

# PSU Amherst/Boston JEC By-laws

**AMENDED OCTOBER 18, 2018** - Updated membership levels (q.v. *Janus v. AFSCME*)

**AMENDED OCTOBER 19, 2023** - Incorporated Unit C

## ARTICLE I: PURPOSES

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

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

Specifically, the role of the JEC shall be:

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

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

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1.4 The Local shall submit annually to the MTA, prior to July 1, a list of its current officers, with addresses, as well as a copy of the by-laws with any changes or amendments made in the preceding membership year.

### ARTICLE II: MEMBERSHIP

2.1 Any person who is a member of the bargaining units, as set forth in the collective bargaining agreements between the Local and the Employer, shall be eligible for membership in the PSU/MTA/NEA. Any person who is a member of the PSU/MTA/NEA and is employed by UMass Amherst is automatically a member of the PSUA Chapter; any person who is a member of the PSU/MTA/NEA and is employed by UMass Boston is automatically a member of the PSUB Chapter.

2.2 Membership in the Local shall be classified as Active, Inactive, or Associate and shall be available to those who pay the prescribed dues.

- a. Active membership: Active membership is available to those employed in the bargaining units represented by the PSU/MTA/NEA. Active membership shall be continuous until the member discontinues active service, resigns from the Local, or fails to pay membership dues. It shall also be available to members on authorized leave of absence.
- b. Inactive membership: Inactive membership is available to active members who have been laid off and retain recall rights under the Collective Bargaining Agreement, or who have been terminated and are litigating their termination before the relevant administrative or judicial bodies. Inactive members must continue to pay applicable MTA/NEA dues, but are not required to pay PSU membership dues.
- c. Associate membership: Associate membership is available to those formerly employed in bargaining units represented by PSU/MTA/NEA who have retired, or are otherwise ineligible for regular membership but who wish to maintain their affiliation with PSU. Retired members shall be eligible for membership in the MTA and NEA to the extent allowed by those bodies. Associate Membership may also be granted to persons interested in the advancement of the cause of education and/or labor, but who are not eligible for active membership. Applications for said membership shall be made in writing to the JEC by the interested party or on that party's behalf. Associate members must pay PSU membership dues.

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2.3 Member rights: Only active members shall have the following privileges in the Local and/or Chapters:

- a. holding an elected office or position (e.g. Co-Chair, Treasurer, Negotiating Committee, etc.)
- b. being appointed to serve on a union committee
- c. voting at membership meetings
- d. voting in union elections
- e. voting on contract ratification.

2.4 The Local shall deny membership to or suspend membership of an individual who is a member of a negotiating team representing a school board or board of trustees of a higher education institution if such denial is requested by a governing body of the MTA/NEA affiliate in the school district or higher education institution in question and such position constitutes a clear conflict of interest as determined unanimously by the JEC.

The Local shall guarantee that no member may be censured, suspended, or expelled from the Local without a hearing at which the member may appear in her/his own defense. After such a hearing, a majority of JEC members of each campus must concur in order for any punitive measures to be taken against the member. In addition, the member may appeal the JEC's decision to the Trial Board (Article 5.4).

2.5 The membership year of the Local shall run from July 1 through June 30.

### ARTICLE III: GOVERNANCE

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

- A. to formulate and implement the policies and programs of the Local, consonant with the purpose as set forth in Article 1; and to consider and act upon other matters that concern both chapters;
- B. to elect the Executive Officers of the JEC, except for the Chair and Vice-Chair of the JEC which shall be determined as per Article 2.2;

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

### 3.2 Membership and Officers of the JEC:

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

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### 3.3 Duties of the JEC Officers

- A. The Chair shall prepare the agenda of the JEC, preside at meetings of the JEC, and represent the interests of the Local in accordance with Section 1.2.
- B. The Vice-Chair shall assist the Chair and assume the Chair's functions when the Chair is unable to perform such duties.
- C. The Secretary/Clerk shall take and distribute the minutes of the JEC (or that duty may be rotated).
- D. The Treasurer shall:
  - 1. no later than February 1,
    - i. certify a list of its members by category (dues-paying members and associate members) and recommend a per member assessment;
    - ii. in collaboration with the chapter Treasurer(s), prepare a JEC budget based on the per Member assessment (PSU/JEC/local dues);
  - 2. review and authorize receipts for payment in order to make all disbursements for the JEC;
  - 3. oversee the collection of all dues; and transmit amounts due the MTA, the NEA, and the Chapters (Payments shall be made in accordance with a mutually-agreed upon schedule between the MTA and the PSU);
  - 4. hold custodial responsibility of the funds of the Local and disburse them in accordance with budgeted authorization;
  - 5. keep accurate account of receipts and disbursements in a secure environment, and shall report quarterly to the JEC and both Chapter Boards, and upon special request of the JEC or of either Chapter Board;
  - 6. as directed by the JEC, prepare for publication to members the audited financial statements;
  - 7. assist with the preparation of the audit;

