

MILWAUKEE ESP-150 ASSOCIATION

CONSTITUTION

ARTICLE I

Name

The name of this organization shall be the Milwaukee ESP-150 Association.

ARTICLE II

Purpose

The purpose of this organization shall be to develop and maintain the welfare of its members and to promote the cause of education through the principles of unionism.

ARTICLE III

MTEA Relationship

Section 1. All eligible members of the Milwaukee ESP-150 Association shall constitute a membership class of the Milwaukee Teachers' Education Association.

Section 2. The Constitution of the Milwaukee ESP-150 Association shall be consistent with the Constitution and Bylaws of the MTEA.

Section 3: Until elections for ESP-150 Officers and Executive Council members are held pursuant to the timetables in Art. VII, such positions shall be filled with ESP-150 members by appointment, or the calling of a special election by the President of the MTEA.

ARTICLE IV

Membership

Section 1. Active Membership Membership in the Milwaukee ESP-150 Association, MTEA membership class herein and afterward referred to as the ESP-150, shall be open to all educational support personnel in classifications previously represented by SEIU Local 150, including Building Service Helpers I & II, Children's Handicapped Assistants (CHAs), Food Service Managers, Food Service Assistants, and, Licensed Practical Nurses (LPNs), including employees in such classifications presently on leave and employed by the MBSD.

Section 2. Retired Membership Members upon retirement may become retired members of the ESP-150. The retired membership fee shall be set at the ESP-150 Annual Delegate Assembly.

ARTICLE V

Officers

Section 1. The elected officers of the Milwaukee ESP-150 Association shall be:

1. President
2. Vice-President
3. Secretary
4. Treasurer

Section 2. Officers shall hold office for two (2) years or until their successors shall be elected. The President shall serve no more than two (2) consecutive terms.

Section 3. Newly-elected officers shall assume respective positions after the conclusion of business of the final ESP-150 Steward meeting of the regular school year.

ARTICLE VI Duties of Officers

Section 1. The President shall preside at all meetings of the ESP-150 and the ESP-150 Executive Council, appoint committees and perform such other duties as are pertinent to the office of President. The President shall have full voting privileges at meetings he/she chairs.

The President of the ESP-150 shall be an active, voting member of the MTEA Executive Board for the term of his/her office as President of the ESP-150.

The President upon expiration of his/her term of office shall be designated the immediate Past President and shall serve in an advisory capacity to the Executive Council with full voting privileges.

Section 2. The Vice-President shall be next in authority to the President, conduct all ESP-150 meetings in the President's absence and substitute or supplement the President's representation in ESP-150 affairs. The Vice-President shall also serve as coordinator of committee activities under the direction of the President. He or she shall succeed the President upon death or resignation of the President and maintain the Presidency for the balance of the term of office.

Section 3. The Secretary shall keep an accurate record of the proceedings of the meetings of the ESP-150. The Secretary shall assume the duties of President upon the death or resignation of President and Vice-President for the balance of the President's term of office.

If the President and Vice President are not able to attend a WEAC Board of Directors meeting, the Secretary shall serve as the Alternate.

Section 4. The Treasurer shall assist the ESP-150 President in budgetary matters and shall be appointed by the President to the Association Joint Budget Committee. The Treasurer shall assume the duties of President upon the death or resignation of President, Vice-President, and Secretary for the balance of the President's term of office.

ARTICLE VII Nominations and Elections

Section 1. In January of each MTEA election year, the President shall announce the appointment of a Nominating Committee which shall include at least three ESP-150 Stewards. An ESP-150 member who is a candidate for any elected position shall not be a member of the Nominating Committee.

During the first school week of January, an MTEA publication shall be distributed to the membership announcing the positions which shall be open for election in April. As part of the publication, members shall be invited to become candidates by submitting a statement to the Nominating Committee. Such statements shall be due at the MTEA Building by Friday of the third school week of January.

Section 2. It shall be the duty of the Nominating Committee with the assistance of ESP-150 Stewards to ensure that there is at least one candidate for each elected position. This Committee shall report the names of all the candidates for each elected position at the February Executive Council meeting and ESP-150 Steward meeting.

Section 3. Additional nominations with seconds shall be taken from the floor at the March ESP-150 Steward meeting. Anyone nominated at this time must be present to accept his/her nomination or submit a signed statement of acceptance at this meeting. All accepted nominations are final.

