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Adopted March 19, 1993

Revised February 2013

# CONSTITUTION AND BYLAWS OF KENAI BOROUGH EMPLOYEES ASSOCIATION

## ARTICLE I

### Name

This organization shall be known as the Kenai Borough Employees Association (KBEA).

## ARTICLE II

### Objectives

The objectives of this Association shall be to unite all workers employed as public employees by the Kenai Peninsula Borough into a unit to bargain collectively with their employer over wages, hours and other terms and conditions of employment.

The Association in session may adopt such rules and regulations as are necessary to carry out its purposes.

## ARTICLE III

### Membership

Section 1 The membership of this Association shall be comprised of any person, without regard to sex, color, race, creed, or national origin, who is employed as a permanent full or permanent part-time employee by the Kenai Peninsula Borough and who is a member in good standing.

Section 2 A person shall be considered a member in good standing upon his application for membership being received by this Association, together with a properly executed dues check-off authorization or, in lieu thereof, direct payment of dues to the Association.

Section 3 The dues of this Association may be set or altered by a majority vote of the members in good standing, voting in a membership referendum conducted by secret ballot. Dues shall increase by the amount of any increase in the APEA/AFT per capita payments.

Section 4 All permanent and temporary part-time employees shall pay dues at the following rate schedule:

- A. Those who work one-half (1/2) time or 41 to 80 hours per month shall pay dues at the rate of fifty percent (50%) of the regular dues to APEA/AFT.
- B. Those who work one-quarter (1/4) time or 40 hours or less per month shall pay dues at the rate of twenty-five percent (25%) of the regular dues to APEA/AFT.

## ARTICLE IV

## Officers

- Section 1 The officers of the Association shall be elected biennially by the members of the Association after February 15 and by no later than March 15 of the election year. The election shall be by secret ballot. Nominations shall be requested at the regularly scheduled January general membership meeting. Officer terms shall begin immediately upon their election.
- Section 2 Duties of the President. The President shall preside over membership meetings, delegate assemblies, and special meetings. The President shall oversee the negotiation and enforcement of the collective bargaining agreement. The President shall appoint a delegate or participate actively in the Kenai Peninsula Central Labor Council functions as approved by the Executive Council. The President may delegate the monitoring of the Borough Assembly, appropriate state agencies, and/or legislature as approved by the Executive Council. In addition to the above, the President shall have the authority to call the Association into session or will do so when requested as provided herein. The President will, with the approval of the Executive Council, ask for an automatic leave deduction of each member's annual leave to be put into the Association Leave Bank. If it is felt that there are enough funds in the Association Leave Bank, the President, with the approval of the Executive Council, may cancel the automatic leave deduction.
- Section 3 Duties of the Vice-President. The Vice-President, in the absence of the President, shall perform all duties pertaining to the office of the President. The Vice-President shall review all expenditures and initial the bank reconciliation on a monthly basis.
- Section 4 Duties of the Secretary. The Secretary shall keep a correct record of the minutes and proceedings of this Association. The Secretary shall be responsible for all correspondence of the Association. The Secretary shall assist the President and the Vice-President in carrying out their duties. The Secretary shall provide the minutes of each meeting to all Executive Council members within ten (10) working days after the meeting.
- Section 5 Duties of the Treasurer. The Treasurer shall collect and receive all monies due this Association and deposit same in such bank as the Executive Council may direct. The Treasurer shall issue all orders for payment of bills as approved by the Executive Council and take receipt thereof. The Treasurer shall pay all bills by check, counter-signed by the President. The Vice-President shall be designated as alternate signatory on the bank accounts of this Association and shall be authorized to sign in the absence of the President or the Treasurer. The Treasurer shall submit the books to an audit by a Certified Public Accountant when deemed necessary by the Executive Council. The Treasurer shall assist the President and Vice-President in carrying out their duties.

## ARTICLE V Meetings

- Section 1 This Association shall meet at least once quarterly at such time and place as shall be designated by the President. This meeting shall be referred to as the regular General Membership meeting.
- Section 2 All KBEA meetings shall be open meetings unless closed to non-member persons by a

two-thirds (2/3) vote of those members present, and for a definitely stated purpose to protect the Association, individuals or confidential information. Such closed session may address only the stated matters. Such people as deemed necessary by the body may be included in the meeting by a two-thirds (2/3) vote.

