member could do if personally present.

Section 4. Affiliations

- (a) National and International: PASS shall be affiliated with the American Federation of Labor and Congress of Industrial Organizations (AFL-CIO) through its affiliation with District No. 1 of the National Marine Engineers’ Beneficial Association (“NMEBA”). Subject to approval by the PASS Executive Board, PASS may affiliate or disaffiliate with any other national or international labor organization or federation of labor organizations.
- (b) Local and State: At the direction of the PASS Executive Board, PASS may affiliate with state and local councils.
- (c) Affiliation with PASS: The PASS Executive Board may approve affiliations by other labor organizations with PASS on such terms as it deems acceptable.

ARTICLE TWO

Membership

Section 1. Active Member:

- (a) Any person employed in a bargaining unit represented by PASS, or any other employee (or class of employees) approved by the PASS Executive Board employed in either the public or private sector (other than persons employed as supervisors or management officials), shall be eligible for membership. The PASS Executive Board, for cause, may reject any application for membership.
 - (1) The requirement of employment in a bargaining unit represented by PASS may be waived by the PASS Executive Board for service to the organization.
 - (2) Should a member in good standing be terminated from his/her employment, he/she shall be eligible for membership as long as his/her dues are paid and his/her termination is under appeal.
- (b) Only active members in good standing shall have the right to vote in PASS elections and at membership meetings and to hold office or to serve as a delegate to the PASS Convention.

Section 2. Associate Member:

- (a) Any person who wishes to support the activities and the objectives of PASS and who is not a PASS bargaining unit employee may become an associate member. The PASS Executive Board may reject any application for associate membership.
- (b) Associate members shall be entitled to all privileges and benefits of membership, except for attending closed meetings, voting and holding office.

Section 3. Retired Member:

- (a) Any person who has been an active member in good standing for a continuous period of one year may convert to a retired membership upon actual retirement.
- (b) Retired members shall be entitled to all privileges and benefits of membership, except for attending closed meetings, voting and holding office.

Section 4. Member in Good Standing:

- (a) A member shall be considered in good standing if:
 - (1) The payment of his/her fixed dues is not sixty (60) days or more in arrears.
 - (2) The individual's membership has not been modified by disciplinary action imposed in accordance with the provisions of this Constitution.
- (b) Anyone who voluntarily terminates dues-withholding will no longer be a member.

- (c) A member shall stand automatically expelled if his/her dues are more than sixty (60) days in arrears.
- (d) Members shall do all in their power to maintain the interests, the life and the vitality of PASS, and they shall observe all provisions of this Constitution and all duly adopted rules and policies.
- (e) Upon expulsion from membership pursuant to this section, any position in PASS held by such person shall immediately become vacant.

ARTICLE THREE

Organizational Structure

Section 1. The PASS Convention shall be the Supreme Body with full and complete authority over all affairs of PASS.

Section 2. The officers of PASS shall be the National President, the National Vice-President, and one Regional Vice-President from each PASS region as defined in Section 9 below. The officers shall constitute the PASS Executive Board. All such officers shall be nominated and elected as provided in this Constitution.

Section 3. PASS Executive Board:

- (a) The PASS Executive Board shall be comprised of the National President, the National Vice-President, and the Regional Vice-Presidents.
- (b) The PASS Executive Board shall meet in person no less than twice each year, at such times and places as the National President shall direct. Notification of these meetings shall be made to the general membership not less than thirty (30) days in advance. Additionally, any member of the PASS Executive Board, with the written concurrence of a majority of the PASS Executive Board, may call a meeting of the PASS Executive Board at the time and place designated in a written notice circulated to all PASS Executive Board members at least one week prior to the date of the meeting. Notification of these meetings shall be made to the general membership to the greatest extent possible as determined by the PASS Executive Board. If the PASS Executive Board finds it necessary to convene an Executive Board meeting via telephone to discuss a single issue, it may do so with the concurrence of a majority of the PASS Executive Board. Notification of these meetings shall be made to the elected contract administrators as soon as is reasonably possible. Any active member in good standing may attend Board meetings not declared as Executive Session. Such attendance shall be at the member's own expense. Minutes of PASS Executive Board meetings shall be on file at the National Office and available for distribution to any member in good standing upon written request. A brief synopsis of the PASS Executive Board meetings shall be included in the official PASS publication. Minutes of PASS Executive Board meetings, or parts thereof, held in Executive Sessions, shall be

reported as part of a regular Executive Board meeting, but only the title of the matter discussed shall be reported to the general membership. Complete minutes of Executive Sessions shall be maintained on file at the National Office.