Section 4. In case of more than one nomination for an office, the order of appearance on the ballot will be established by lot.

Section 5. At the April ESP-150 Steward meeting, individual candidates shall be allowed three (3) minutes each to present their individual qualifications and views for the position they are seeking to be elected to within the ESP-150. In addition, a presentation of the candidates, autobiographies and a brief statement of views shall appear in the appropriate MTEA publication with a current picture taken by the MTEA photographer in March or April.

Section 6. Ballots for all nominees in contested races shall be printed and shall be distributed to members of the ESP-150 during April. Ballots cast in the elections shall be returned to the MTEA office no later than seven (7) days after the date the ballots are delivered to the schools. For members who receive their ballots at home, ballots shall be mailed three (3) weekdays prior to the date ballots are delivered to the schools. The candidate receiving a majority of votes cast shall be declared elected. If no candidate receives a majority, the top two (2) candidates shall participate in a run-off election as provided for in ties. Ties shall be run off during the first full week after presentation of results to the May ESP-150 Steward meeting.

Section 7. Removal of an Officer or Executive Council member from office.

Officers and Executive Council members shall be removed for malfeasance. Malfeasance shall be defined as: conduct tending to injure the good name of the Association; hampering the Association in implementing Association policies and its work; or not carrying out their duties as defined in the Constitution and Bylaws.

- a. Any accusation(s) of malfeasance by a member against any Officer or Executive Council member other than the President shall be set forth in writing and signed by the person bringing the accusation with specific allegations and supporting evidence and such shall be supported by a signed statement of fifteen (15) percent of the ESP-150 active membership. The President after discussing and presenting written charges with the accused shall appoint a special ad hoc committee consisting of six (6) active members. The committee shall investigate the specific accusation(s).
- b. Any accusation(s) of malfeasance arising from any Officer or Executive Council member shall be presented to the President in writing with specific allegations and supporting evidence and signed by the person bringing the accusation(s) and such shall be supported by a signed statement of seven (7) other Officers or Executive Council members.

In accusation(s) arising from any Officer or Executive Council member, the President shall after discussing and presenting written charges with the accused determine whether appointment of a special ad hoc committee is warranted and shall communicate with the person bringing the accusation(s) as to his/her decision on the matter. If the President chooses not to establish said committee, the person bringing the accusation(s) may appeal to the Executive Council and Officers and by a two-thirds (2/3) vote of the Officers and Executive Council present and voting the special ad hoc committee shall be established as set forth in Section (a) above. The persons bringing the accusation(s) and the person who is the subject of the accusation(s) shall be excluded from such vote.

- c. It shall be the responsibility of the special ad hoc committee to investigate the specific accusation(s). The special ad hoc committee upon completion of the investigation shall report its findings within fifteen (15) days from its appointment. A recommendation for or against removal from office shall be part of the committee's report. This shall be done at a special executive session of the Executive Council meeting called by the President with the person bringing the accusation(s) and the person who is the subject of the accusation(s) not present. If the Executive Council decides by a two-thirds (2/3) vote of those present and voting that there is a probable cause to proceed, it shall transmit the accusation(s) reported by the special ad hoc committee to the person who is the subject of the

accusation(s) via certified mail. If the Executive Council decides there is no probable cause to proceed, it shall so report to the person who was the subject of the accusation(s) via certified mail. The action of the executive session of the Executive Council shall be recorded in the minutes.

- d. If probable cause is found, a special executive session of the Executive Council shall be held to give hearing to the persons making the accusation(s) and to the person who is the subject of the accusation(s). The person who is the subject of the accusation(s) shall be allowed to testify on his/her own behalf and have representation of his/her choosing by any active member within the Association. Any discussion or decision by the Executive Council shall be done in executive session with the person bringing the accusation(s) and the person who is the subject of the accusation(s) not present. If the Executive Council by a two-thirds (2/3) vote of those present and voting finds the accused guilty of malfeasance, the findings shall be transmitted to the accused in writing via certified mail. The decision of the Executive Council shall be final unless appealed by the accused within fifteen (15) days of receipt of the decision of the Executive Council. Should the accused not appeal, the Officer or Executive Council member shall be considered removed from office.
- e. Should the accused appeal the decision of the Executive Council, the proceedings for removal shall be transmitted to an executive session of the Stewards called by the President. The call of the meeting shall specify that the purpose of the meeting is to give hearing on the matter of the removal of an Officer or Executive Council member.