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8. carry out all duties in accordance with the MTA's accounting procedures;
9. be bonded, and the premiums shall be paid by this Local.

### 3.4 Finances of the JEC

#### A. Approve the Budget

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

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

C. The JEC, through the Treasurer, shall be responsible for compliance with Article IX, Section 4, of the By-Laws of the MTA, as amended from time to time. The JEC, through the Treasurer, shall certify the annual dues of the Local to the Employer on an annual basis.

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D. The funds of the JEC may be expended only in matters consistent with the objectives of the JEC. The Treasurer shall deposit the JEC's funds in the name of the Joint Executive Council, in any appropriate financial institution authorized to do banking and/or investment business in Massachusetts.

### 3.5 Meetings of the JEC:

- A. The JEC shall meet at least nine (9) times during each calendar year.
- B. Meetings of the JEC are open to all members of the union in good standing, except that the Board may elect to go into Executive Session. The Regularly scheduled meetings should be posted publicly at least 10 working days in advance.
- C. Special sessions may be called by the Chair or by the Vice-Chair, or upon the written application of 50 members. A quorum shall be five (5) with at least two members from each chapter.
- D. A quorum shall be five (5) with at least two members from each chapter.
- E. The agenda for a regularly scheduled JEC meeting shall be distributed to all members of the JEC at least five working days in advance of the meeting.
- F. Decisions of the JEC shall be made by a vote of the JEC members present at a duly scheduled JEC meeting, or between meetings via an email vote. In order for a motion to be adopted it must receive a majority of the votes cast including at least one vote from each chapter. In email voting, quorum must be reached in the votes cast.
- G. Minutes and previous agendas shall be available in the Chapter offices.

### ARTICLE IV: UNION DUES

4.1 The revenue of the local shall be derived from monthly dues, associate dues, and such other sources as may be approved by the JEC.

4.2 Each member must pay the dues of the local on or before the last day of the month in which the same are due to the local. The local must remit the members' per capita dues to the MTA and NEA as per the MTA and NEA policies.

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4.3 Any union member failing to pay dues to the local on or before the last day of the month in which they are due may be suspended from membership in the local and from all rights and privileges of such membership. Any suspended member will be readmitted to membership within thirty (30) days after automatic suspension upon payment of back and current dues.

4.4 Any union member whose employment at UMass Amherst or UMass Boston has been terminated with an active grievance shall not be required to pay the local portion of his/her dues. MTA and NEA dues shall be paid as per those organizations' policies. All appropriate back dues shall be collected from the member if, through the grievance process, said member receives any back pay.

4.5 The local's per member assessment (dues) shall be determined by the JEC, within the following parameters:

- a. The JEC shall automatically implement any increase in dues mandated by the MTA or NEA upon the effective date of such a mandate. In the case of mandated dues increases, the local shall notify members of the mandated increase by email.
- b. By unanimous vote at their annual budget meeting, the joint Chapter Boards may implement an increase in dues upon the implementation date of a negotiated salary increase. Such an increase in dues may not exceed the percentage of the salary increase, and may only be applied to the portion of the dues not mandated by the MTA or NEA. If the joint Chapter Boards unanimously vote to implement such an increase in dues, it must notify the membership by email at least 14 calendar days in advance of the effective date of the dues increase. Such increases may not be applied retroactively.
- c. Any change in dues not approved as per sub-sections (a) and (b) above must first be approved by the joint Chapter Boards at their annual budget meeting, and then affirmed by both Chapters through a process determined by each Chapter and stipulated in each Chapter's by-laws.