- (c) Between National Conventions, the PASS Executive Board shall be the governing body of PASS and shall have authority to interpret this Constitution and any resolutions adopted by the PASS Convention. Any such interpretation of the PASS Constitution or PASS Convention resolutions shall be set forth in writing and shall be maintained with the minutes of the PASS Executive Board at the National Office. Any such interpretation shall be published in PASS's official publication.
- (d) The PASS Executive Board shall have the authority to establish the location of the National Office of PASS, provided that the office shall be located in, or within, 50 miles of the District of Columbia.
- (e) The PASS Executive Board shall have the authority to adopt policies and rules not inconsistent with this Constitution or resolutions of the PASS Convention. Any such policies or rules adopted by the PASS Executive Board shall be set forth in writing and maintained with the minutes of the PASS Executive Board at the National Office. PASS Executive Board policies and rules shall also be published in PASS's official publication unless the PASS Executive Board rules, for good cause, that such publication would not be appropriate.
- (f) The PASS Executive Board shall be responsible for the enforcement of this Constitution and all policies duly adopted by the PASS Convention or the PASS Executive Board.
- (g) The PASS Executive Board shall have the authority and responsibility to promulgate procedures governing all elections or referenda required or permitted under this Constitution. Whenever it deems such action in the interest of PASS, the PASS Executive Board may submit any policy, rule or issue to a referendum vote of the membership.
- (h) The PASS Executive Board shall be responsible for developing procedures for the submission of collective bargaining agreements to the membership for ratification.
- (i) Any duly adopted policy or ruling of the PASS Executive Board shall be binding on the officers, representatives and members of PASS.
- (j) The PASS Executive Board shall be chaired by the National President or, in his absence, by the National Vice-President.
- (k) All decisions of the PASS Executive Board shall be determined by majority vote of the PASS Executive Board members voting, provided Board members eligible to cast at least a 2/3 majority of Executive Board votes, which shall constitute a quorum, are present. Except for the National President and National Vice-President, each member of the PASS Executive Board shall have a number of votes equal to the number of members in good standing from that Board member's PASS region in

accordance with the monthly membership report prior to the Executive Board meeting. The National President and National Vice-President shall each have a number of votes equal to 12% of the total PASS membership in accordance with the current monthly membership report.

- (l) The PASS Executive Board may act without holding a meeting in person, provided that all members of the PASS Executive Board are sent notice of the proposed action; that the decision of each member voting is reflected by a document; and that the action is approved by a majority vote.
- (m) When the PASS Executive Board determines an existing bargaining unit component of a PASS region has experienced a significant increase in PASS membership sufficient to be considered a separate PASS region, the PASS Executive Board shall submit a recommendation to the next regular PASS Convention as to whether the bargaining unit should become a separate PASS region.
- (n) When the PASS Executive Board determines a PASS region has experienced a significant decrease in PASS membership such that the region may no longer have sufficient membership to be considered a separate region, the PASS Executive Board shall submit a recommendation to the next regular PASS Convention concerning the future status of the region.
- (o) Upon certification, any new bargaining unit organized by PASS shall become part of PASS Region V as described below, unless such unit falls within the definition of an existing PASS region. To accommodate the needs of any such bargaining unit, the PASS Executive Board shall submit a recommendation to the next regular PASS Convention following certification as to whether the bargaining unit should become a separate PASS region or remain in PASS Region V. Until the Convention, the PASS Executive Board shall determine whether the National Contract Administration Representative from such new bargaining unit shall attend PASS Executive Board meetings as an observer.

Section 4. National President:

- (a) The National President shall be the Chief Executive Officer of PASS and, as such, shall have the power to hire employees and to retain consultants and advisers. In addition, the National President shall be responsible for implementing all policies established by the PASS Convention or the PASS Executive Board.
- (b) The National President shall be a member of all PASS Committees, except as otherwise expressly provided herein.
- (c) The National President shall chair the PASS Convention and all meetings of the PASS Executive Board.
- (d) The National President shall be responsible for the negotiation, the execution and the administration of all collective bargaining agreements and other contracts.

- (e) The National President shall prepare and present to the National Finance Committee an annual budget which shall be subject to modification and approval by the PASS Executive Board.
- (f) The National President shall develop, in conjunction with the PASS Executive Board, a strategic plan for PASS.