The President shall present the charges and recommendation of the Executive Council to the Stewards. The accused shall be afforded an opportunity to speak on his/her own behalf and have representation of his/her choosing by any active member within the Association. Upon a two-thirds (2/3) vote of the Stewards present and voting concurring with the Executive Council recommendation, the Officer or Executive Council member shall be considered removed from Office upon notification via certified mail. Upon a vote of less than two-thirds (2/3) of the Stewards present and voting concurring with the Executive Council recommendations, the Officer or Executive Council member shall remain in his/her position and the entire matter shall be considered resolved.

Section 8. Removal of the President from office.

The removal of the President from office shall proceed in exactly the same manner as the removal of an Officer or Executive Council member, except that the Vice-President shall be the presiding officer.

Upon removal of the President from office, the Vice-President shall then assume all the duties and responsibilities of the President of the ESP-150

Section 9 Special Election

Interim officers shall be appointed by the President of the MTEA. They shall serve until May, 2019, when a special election shall be held for officers. This election shall be conducted in accordance with the provisions of Article VII above.

ARTICLE VIII
Executive Council

Section 1. The Executive Council shall consist of the following: a) the Officers of the ESP-150; b) the Past President of the ESP-150; c) one representative from each of the following categories: Building Service Helpers I & II, CHAs, Food Service Managers, Food Service Assistants, and LPNs.

Section 2. Each member of the ESP-150 Executive Council shall serve a term of four (4) years. For the purpose of staggering the terms of Council representatives, in 2020, 2024, 2028, etc., the following shall be elected: the CHA position, the LPN position. In 2022, 2026, 2030, etc., the following shall be elected: Food Service Manager position, the Food Service Assistant position, the Building Service Helpers I & II position.

ESP-150 members who perform the majority of their duties in the categories of Building Service Helpers I & II, CHA, Food Service Managers, Food Service Assistants, and LPN shall become candidates for positions on the ESP-150 Executive Council in the category in which they perform the majority of their duties.

In the election for ESP-150 Executive Council positions, active members may vote for all positions on the ballot.

Section 3. ESP-150 Officers and Executive Council members may not simultaneously hold a second elected position within the ESP-150 Executive Council.

Section 4. Newly-elected Council members shall assume their respective positions after the conclusion of business of the final ESP-150 Steward meeting of the regular school year.

A detailed explanation of the responsibilities of the ESP-150 Executive Council shall be presented at the meeting of the Council after the installation of newly-elected Officers and Executive Council members, following each regularly-scheduled election. This session shall include a thorough explanation of the ESP-150 Constitution; the policies, procedures, and practices of the Council; the role of Council members in serving on committees; etc.

Section 5. The Executive Council shall approve all committee chairpersons' and members' appointments made by the President. It shall have authority to speak and act for the ESP-150 between meetings of the ESP-150 Stewards. It shall hold such meetings as are necessary to formulate policies for the ESP-150 and to devise effective means for carrying out recommendations to be acted upon by the Stewards. It may fill vacancies which arise between elections, except for the position of President which is provided for in Article VI, Section 2, 3 and 4. It shall usually meet the first Thursday of each month.

Section 6. Each member of the Executive Council shall be assigned to a committee of the ESP-150 by the President. The President shall serve as a non-voting member of all ESP-150 committees. The President shall be notified of the date of all committee meetings and the results of these meetings.

Section 7. The Executive Council shall approve all committee actions, approve appointments of nominating and balloting committees, approve all delegates to conventions and conferences, and review and approve any official positions of the ESP-150.

Section 8. Should a vacancy occur on the Executive Council other than the President, the Council may fill such vacancy until the next scheduled election at which time the position would be filled by an election held for the unexpired term of that office. If the Executive Council decides to fill such a vacancy, the following section shall be implemented.

Section 9. Notice of a vacancy shall be reported in an official Association publication and applications may be taken and reviewed by a committee appointed by the President. Membership on this committee shall be limited to Executive Council members and ESP-150 Stewards. There shall be at least one Council member and one Steward appointed to this committee. At its discretion, the committee may choose to personally interview the applicants. These applications shall be kept on file for at least thirty (30) days after final appointments are made and then destroyed.