Section 3 An agenda for each regular General Membership meeting and Special Membership meeting shall be prepared by the President and the Secretary. Any KBEA member may place items on any meeting agenda by submitting the agenda item, in writing, to any Employee Representative or Officer. Employee Representatives shall present written agenda items to the Secretary at least ten (10) working days before the regular General Membership meeting; and the agenda shall be distributed to the Executive Council members at least five (5) working days prior to the meeting. Non-agenda items may be brought up under new business; however, no vote shall be taken on items not on the agenda.

Section 4 Any meeting of the general membership not defined in Section 1 of this Article will be known as a Special Membership meeting. Special Membership meetings may be called by petition of at least ten percent (10%) of the members in good standing. Special Membership meetings may also be called by any two (2) officers of this Association joining in the request for a special meeting.

Section 5 Special Membership meetings will be scheduled by the President within ten (10) working days after receiving the petition.

Section 6 Written notification of Special Membership meetings shall be given to each Employee Representative a minimum of five (5) working days prior to the meeting.

Section 7 Executive Council meetings may be called by the President, or any two members on the Executive Council.

Section 8 All meeting notifications shall be provided by the President and posted by the Employee Representative on the bulletin board immediately upon receipt.

Section 9 No vote may be taken at any meeting unless a quorum of the Executive Council is present. (See ARTICLE VI, Section 2).

## **ARTICLE VI** **Executive Council**

Section 1 The Executive Council shall consist of the following:

**OFFICERS:**

President  
Vice-President  
Secretary  
Treasurer

**REPRESENTATIVES:**

One Employee Representative from each Department/Service Area.

- Section 2 A quorum of the Executive Council shall be:  
Three (3) officers and three (3) Employee Representatives.
- Section 3 Each Department/Service Area shall elect an Employee Representative biennially by no later than March 15th of the election year. The voting method used shall be at the discretion of a majority of the members of the respective Department/Service Area.
- Section 4 Officers or Employee Representatives missing two (2) or more consecutive meetings, unexcused, including any Special Membership meetings, shall be automatically relieved of their duties. The position shall then be considered vacant. The President shall determine if an absence is excused or unexcused. It shall not be considered an absence if an Employee Representative provides an alternate with a written statement (Proxy) authorizing this individual to act on their behalf. The alternate must be a member from the same Department/ Service Area.
- Section 5 Employee Representative vacancies will be filled by election of a new Employee Representative; such election to be from within the respective Department/Service Area vacated. The election of the new Employee Representative shall take place within two (2) weeks of written notification by the Secretary, under the direction of the President, to the Department/Service Area no longer represented. The results shall be given to the Secretary. Employee Representatives elected to fill a vacancy shall serve for the remainder of the current term.
- Section 6 At any time that the President's position becomes vacant, the Vice-President will assume the position of President. If any other officer position is vacant, a new officer will be appointed by the Executive Council.
- Section 7 The Executive Council shall be the elected decision-making body of the Association. This council will be allowed to decide any issue not specifically designated as requiring the vote of the membership as specified in Article VIII, Section 3.
- Section 8 The Executive Council shall have the authority to assign duties and areas of responsibility for each officer.
- Section 9 The Executive Council shall have the power to interpret and enforce this constitution and to make rules not in conflict with this constitution.
- Section 10 The Executive Council shall have the power to adopt an official seal, which may be altered at pleasure, and to use the same by causing it or a facsimile thereof to be impressed or affixed or in any manner reproduced.
- Section 11 The Executive Council shall have the authority to decide any issue not specifically addressed in this constitution.
- Section 12 The Executive Council shall annually review the financial records of the Association and either approve them or submit them to an audit by a Certified Public Accountant. The results of this review shall be presented to the membership at the April General Membership meeting.
- Section 13 Duties of the Employee Representatives. The Employee Representative shall:

- A. Attend each meeting or appoint a replacement so that each Department/Service Area may have a vote in all decisions made by the Executive Council.
- B. Be familiar with the terms of the bargaining unit agreements, APEA/AFT and KBEA Bylaws.
- C. Assist members with job related disputes and grievances.
- D. Participate in Employee Representative training.
- E. Distribute Association information.
- F. Orient new employees to APEA/AFT and KBEA.
- G. Conduct polls and surveys.
- H. Organize members for employee action.
- I. Solicit information for negotiators.
- J. Nominate candidates for bargaining unit negotiators.
- K. Work with APEA professional staff and provide all information obtained in the investigation of a grievance or complaint.