Section 5. National Vice-President:

- (a) The PASS National Vice-President shall be a member of the PASS Executive Board, shall perform all duties assigned by the PASS Convention or the PASS Executive Board, and shall be responsible for implementing all policies established by the PASS Convention or the PASS Executive Board.
- (b) The National Vice-President shall be the Chief Financial Officer and shall present an annual report of finances to the National Finance Committee and to the PASS Executive Board.
- (c) The National Vice-President shall be responsible for keeping and for maintaining all records, books, papers and contracts of PASS, including a record of the proceedings of each PASS Convention and minutes of each PASS Executive Board meeting. During the temporary absence of the National President, the National Vice-President shall assume the duties of the National President.
- (d) The National Vice-President, subject to the discretion and the direction of the National President, shall administer and implement all policies established by this Constitution and by the PASS Executive Board. The National Vice-President shall provide guidance and assistance to the Regional Vice-Presidents.

Section 6. Regional Vice-Presidents:

- (a) The Regional Vice-Presidents shall each be a member of the PASS Executive Board.
- (b) The Regional Vice-Presidents shall administer the affairs of their respective Regions and shall implement all policies established by this Constitution and the PASS Executive Board. The Regional Vice-Presidents shall provide guidance and assistance to all levels of representatives within their respective purview.

Section 7. National Contract Administration Representatives:

- (a) There shall be a National AVN Representative, National MIDO Representative and National DoD Representative, who, subject to the authority of the National President and PASS Executive Board, shall be responsible for administering the collective bargaining agreements covering their bargaining units.
- (b) For any newly certified bargaining unit, the PASS Executive Board shall determine the appropriate representative structure for such unit.

Section 8. Delegates:

- (a) The officers of PASS shall, by virtue of their election as officers, be delegates to the PASS Convention.
- (b) Each Region shall be entitled to one delegate for each 100 members in good standing as of the date one hundred and twenty (120) days in advance of the PASS Convention. Any Region with less than one hundred (100) members in good standing as of the appointed date shall be entitled to one (1) delegate.

Section 9. PASS Regions:

- (a) PASS Regions shall consist of the following:

Region I: All Airway Facilities members in the states of Connecticut, Delaware, District of Columbia, Illinois, Indiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, New Hampshire, New Jersey, New York, North Dakota, Ohio, Pennsylvania, Rhode Island, South Dakota, Vermont, Virginia, West Virginia, and Wisconsin, and all facilities in Europe and Africa, and members in the FAA's Eastern Regional Office.

Region II: All Airway Facilities members in the states of Alabama, Arkansas, Florida, Georgia, Iowa, Kentucky, Kansas, Louisiana, Mississippi, Missouri, Nebraska, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, the territory of the Canal Zone, the territory of Puerto Rico, and the territory of the Virgin Islands and all facilities in Central and South America.

Region III: All Airway Facilities members in the states of Alaska, Arizona, California, Colorado, Hawaii, Idaho, Montana, Nevada, Oregon, Utah, Washington, Wyoming, and the Pacific/Asian facilities.

Region IV: All members of Flight Standards bargaining units.

Region V: All members of AVN, DoD and MIDO bargaining units, and any newly certified PASS bargaining unit, not falling within the definition of an existing PASS region.

- (b) Additional PASS Regions shall be established by the PASS Convention, subject to ratification by the PASS membership.

Section 10. Chapters:

- (a) The PASS Executive Board shall be empowered to charter Chapters of PASS as it deems appropriate.
- (b) The objectives of Chapters of PASS shall be:
 - (1) To carry out the internal policies of PASS.
 - (2) To communicate with Chapter members on internal issues.
 - (3) To coordinate local membership recruitment and retention efforts.
 - (4) To engage in community, recreational and social activities to promote and support solidarity among Chapter members.