Section 10. The Executive Council members are expected to attend all regularly scheduled Executive Council and Steward meetings called by the President, and the Annual Delegate Assembly. Upon absence from three (3) regularly scheduled Executive Council meetings per year, the Council member shall be considered resigned unless excused by the President.

Section 11. If during his/her term of office, a member of the Executive Council is transferred to a different position than the one to which he/she was elected to represent, he/she may remain in office until the next regularly scheduled election.

Section 12. The order of business at Executive Council meetings shall follow the agenda sent prior to the meeting, and shall normally start with the approval of minutes and end with new business.

ARTICLE IX

Delegates to the MTEA Delegate Assembly

Officers and members of the Executive Council shall be designated as ESP-150 delegates to the MTEA Annual Delegate Assembly provided the ESP-150 is entitled to at least that number of delegates, as provided for in the MTEA Constitution. Additional ESP-150 delegates, if any, shall be elected at the April ESP-150 Steward meeting. If additional delegates are needed, they shall be appointed by the ESP-150 President and approved at the May Executive Council meeting. ESP-150 delegates must be active, dues-paying members.

ARTICLE X

ESP-150 Stewards

Section 1. Number Each classification shall be represented by at least one elected ESP-150 Steward. The classifications are Building Service Helpers I & II, Children's Handicapped Assistants (CHAs), Food Service Managers, Food Service Assistants, and, Licensed Practical Nurses (LPNs). Classifications with more than twenty-five (25) ESP-150 members shall be allowed an additional representative for each additional twenty-five (25) members or major fraction thereof. In classifications having more than one representative, a head Steward shall be selected by the members in that unit to serve as the primary contact for communication purposes. Each classification shall advise the Executive Director of the name and address of each ESP-150 Steward in writing before June 1 of each year. Any change which might occur in representation at any other time due to death, resignation, increase or decrease in memberships, or removal from office shall be communicated to the MTEA office within ten (10) days of the change.

Section 2. Elections Each May, an election of the ESP-150 Steward for the following school year shall be conducted by the current Steward. All active, dues-paying members assigned to the classification shall be eligible to make nominations, become a candidate, and vote in the election. Voting shall take place after the members have been given the opportunity to make and accept nominations. Newly-elected Stewards shall take office after the conclusion of business of the final Steward meeting of the regular school year.

Each classification may hold elections at any time when it qualifies for additional representatives.

The Executive Director shall make a proper record of all Stewards.

Section 3. Alternates Each ESP-150 Steward shall have a duly-elected Alternate whose duty it shall be to assist the Steward in the school and to attend ESP-150 Steward meetings in the absence of the Steward and as many other meetings as possible

Section 4. Duties It shall be the duty of the Steward to carry out the policies of the ESP-150, encourage new eligible workers to join the ESP-150, enforce the negotiated contract and MPS policies and handbook, post notices, conduct building elections, and serve as a liaison between the Steward and the group he/she is representing. The Steward shall communicate with members in the respective

buildings concerning the activities of the ESP-150. All routine ESP-150 business with each classification shall be transacted through the Steward.

The Steward shall attend all ESP-150 Steward meetings. If a Steward, for due cause, cannot attend any meeting, the Steward shall send his/her Alternate to represent him/her. ESP-150 members have the option to replace their Steward if the Steward does not attend, or send the Alternate to three consecutive Steward meetings.

Section 5. All ESP-150 Stewards and Alternates must be active, dues-paying members of ESP-150. Any person belonging to a rival organization shall not serve as a Steward or Alternate.

Section 6. ESP-150 Stewards and Alternates shall be removed from office for malfeasance. Malfeasance shall be defined as: conduct tending to injure the good name of the Association; hampering the Association in its work; not carrying out their policies of the Association; or not carrying out their duties, as defined in the Constitution. No Steward/Alternate shall be removed from office without due process as set forth below: The majority of ESP-150 members in a building may accuse a Steward/Alternate of malfeasance by presenting a written petition to the active ESP-150 members of the building. Such petition shall set forth specific allegations and supporting evidence with a copy to the accused Steward/Alternate. Upon receipt of the petition, the active ESP-150 members of the building shall hold a hearing open to all active ESP-150 members in the school or teaching unit. The accused Steward/Alternate shall be given an opportunity to speak on his/her own behalf and have representation of his/her choosing from among any active members of the ESP-150. If, after the hearing, two-thirds (2/3) of the active ESP-150 members in the school or teaching unit present and voting vote for removal, the position shall be considered vacant and a new election conducted within ten (10) days of the removal for the purpose of electing a new Steward/Alternate. The results of this election shall be reported to the Executive Director of the Association. The Alternate Steward shall serve in a vacated Steward position until the election of a new Steward.