Section 14 Any Department/Service Area which declines to have or elect an Employee Representative forfeits all rights, voting or otherwise, associated with that position.

Section 15 Removal From Office.

- A. An Officer or Employee Representative accused of malfeasance, misconduct, dereliction of duties or failure to carry out objectives and policies of APEA/AFT, KBEA and the office held, will upon petition by thirty percent (30%) of the members empowered to elect, be subject to a vote to remove. The narrative of the petition shall include the charges and their documentation.
- B. Within fifteen (15) days of receipt of the petition, membership status of the petition signers must be verified. Upon verification, a copy of the petition shall be immediately provided to the accused.
- C. Within fifteen (15) days of verification of the petition for election, a ballot shall be sent out to the members eligible to vote for the office in question. Included with the ballot shall be the written accusation and a written rebuttal by the accused if submitted. Members will have fifteen (15) days to return their ballots.
- D. The President shall be responsible for verification of the petition, conducting the election and notifying the accused of the results. If the President is the accused, a neutral third party shall be appointed by the Vice-President.
- E. Retention or removal of the accused will be decided by a majority of the votes cast. Within five (5) days of the voting deadline, the election results will be

announced and take effect immediately.

## ARTICLE VII Committees

### Section 1

#### Standing Committees:

A. EPIC Committee

A committee of unlimited membership appointed by the President. The committee shall have the power to endorse political candidates for submission to the APEA EPIC committee. The KBEA EPIC committee shall be bound by the rules of the APEA EPIC constitution bylaws.

B. Scholarship Committee

A committee appointed by the President, with a minimum of three (3) members. The committee shall have the power to solicit candidates and select recipients of scholarship grants. The number and amount of such grants shall be determined by the Executive Council.

1. Organization and Structure

The committee shall consist of an odd number of members with a maximum of seven (7) members and two alternates appointed by the President. The President shall select a committee Chairperson. The committee shall elect a Vice-Chairperson. All committee members shall have equal voting rights with a simple majority required for approval of any action. A KBEA member shall not be allowed to serve on the Scholarship Committee if they have a graduating senior(s) applying for a KBEA scholarship. At the President's discretion, committee members can be removed or replaced. The committee shall be appointed no later than January 15th of each year.

2. Scholarships

The number and amount of the scholarships shall be determined by the Executive Council by no later than February 1st of each year. At least one scholarship shall be available to the general public. KBEA member dependents shall be given priority, as determined by the Scholarship Committee, of the remaining scholarships. All scholarship recipients must be graduating from a Kenai Peninsula Borough accredited school with plans to pursue a post-secondary education on a full-time basis. All scholarships established by the Executive Council shall be awarded during the school year in which they were established.

3. Committee Procedures

Solicitation of scholarship applications shall begin no later than February 15th of each year. Solicitations shall be Borough-wide, including notification of all high school counselors. The deadline for students to return scholarship applications shall be no later than March 31st of each year. The deadline for determining scholarship recipients shall be no later than April 30th. The Scholarship Committee shall select two ranked alternate scholarship recipients, in the case a primary scholarship recipient becomes or is determined to be ineligible. The Scholarship Committee reserves the right to determine the eligibility of any scholarship applicant.

All scholarship applicants shall be notified of their status by no later than May 7th of each year. Whenever possible, scholarship recipients will be awarded their scholarship during the awards ceremony presentation held at their school by a Scholarship Committee or other KBEA member.

4. **Scholarship Requirements**  
To be eligible for a KBEA scholarship an applicant must have a 2.5 overall GPA and must submit a completed and signed copy of the scholarship application. The content of the scholarship application shall be determined by the Scholarship Committee, but must as a minimum, include a certified copy of the applicant's high school transcript, proof of acceptance or application to a post-secondary educational institution, and a two hundred and fifty word (minimum) essay. The theme of the essay shall be determined by the Scholarship Committee.
5. **Payments and Record-Keeping**  
All payments for scholarship recipients shall be made directly to the post-secondary educational institution the recipient will attend. The scholarship recipient shall be notified that they are responsible for providing a correct payment mailing address to the Scholarship Committee by no later than July 15th in the year the scholarship is awarded. A scholarship notebook shall be maintained and updated each year. All documentation for scholarship recipients and alternates, including application, essay, and grading sheets shall be retained in the scholarship notebook. The scholarship notebook shall be the property of the Executive Council.