- (5) To participate with local and state AFL-CIO Labor Councils to promote and support solidarity among Chapter members.
- (c) Chapters shall adopt By-laws. Such By-laws shall not conflict with this Constitution.
- (d) For the purpose of promoting PASS and for recruiting new members: Thirty-five dollars (\$35.00) of the dues from each new member shall be credited to the Chapter receiving the new member. In addition, for each associate and retired member who joins after ratification of this Constitution, Twenty dollars (\$20.00) annually of the dues collected from the associate member and Ten dollars (\$10.00) annually of the dues collected from the retired member shall be credited to the member's Chapter.
- (e) Active Chapters shall be funded at a base rate of \$4.00 per member per month for performance of Chapter functions. Chapters that maintain membership with local or state labor councils sanctioned by the AFL-CIO shall receive an additional \$1.00 per member per month. If the affiliation fee associated with such labor council membership exceeds \$1.00 per member per month in any particular state, the PASS Executive Board, upon receipt of appropriate supporting documentation, is authorized to approve reimbursement to a Chapter in an amount exceeding \$1.00 per member per month. Chapters with members (a) the Airway Facilities, Department of Defense and AVN and (b) Flight Standards and MIDO bargaining units shall receive an additional \$2.00 per member per month.
- (f) Chapter monies credited to the Chapters will be held for a two (2) year period.
- (g) Receipts shall be submitted to the PASS National Office for approval. Payouts will occur following the approval of a National Officer and shall be disbursed by the National Office.
- (h) In order to be credited with Chapter funds, a Chapter must be active. Chapters shall be considered active when all of the following conditions are met:
 - (1) A set of Chapter By-Laws that is consistent with the requirements of subsections (c) and (i) of this section is filed at the PASS National Office.
 - (2) In accordance with Chapter By-Laws, each Chapter shall have, at a minimum, the following standing committees: Legislative, Safety and Membership, which must meet at least quarterly either in person or via teleconference, and the following officers: President and Vice-President. Chapters may provide in their By-Laws for additional officers.
 - (3) No later than January 15 of each year, each Chapter must provide the membership coordinator at the PASS National Office with an annual report of the names of Chapter officers and chairs of the Chapter's Legislative, Safety and Membership Committees.

Failure to submit the annual report shall result in the Chapter being considered inactive.

- (4) Chapter meetings are held in accordance with Chapter By-Laws and this Constitution.
- (i) Chapter By-Laws shall, at a minimum, provide:
 - (1) Term(s) of office for Chapter officers. Each term of office shall be no greater than three (3) years.
 - (2) Election procedures for regular elections of all Chapter officers.
 - (3) Procedures for filling vacancies in Chapter officer positions.
 - (4) Duties of Chapter officers.
 - (5) Descriptions of duties of all Chapter committees.
 - (6) Removal and recall procedures for Chapter officers.
- (j) Inactive Chapters that later meet the requirements for active Chapters shall be credited with Chapter funds only for the time the Chapter is active.
- (k) Any Chapter that becomes inactive may have its charter suspended or revoked by the PASS Executive Board.
- (l) Regular Chapter meetings shall be held at least quarterly. A special meeting of a Chapter may be called by the National President, by the appropriate Regional Vice-President, or by the Chapter President by posting advance notice within a reasonable time on all Chapter bulletin boards.
- (m) All Chapter meetings shall be governed by the Chapter By-laws, and by this Constitution. The Order of Business will be established by the Chapter President and by Robert's Rules of Order.

Section 11. The official duty station of the National President and the National Vice-President shall be the PASS National Office. The PASS Executive Board shall provide reasonable funding to the above-referenced officers to relocate to the National Office during their official terms. Such funding may include reimbursement for travel, quarters and shipping of belongings.

ARTICLE FOUR

Election of Officers and Delegates

Section 1. PASS officers and delegates to the PASS Convention shall be elected every three (3) years by secret ballot vote of all members in good standing.

Section 2. Nominations:

- (a) Any member may submit his/her name or the name of another for

nomination for National President, National Vice-President, Regional Vice-President or delegate to the PASS Convention, provided that the nomination is accompanied by a written acceptance from the nominee. Nominations must be in writing and must be addressed to the National President at the PASS Headquarters address. Nominations must be received no later than July 1.

- (b) Nominees for all officer and delegate positions must be members in good standing and must have been in good standing for one (1) year immediately prior to the time of receipt of nominations.
- (c) Nominees for Regional Vice-President and for delegate to the PASS Convention shall reside in and shall be nominated by members of the respective regions, as follows:

Region I: All Airway Facilities members in the states of Connecticut, Delaware, District of Columbia, Illinois, Indiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, New Hampshire, New Jersey, New York, North Dakota, Ohio, Pennsylvania, Rhode Island, South Dakota, Vermont, Virginia, West Virginia, and Wisconsin, and all facilities in Europe and Africa, and members in the FAA's Eastern Regional Office.

Region II: All Airway Facilities members in the states of Alabama, Arkansas, Florida, Georgia, Iowa, Kentucky, Kansas, Louisiana, Mississippi, Missouri, Nebraska, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, the territory of the Canal Zone, the territory of Puerto Rico, and the territory of the Virgin Islands and all facilities in Central and South America.

Region III: All Airway Facilities members in the states of Alaska, Arizona, California, Colorado, Hawaii, Idaho, Montana, Nevada, Oregon, Utah, Washington, Wyoming, and the Pacific/Asian facilities.

