

Minutes
AFT Local 1839 Election By-Laws Committee (ad hoc)
January 29, 2009
R-115A

1. Meeting was opened at 3:10pm by Dr. Collins, chair.

2. Committee members present:
 - a. Prof. Cinotti
 - b. Dr. Collins
 - c. Dr. Moskowitz (ex-officio)
 - d. Dr. Weiner

3. Committee members excused/dual commitment
 - a. Dr. Calathes
 - b. Dr. Caulfield
 - c. Dr. Hoch
 - d. Dr. Overton

4. Proposed Agenda was discussed and the Committee Meeting schedule for Spring 2009 was moved from Item #2 to Item #5 (last) and the revised final Agenda is attached.

5. Previously distributed Minutes from the December 3, 2009 meeting were reviewed and approved (motion by Prof. Cinotti, seconded by Dr. Weiner, and then approved).

6. The following publications were reviewed (extra copies distributed for those unable to make the last meeting):
 - a. Constitution Outline and Checklist (By-Laws Section last page)
 - b. Election and Campaign Rules from DOL Guide
 - c. Labor-Management and Disclosure Act of 1959, As Amended (see *Elections*: dog-eared, lower right)
 - d. DOL Guide – on-line at:
<https://www.dol.gov/esa/olms/regs/compliance/localelec/localelec.pdf>
 - e. Current copy of the Local's Constitution (October 2008).

7. The Committee discussed several approaches in the creation of Election By-Laws. Examples of other Colleges and Universities were reviewed and consensus was to use the Election and Campaign Rules from DOL Guide (see Item #6. b. above - aka Figure 2) as a template, with acknowledgement of the problem areas documented in Item #6 of the December 3, 2008 Minutes. Also, where applicable the reviewed By-Laws will be used. This hybrid approach will maximize a diverse approach to the Election By-Laws creation (motion by Dr. Weiner, seconded by Prof. Cinotti, and then approved).
8. Using Figure 2 as the template, Dr. Collins offered the 20 Items could be broken down among Committee members, or discussed by the Committee or both. Dr. Weiner and Prof. Cinotti recommended we focus on some key items and work from there. Some key issues emerged:
 - a. Address how we conduct elections.
 - b. How does the Elections By-Laws fit into Local's Constitution?
 - c. Need to reflect adjunct faculty issues.
 - d. Start with what is meant by "... a member in good standing" with regards to eligibility to hold office and to vote (Items #3 and #12 of Figure 2 template).
9. After reviewing the Local's Constitution it became clear there is no specific mention of Election By-Laws. The Committee will propose a SPECIFIC amendment of the Constitution to clarify the issue:
 - a. **CURRENT WORDING:**
Article VII. Elections:
 1. The Elections Committee provided for in (**Article IX**) shall be entirely responsible for conducting the voting for officers, chairpersons of standing committees, elected delegates, and building reps.
 - b. **DRAFT PROPOSED WORDING** (added words in italics):
Article VII. Elections:
 1. The Elections Committee provided for in (**Article IX**) shall be entirely responsible for conducting the voting for officers, chairpersons of standing committees, elected delegates, and building reps. *Elections will be*

conducted in accordance with the local Constitution, By-Laws, and election and campaign rules. (Source DOL Guide, 2007)

10. Next the Committee started to tackle the issue what is meant by “. . . a member in good standing.” The Local’s Constitution was reviewed, especially these two excerpts:

Article III. Membership:

1. All members of the university faculty/professional staff bargaining unit and the adjunct bargaining unit as defined by PERC are eligible for membership if employed at New Jersey City University. Included are faculty, librarians, professional staff, and adjuncts at New Jersey City University and the A. Harry Moore School. Those designated as managerial personnel are excluded.

5. Membership in good standing is required to hold office or to vote in elections or at membership meetings. Good standing is defined as those members whose dues are not more than 60 days in arrears. These members have all rights and privileges of membership except where specifically stated otherwise.

Dialogue among committee members included the PERC and lack of clarity for adjunct faculty members that are not currently teaching in the semester the elections are conducted. As the adjunct bargaining unit is currently part of the local, PERC eligibility applies. A couple of our sister Universities has a separate local for their adjuncts and different implications with regard to a single local. This means the current definition fails to address the clarity for adjunct faculty members that are not under a current contract for the semester the elections are held. Consensus was that the Election By-Laws could address what is meant by: “. . . not more than 60 days in arrears.” with regard to adjunct faculty members.

11. The Committee created the following language for the By-Laws to provide the clarity:

For the purposes of voting and holding office, full-time members in good standing are addressed in Article III of the Local Constitution. Adjunct faculty members are eligible if either of the following criteria is met:

1. Currently a full dues paying member (not agency member) and not 60 days in arrears. Dues paying membership requires signature of an *Authorization to Withhold Union Dues* card.
2. Not currently under contract, but has been a full dues paying member (not agency member) for 60 days within the past 12 months and met the 60 days requirement, 30 days prior to the scheduled election.

This wording is our first DRAFT and has two known implications: 1. A long-standing practice of using elections to aid in the recruitment of new members; and 2. Would require subsidy of the Local's due payment structure to the State Council (adjunct faculty members may require a full fee payment). Dr. Weiner offered to research this in more detail for our next meeting.

12. All agreed the Election By-Law Committee's work will be shared with the members, **prior** to presentation at a General Membership meeting.
13. Scheduling additional committee meetings will require time management finesse by all members. For the next meeting, consensus was to hold the next or our third meeting on February 23, 2009 from 5pm – 7pm; directly after the Local's General Membership Meeting.
14. Dr. Collins adjourned the meeting at 4:50pm.