Section 2

Special Committees:

- A. The President shall have the authority to appoint such special committees as deemed necessary, to designate the committee chair, and to fill committee vacancies.
- B. The Executive Council shall have the authority to appoint such special committees as it deems necessary, to designate the committee chair, and to fill committee vacancies.

Section 3

The President shall be an ex-official member of all committees.

**ARTICLE VIII**

**Voting**

Section 1

All members of the Executive Council shall have a vote, according to the following procedures, on those matters that the Executive Council is empowered to decide.

- A. The total number of votes available to be cast on any issue shall be equal to the following:
  1. One vote for each officer.
  2. One vote for each Department/Service Area to be cast by the respective Employee Representative.



3. Officers also serving as Employee Representatives shall have both their respective office's and Department/Service Area's votes accumulated.

B. Executive Council Voting Procedures:

The Secretary, prior to any duly authorized meeting of the Executive Council, shall prepare a master ballot containing each council members name (including any proxies) and the amount of votes he or she may cast. The Secretary will duplicate sufficient ballots to cover all voting items on the agenda. Prior to the start of the meeting, the roster and each copy of the ballot shall be available for inspection.

Section 2 All members in good standing shall have one secret ballot vote on those issues upon which the Executive Council is not empowered to decide (as specified in Sections 3 and 4 of this Article).

Section 3 Secret ballot voting of the entire membership of the Association will be required for:

A. Election for removal of officers.

B. Ratification of collective bargaining agreements. (requires a majority vote of the membership).

C. Affiliation with or joining another organization. (requires two-thirds (2/3) vote of the membership).

D. Amendment of constitution and bylaws. (requires two-thirds (2/3) vote of the membership).

E. Or when, upon the demand of five (5) members present, the Executive Council rules by majority vote that the issue should be decided by secret ballot.

Section 4 All votes of the general membership will be by secret ballot. Employee Representatives are required to obtain and return the ballots to the President. Secret ballots will be counted by one (1) officer and two (2) other members.

Section 5 When a majority or two-thirds (2/3) vote is stated in these bylaws, it refers only to those votes cast; it does not include unreturned ballots.

## **ARTICLE IX** **Expenditure of Funds**

Section 1 The Association shall have the authority to spend funds or incur debts to achieve the purposes of this organization.

Section 2 Philanthropic or Community projects can be considered by the Executive Council. Upon a majority vote of the Executive Council, resources shall be allocated to such projects.

Section 3 Any member who is required to attend Association business functions shall be reimbursed for expenses incurred by such member in accordance with expense reimbursement provisions of the Employee Contract Agreement in force at the time the expense was

incurred. Expense reimbursement requests will be submitted as agenda items to be acted upon by the Executive Council as are all expenditure items. In cases where two (2) or more modes of transportation are available to and from Association business, reimbursement will be made in an amount for the lesser rate of travel.

Section 4 Association business leave requests shall be made to the President and approved by the Executive Council.

## **ARTICLE X** **Selection of the Negotiation Team**

Section 1 Contract Proposal  
The negotiating team shall consist of three (3) members, and one (1) alternate. For purposes of contract negotiations, only KBEA members of the collective bargaining unit will determine the content of the unit's proposal or settlement.

Section 2 Negotiators and Alternates  
The negotiating team shall consist of a maximum of three (3) members and one (1) alternate. In addition, an APEA/AFT staff member shall be a non-voting member of the negotiating team and shall serve as Chief Spokesperson. The President shall appoint a Chairperson from among the KBEA members of the negotiating team.

Three nominees shall be elected from each of the following divisions:

- Division A: 911, CES, Nikiski Fire
- Division B: Road Maintenance, Solid Waste, Maintenance, Public Works
- Division C: Emergency Management, General Services Division, Assessing, Records Management, Finance, Planning, and all remaining departments.