Region IV: All members of Flight Standards bargaining units.

Region V: All members of AVN, DoD and MIDO bargaining units and members of any newly certified bargaining units, not falling within the definition of an existing PASS region.

- (d) No member may accept nomination or be a candidate for more than one (1) office in any PASS election.
- (e) The National President is charged with the safekeeping of nominations and acceptances and for determining whether members are eligible for the position nominated.

Section 3. Balloting:

- (a) The National President shall be responsible for the preparation of the ballots without partiality to candidates. The ballots shall be accompanied by voting instructions not inconsistent with the provisions of this Constitution.
- (b) Secrecy of the ballot shall be ensured. No signature of any voter or any other distinguishing mark shall appear on the ballot.

- (c) Ballots shall be mailed to all members on August 1 or on the next succeeding business day. Ballots must be returned to a predetermined depository by August 31 or the next succeeding business day. Ballots not received by that date shall not be counted.
- (d) No member's ballot shall be counted unless he/she is in good standing as of July 16 preceding the mailing of ballots and as of the date of the ballot count.
- (e) Each member in good standing shall be entitled to vote for one (1) candidate for National President, one (1) candidate for National Vice-President and one (1) candidate for Regional Vice-President from that member's region. In addition, each member in good standing shall be entitled to vote for one candidate for delegate to the PASS Convention for each 100 members in that member's Region as of July 16 of the election year. In accordance with Article Three, Section 8(b), in regions with less than 100 members, each member shall be entitled to vote for one candidate for delegate to the PASS Convention.
- (f) The candidate receiving more than 50 percent of the votes cast for National President, for National Vice-President and for Regional Vice-President from each Region shall be elected. An appropriate number of candidates for delegate receiving the greatest number of votes in each Region shall be elected. Since PASS officers are *ex officio* PASS Convention delegates, no candidate elected to an officer position may be elected to a convention delegate position.
- (g) A run-off election between the top two (2) candidates shall be conducted in the event no candidate receives more than fifty percent (50%) of the votes cast for the offices of National President, National Vice-President, or Regional Vice-President. In the event of a tie for a delegate position, the PASS Executive Board shall have discretion to order a new election or to seat both delegates and to divide the votes that delegate position would otherwise cast equally between the two.

Section 4. Tally and Ballots:

- (a) The ballots shall be tallied by a Tally Committee comprised of three (3) members in good standing appointed by the National President. No candidate may be a member of the Tally Committee.
- (b) The Tallying Committee shall, on the morning of the first business day following closure of election in September, obtain the ballots and tally them. The Tallying Committee shall be empowered to decide whether any ballot should be disqualified in accordance with the requirements of this Constitution, the law, and such policies as the Tallying Committee shall establish to ensure a fair and accurate election.
- (c) The Tallying Committee shall issue an Election Report, certifying the total number of ballots counted, the number of ballots disqualified and the reasons therefore, and the results of the election for each position.

- (d) Any member in good standing of PASS shall be entitled to be present and to observe the tally of ballots. In addition, the Tallying Committee may request the assistance of any persons it deems necessary. No person, other than members in good standing or those assisting the Tallying Committee, shall be present.

Section 5. Election Protests:

- (a) Any member in good standing may protest the conduct of the election by filing a challenge with the PASS Executive Board. Any such challenge shall be in writing, shall be signed by the member, and shall be filed within fifteen (15) days of issuance of the report of the Tallying Committee.
- (b) The PASS Executive Board shall hold a hearing within fifteen (15) days on all protests received. If the challenge is sustained and the PASS Executive Board deems that the challenge could have affected the outcome of the election, it may order a new election for any affected position.
- (c) In the event a challenge is sustained and a run-off election is ordered for any position, or in the event no candidate receives more than fifty percent (50%) of the votes cast for any officer position, the incumbent shall remain in office pending the conclusion of the run-off election.
- (d) The decisions of the PASS Executive Board may be appealed to the PASS Convention. The decision of the delegates at the PASS Convention shall be final.

Section 6. Installation:

- (a) All duly elected officers and delegates shall assume their positions and the duties thereof at 12:01 a.m. (EST) October 1. After the election results have been announced, the out-going Regional Vice-President and any appointed assistants shall not conclude negotiations, or settle grievances or unfair labor practice cases without first obtaining approval of such actions by a National officer.
- (b) A National officer must advise FAA management in writing of the requirements set forth in subsection (a).
- (c) Should a duly elected officer or delegate die or otherwise become unable or ineligible to serve before assuming his/her position, the position shall be deemed vacant and filled in accordance with this Constitution.