4.6 The JEC may establish a subsidy for low-wage members. Funds for such a subsidy must be approved by the joint Chapter Boards at their annual budget meeting. If such a subsidy is approved, it must be publicized to the membership via an email and posted on the PSU website.



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4.7 A complete and current list of all dues rates shall be maintained on the PSU website.

### ARTICLE V: GRIEVANCE SETTLEMENTS, ARBITRATIONS AND APPEALS

5.1 Any proposed settlement of a precedent-setting grievance that may potentially affect members in both chapters must be reviewed by the JEC within 10 working days before being signed in the name of the local union. This may be done by meeting, by conference call, or by email. If the JEC determines that such settlement would be harmful to the local union and should not be accepted, it shall inform the appropriate Grievance Officer immediately of the decision, along with the reasons for the decision and instructions as to how to proceed. Such a decision can be made as per Article 3.5(f).

5.2 The JEC shall determine whether the local will pursue a grievance filed to arbitration. Such a decision will be made as per Article 3.5(f). The Chair of the JEC must inform the grievant(s) in writing or by email of the JEC's decision concerning the grievance within 5 working days of the meeting at which the decision was made. This notification must include guidance about the how to appeal the JEC's decision. In order to meet filing deadlines and to protect members' rights to appeal a JEC decision, each Chapter may file grievances for arbitration prior to the JEC issuing its decision. If the JEC decides against pursuing the case to arbitration the grievance shall be withdrawn.

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

#### 5.4 Trial Board

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

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- B. The Trial Board shall elect a Chairperson. The Chairperson shall serve as the presiding officer at all hearings before the Trial Board and shall have the authority to issue rulings and decisions concerning the conduct of such hearings. The Trial Board shall have the authority to promulgate rules of procedure, subject to approval by the JEC, which shall govern the conduct of the hearings.
- C. The Trial Board shall hear and decide appeals concerning the JEC's determination of moving grievances to arbitration. Decision of the Trial Board shall be made by a vote of the members present at a duly scheduled meeting, or by conference call. A decision must receive a majority of the votes including at least one vote from each chapter.
- D. The Trial Board shall also hear and decide appeals concerning the JEC's decision to censure, suspend or expel a member from the local. Decision of the Trial Board shall be made by a vote of the members present at a duly scheduled meeting, or by conference call. A decision must receive a majority of the votes including at least one vote from each chapter.

### ARTICLE VI: COLLECTIVE BARGAINING

6.1 A committee of PSU members in good standing shall be elected approximately nine (9) months before the termination of every collective bargaining agreement of the local. Each Negotiating Committee shall have the full and independent responsibility to bargain a successor collective bargaining agreement, present that agreement to the JEC with its recommendation on a ratification vote, and re-negotiate the agreement if it is not ratified. If a ratified collective bargaining agreement is for a duration of one year or less, a new election is not required for the subsequent Negotiating Committee.

6.2 The Negotiating Committee for Unit A shall consist of eight (8) members from the UMass Amherst chapter and five (5) members from the UMass Boston chapter, elected as per each chapter's by-laws.

6.3 The Negotiating Committee for Unit B shall consist of at least four (4) members from Unit B, elected as per the UMass Amherst Chapter by-laws.

**6.4 The Negotiating Committee for Unit C shall consist of one PSU Boston chapter board member and at least one (1) member from Unit C, elected as per the UMass Boston Chapter by-laws.**

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6.5 If during the course of negotiations a Negotiating Committee member resigns from the committee, it shall be up to the committee to determine if the member should be replaced. If the committee determines that the member should be replaced, the appropriate Chapter shall seek a new member of the Negotiating Committee as per their by-laws.

### ARTICLE VII: AMENDMENT

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

### GLOSSARY

Active member: A union member who is up-to-date on dues payments.

Associate member: A former bargaining unit member who pays PSU dues as a way of supporting the PSU. Associate membership can also be conferred to an ally of the PSU.

Bargaining unit: A bargaining unit consists of all positions covered by a collective bargaining agreement (or contract). The bargaining unit is negotiated between the employer and the union, and is defined in the collective bargaining agreement.

Bargaining unit member: Any employee who holds a position covered by a collective bargaining agreement, whether she/he pays union dues or not.

Inactive member: A union member who has been laid off and is still in their recall period, or who has been terminated and is contesting their termination.

Union member: A bargaining unit member who chooses to join the union and who pays union dues.