There will be a ballot to nominate three (3) people from each division listed above. Three from each division with the most votes will be the selection the Executive Council must choose from. The alternate will be selected from the remaining nominees not selected as a negotiator. In the event there are no remaining nominees the Executive Council may decide how to best fill the remaining position(s).

The Executive Council shall select by ballot one (1) negotiator from each of the three divisions, and a total of one (1) alternate. The Alternate shall possess the authority of a negotiator only in the absence or resignation of a negotiator. In the event a division does not elect anyone to the pool, the Executive Council may complete the negotiating team from the remaining divisions.

The negotiating teams shall serve overlapping terms, beginning in the January of the year prior to the expiration of the contract, and ending with the expiration of the contract they negotiate. A member can be elected to serve consecutive, overlapping terms.

Each candidate shall be allowed one (1) type-written resume to be mailed for consideration as a negotiating team member.

Any two (2) KBEA members of the negotiating team, including the alternate, may at any

time call a meeting of the Executive Council to recommend removal of a negotiating team member. After presentation of the issues by the negotiating team, the executive Council shall, by majority vote, decide the issue. If more than one elected negotiator resigns or is removed before the end of his/her term, the President shall appoint a replacement to complete the term.

Section 3      Authority of the Negotiating Team

- A.      Conduct a membership-wide survey requesting input and guidance for any upcoming negotiations.
- B.      Modify the contract proposal during negotiations.
- C.      Reach tentative agreement on a contract proposal.
- D.      After ratification of a tentative agreement along with the President sign such agreement.
- E.      Declare impasse and call for a strike vote authorization.
- F.      During negotiations, in conjunction with the President, make news releases pertaining to negotiations.
- G.      Communicate with the membership of KBEA concerning contract negotiations.
- H.      With the concurrence of the KBEA Executive board, select for hire one or more assistants, who need not be members of the KBEA to act in a capacity designated by the negotiating team.

Section 4      Responsibilities of the Negotiating Team

- A.      During negotiations, the negotiation team shall inform the KBEA Executive Board, Employees Representative and Negotiations Committees at least monthly of the progress and development of negotiations.
- B.      Within fourteen (14) working days provide all members of the collective bargaining unit a copy of the tentative agreement or the employer's final offer in a suitable format to show comparison of old contract language and all proposed changes, and a written opinion specifying the pros and cons of the agreement.
- C.      Through consultation with and concurrence of the Employee Representatives, determine what visits are required to answer questions about the tentative agreement, before ratification ballots are mailed to the membership.
- D.      Conduct a ratification vote of KBEA members of the bargaining unit.

Section 5      Impasse Provisions

If an impasse occurs during the negotiations, the Executive Board in conjunction with the negotiating team, shall poll the bargaining unit as to whether a strike vote should be taken. The question shall be decided by a majority of votes cast.

Section 6      Letters of Agreement

All affected members within the bargaining unit shall vote on letters of agreement. The question shall be decided by a majority of the affected members. APEA/AFT staff members shall draft letters of agreement and shall sign on behalf of the Association in the event the letter of agreement is approved by the affected members.

**ARTICLE XI**  
**Grievances**

Grievances shall be processed as specified in the APEA constitution and the Collective Bargaining Agreement between KBEA and the Kenai Peninsula Borough.

**ARTICLE XII**  
**Parliamentary Authority**

The revised "Roberts Rules of Order" shall be authority for all proceedings of this Association.

**ARTICLE XIII**  
**Amendments**

This Constitution and Bylaws may be amended by a two-thirds (2/3) vote of the members of this Association. Notice of the proposed amendment shall be furnished to the members twelve (12) days prior to a secret ballot vote (See Article VIII, Section 4).

**ARTICLE XIV**  
**Affiliation**

Section 1 KBEA recognizes APEA/AFT as its exclusive representative for the purposes of administration of a collective bargaining agreement. KBEA shall control the content of contract proposals and shall direct APEA/AFT as to its concerns during negotiation.

Section 2 KBEA will maintain its affiliation and contract administration services, with all rights and responsibilities set forth in the APEA/AFT Constitution and Bylaws.

In case of a conflict between KBEA Constitution and Bylaws, the APEA/AFT Constitution and Bylaws shall prevail except in conflicts wherein the APEA/AFT Bylaws and practices would place the autonomy and the AFT Local status in structural or organizational jeopardy.

**CONSTITUTION AND BYLAWS  
OF THE**