Section 7. Vacancies:

- (a) Any vacancy in the office of National President, National Vice-President or Regional Vice-President that is two years or longer shall be filled for the remainder of the term by a new election in accordance with the National Constitution. Any vacancy of a shorter period of time shall be filled by the PASS Executive Board.

- (b) The National President shall call a special meeting of the PASS Executive Board to fill any vacancy as soon as practicable, provided that where the vacancy is in the office of National President, the National Vice-President shall call said special meeting as soon as practicable.
- (c) If a vacancy of a delegate to the PASS Convention occurs due to death, removal from the bargaining unit, retirement or voluntary withdrawing as a Delegate up to thirty (30) days of the next scheduled PASS Convention, the vacancy shall be filled by the next member on the list of eligible delegates. Selections to fill vacancies shall continue until the list of eligible delegates is depleted.
- (d) Should there be a vacancy in any elected committee member position up to thirty (30) days of the next PASS Convention, the next highest vote getter shall automatically assume that position. In the event there is no next highest vote getter to assume the position, the vacancy will be filled in accordance with the process set forth in Section (a) above.

Section 8. Removal and Recall of Officers and Delegates: Should thirty-three percent (33%) of the electorate for that position petition the National President in writing, the National President shall appoint a Balloting Committee which shall conduct a recall vote. If a majority of the ballots received vote in favor of the recall, the Balloting Committee will hold an election in accordance with the procedures set forth above for the election of a National President, National Vice-President, Regional Vice-President or delegate to the PASS Convention, with the date for return of ballots to be thirty (30) days after the mailing of ballots.

ARTICLE FIVE

Elections of Contract Administration Representatives

Section 1. But for Section 2 below, Regional Vice-Presidents shall ensure that all Representatives below their level charged with administering any national collective bargaining agreement held by PASS are elected every three (3) years by secret ballot vote of the members in good standing working within the group of employees represented by such Representatives. The National President shall ensure that the National Contract Administration Representatives referenced in Article Three, Section 7, above, are elected every three (3) years by secret ballot vote of the members in good standing working within the group of employees represented by such Representatives.

Section 2. For Region IV, the highest level (below the Regional Vice-President) of Representatives charged with administering any national collective bargaining agreement held by PASS shall be elected every three (3) years by secret ballot vote of members in good standing working within the group of employees represented by such Representatives.

Section 3. Removal and Recall:

- (a) The Regional Vice-President or National President may suspend any Representative at any time with or without cause provided that a written explanation is given to the Representative and to the affected members. Thereafter, the PASS Executive Board at its next meeting shall decide whether the Representative is to be removed or to be reinstated. The suspended Representative shall have the opportunity to present an oral and/or written explanation to the PASS Executive Board. The decision of the PASS Executive Board shall be final and non-appealable.
- (b) Should the National President suspend a Representative, a replacement shall be appointed by the National President to act as the Representative during the period of suspension.
- (c) Should thirty-three percent (33%) of the affected members petition the Regional Vice-President in writing, the Regional Vice-President shall appoint a Balloting Committee which shall conduct a recall vote. If a majority of the ballots received vote in favor of the recall, the Balloting Committee will hold an election in accordance with the procedures set forth above for the election of Representatives, with the date for return of ballots to be thirty (30) days after the mailing of ballots.

Section 4. Should a Representative's position be vacant for any reason, the Regional Vice-President shall appoint an interim Representative and, if the vacancy occurs more than eighteen (18) months prior to the next regularly scheduled election of Representatives, the Regional Vice-President shall conduct an election to fill the balance of the unexpired term.

ARTICLE SIX

Dues, Initiation Fees and Assessments

Section 1. Dues and initiation fees may be increased only upon a resolution adopted by the PASS Executive Board and approved by the PASS Convention and a majority of the members voting in a secret ballot referendum.

Section 2. Assessments may be levied only upon a resolution adopted by the PASS Executive Board and approved by a majority of the members voting in a secret ballot referendum.

Section 3. The PASS Executive Board or the PASS Convention, by majority vote, may decrease dues or waive initiation fees or the payment of dues of members or classes of members.

Section 4. Union members who are called to active military duty shall retain their membership, and shall have all membership dues waived for the duration of their activation.

Section 5. Any person becoming an active member after October 1, 1995, shall pay dues through payroll deduction (SF-1187 for federal employees). Any exceptions must be approved by the PASS Executive Board.

ARTICLE SEVEN

PASS Conventions

Section 1. The PASS Convention shall be the Supreme Governing Body of PASS.

Section 2. Beginning in 1997, there shall be a National PASS Convention once every other year, at a time and place determined by the PASS Executive Board.

Section 3. Only duly elected delegates may vote and conduct the business of the PASS Convention. Any member in good standing may attend the PASS Convention and speak on any issue.

Section 4. Each delegate (other than the National President, the National Vice-President, and each Regional Vice-President, who shall have fifty votes each) shall have a number of votes equal to the number of members in good standing from that delegate's Region divided by the total number of delegates from that Region in attendance at the PASS Convention. If the number of members in a Region is not evenly divisible by the number of delegates, additional votes shall be apportioned to the delegate(s) receiving the highest number of votes in the election of delegates.

Section 5. Convention Committees:

- (a) The National President shall appoint a Credentials Committee for each PASS Convention. The Credentials Committee shall be comprised of one member in good standing from each PASS region. Prior to the start of the Convention, the Credentials Committee shall meet and shall issue a report listing the names of all eligible delegates and the number of votes that each delegate is entitled to cast.
- (b) The National President shall appoint a Rules Committee for each PASS Convention. The Rules Committee shall be comprised of one member in good standing from each PASS region. Prior to the start of the Convention, the Rules Committee shall meet and shall issue a report which, once adopted by the delegates, shall serve as the rules for that PASS Convention.
- (c) There shall be a Safety Committee for each PASS Convention. The Safety Committee shall be comprised of the PASS Regional Safety Representatives from each PASS region and chaired by the PASS National Safety Representative. Prior to the start of the Convention, the Safety Committee shall meet and shall issue a summary report for the Delegates' review on overall safety conditions that affect the PASS bargaining units.

- (d) Other committees shall be established as deemed necessary by the PASS Executive Board or by the PASS Convention.

Section 6. Resolutions approved by the PASS Convention shall be binding on the PASS Executive Board, on the National Officers, on the Chapters, and on all members of PASS.

ARTICLE EIGHT

Amendments

Section 1. This Constitution may be amended by a two-thirds (2/3) vote of the PASS Convention and by approval of the majority of members in good standing voting in a secret ballot referendum.

Section 2. Amendments:

- (a) To be considered timely, a proposed amendment must be submitted to, and received by, the National President at least one hundred and twenty (120) days in advance of the PASS Convention or be proposed by the PASS Executive Board or the National Finance Committee. Untimely amendments may be considered only if such consideration is approved by a three-quarters (3/4) vote of the PASS Convention.
- (b) Any amendments or resolutions must be distributed to the membership sixty (60) days prior to the PASS Convention.

Section 3. This Constitution may also be amended by a two-thirds (2/3) vote of the PASS Executive Board, by approval of a two-thirds (2/3) referendum vote of the delegates to the PASS Convention and by approval of the majority of members in good standing voting in a secret ballot referendum. The number of delegates having a right to vote on proposed amendments under this section shall be determined as follows:

- (a) Each Region shall be entitled to one delegate for each 100 members in good standing as of the last business day of the month preceding the Executive Board's vote.
- (b) Any Region with less than 100 members in good standing as of the appointed date shall be entitled to one delegate.

The number of votes each delegate shall cast shall be determined in accordance with Article Seven, Section 4 of this Constitution.

Section 4. The PASS National Office shall provide a current copy of the Constitution to all PASS members.

ARTICLE NINE

Ratification of Collective Bargaining Agreements

Section 1. All collective bargaining agreements shall be ratified by those members covered by the agreement.

Section 2. Ratification votes shall be conducted by a secret ballot referendum and ratification shall require a majority of the votes cast.

ARTICLE TEN

Equality of Treatment

No member will be discriminated against by PASS, its officers, representatives or members because of race, color, sex, creed, religion, national origin, handicap or age or sexual orientation.

ARTICLE ELEVEN

Internal Grievances

Section 1. Any member claiming to have been treated contrary to this Constitution or the duly adopted rules of PASS or claiming that a member of PASS has violated this Constitution or the duly adopted rules of PASS shall exhaust all remedies available to him/her within this organization before proceeding to a court or to an outside agency.

Section 2. All charges against a member shall be filed in writing with the National President at the PASS Headquarters; shall state the name of, and be signed by, the charging member; shall set forth the date, the place and the nature of the alleged misconduct, as well as the identity of the member or the members charged; shall identify the specific provisions of this Constitution or duly adopted rules of PASS allegedly violated; and shall be filed within thirty (30) days of the alleged misconduct.

Section 3. Upon receipt of the charges, and provided that the charges comply with the requirements of Section 2 above as determined by the National President, the National President shall appoint a Trial Committee consisting of one (1) member in good standing from each PASS Region. After notice to the charging member and any charged member, the Trial Committee shall conduct a hearing. Both the charging member and the charged member may appear at the hearing and call and examine witnesses. The Trial Committee may be assisted by counsel to PASS, but neither the charging member nor the charged member shall be represented by anyone other than a member in good standing of PASS.

Section 4. At the conclusion of the hearing, the Trial Committee shall render a written decision within ten (10) days, which shall reject the charges or

sustain the charges and recommend remedial action, which in the case of an officer may include removal from office and in the case of any member may include a fine, suspension of membership or expulsion. Should the Trial Committee reject the charges, its decision shall be final.

Section 5. A charged party may appeal a decision of the Trial Committee sustaining the charges to the PASS Executive Board, which in its sole discretion may render a decision on the record compiled by the Trial Committee or may hold additional hearings. In either case, the PASS Executive Board shall have authority to sustain, to reverse or to modify the Trial Committee's decision.

Section 6. Either the charging member or the charged member may appeal the decision of the PASS Executive Board to the PASS Convention, which shall have authority to sustain, to reverse or to modify the PASS Executive Board's decision.

Section 7. Any charge of misconduct by an officer of PASS shall be pursued in accordance with this Article.

ARTICLE TWELVE

Standing Committees

Section 1. There shall be maintained at all times a Finance Committee, a Safety Committee, a Legislative Committee and a Membership Committee. The National Legislative, Safety and Membership Committees shall meet at least quarterly either in person or via teleconference. These committees shall meet once a year either in person or via teleconference with the Executive Board.

Section 2. The National President, with approval of the PASS Executive Board, may appoint such other temporary committees as he/she deems appropriate to assist the National Officers in carrying out their duties under this Constitution.

Section 3. The National Finance Committee:

- (a) The National Finance Committee shall consist of the National Vice-President, as Chairman, and one member from each PASS Region elected at the same time and in accordance with the same qualifications and election procedure as applicable to the election of Regional Vice-Presidents under Article Four. No member may accept nomination or be a candidate simultaneously for a National Office, as defined in Article Three, Section 2, and a position on the National Finance Committee. However, a member may be simultaneously a candidate for delegate to the PASS Convention and member of the National Finance Committee. Vacancies on the National Finance Committee shall be filled in accordance with the procedure set forth in Article Four, Section 7.

- (b) The National Vice-President shall present an annual report of finances to the National Finance Committee, which shall review the report and shall submit it, along with any report it deems appropriate, to the PASS Executive Board. The annual report will be made available to all PASS members at the PASS National Office or at the PASS Regional Offices.
- (c) The National President shall submit an annual budget to the National Finance Committee, which shall review it and shall submit it, along with any report it deems appropriate, to the PASS Executive Board. The annual budget shall include within it regional budgets. The annual budget shall be subject to modification and approval by the PASS Executive Board.
- (d) Once approved, the annual budget can only be amended by approval of the PASS Executive Board.
- (e) The National Finance Committee shall present a financial report to each PASS Convention.

Section 4. The Safety Committee shall consist of a National Committee chairperson and one (1) member in good standing from each PASS Region appointed by the PASS Executive Board. The Committee shall perform such duties as the Committee deems necessary and as assigned by the PASS Executive Board.

Section 5. The Legislative Committee shall consist of a National Committee chairperson and One (1) member in good standing from each PASS Region appointed by the PASS Executive Board. This Committee shall perform such duties as assigned by the PASS Executive Board.

Section 6. The Membership Committee shall consist of a National Committee chairperson and one (1) member in good standing from each PASS Region appointed by the PASS Executive Board. This Committee shall perform such duties as assigned by the PASS Executive Board. The purpose of the Committee shall be to recruit, retain and acknowledge a united and diverse membership.

Section 7. Amendments or resolutions offered by standing committees shall be considered at the PASS Convention.

ARTICLE THIRTEEN

Salaries

Section 1. The salaries of the National President, the National Vice-President and the Regional Vice-Presidents shall be set by a Resolution at Convention. The National Finance Committee shall include a recommendation on such salaries in its report to the Convention.

Section 2. The National President shall have the authority to hire, to fire, and to set the salaries for all other PASS employees.

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