ARTICLE XI

ESP-150 Steward Meetings

Section 1. The regular meetings of the Stewards shall be held during each school month. These meetings shall be open to all active, dues-paying ESP-150 members. Only ESP-150 Officers, members of the Executive Council, elected ESP-150 Stewards or Alternates may vote.

Section 2. All calls for meetings shall be signed by the President. The agenda for regular meetings shall be in the hands of the Stewards at least one day before the regular meeting.

Section 3. Special meetings of the Stewards may be held at the call of the President with the approval of the Executive Council, or shall be held in response to the written request of twenty-five percent (25%) of Stewards or a simple majority of the Executive Council members, or ten percent (10%) of the active, dues-paying members of the ESP-150. The President shall schedule the special meeting within a reasonable time and at a place determined by the President.

Section 4. The order of business at regular Steward meetings shall follow the agenda sent prior to the meeting, and shall normally start with the approval of minutes and end with new business.

ARTICLE XII

Quorum

Section 1. A majority of the Stewards present at the time for which the meeting has been called shall constitute a quorum for Stewards meetings. It shall be the duty of the President or Vice-President to begin the meeting on time.

Section 2. For any meeting of the Executive Council, one (1) more than half (1/2) of the total membership of the Executive Council shall constitute a quorum.

Section 3. For any meeting of a committee, a majority of members present at the time for which the meeting has been called shall constitute a quorum.

ARTICLE XIII Committees

Section 1. The following shall be standing committees: Budget, Constitution, Membership, Nominating, and Retirement/ Pension. In addition to the standing committees listed above, ad hoc committees may be established by the ESP-150 Executive Council for specified issues and concerns not addressed by the standing committees.

Section 2. The members and chairperson of the committees shall be chosen by the President with the approval of the Executive Council. The proposed action of all committees shall be subject to the approval of the Executive Council. Each committee shall have at least one (1) Executive Council member in its membership, and at least three (3) Council members shall serve on the following committees: Budget and Constitution.

Section 3. Membership on committees shall be open to all active, dues-paying ESP-150 members on a voluntary basis.

Section 4. Committees shall meet as needed, at the call of each committee's chairperson. Minutes shall normally be taken at each committee meeting. The minutes shall be taken by a member of the committee appointed by the chairperson and sent to the committee members and to the ESP-150 President and Vice-President.

Section 5. The ESP-150 shall have representation on the MTEA Joint Budget Committee. Representation on the MTEA Joint Budget Committee for the ESP-150 shall be the same ratio as set forth in Article V, Section 7 of the MTEA Constitution. The ESP-150 shall be entitled to at least one (1) representative on the MTEA Joint Budget Committee. ESP-150 representatives to the MTEA Joint Budget Committee shall be appointed by the President of the ESP-150.

ARTICLE XIV Meeting and Conferring and Collective Bargaining

Section 1. The ESP-150 President, with approval by the Executive Council and final approval resting with the Stewards, shall appoint a Committee to meet and confer with the Milwaukee Board of School Directors in matters of salaries, conditions of work, and hours.

Section 2. In the event the ESP-150 becomes a WERC-certified unit, it shall be represented by a Collective Bargaining Team, similarly appointed by the ESP-150 President with approval from the Executive Council and final approval by the Stewards. The Collective Bargaining team shall negotiate over mandatory subjects with the Milwaukee Board of School Directors and otherwise, where appropriate, shall seek to meet and confer with the Milwaukee Board of School Directors over all other matters pertaining to salaries, conditions of work and hours.

Section 3. The ESP-150 shall obtain from its membership, by special meetings and/or through written comment any areas of concern that need to be brought before the Milwaukee Board of School Directors. The provisions of this section do not preclude obtaining additional concerns by other means.

Section 4. The Collective Bargaining Team shall submit to the Executive Council for approval, those items the membership has selected for negotiation.

Section 5. When the Collective Bargaining Team concludes negotiations, a contract shall be presented to the Executive Council for their recommendation to the membership who shall be given the opportunity to accept or reject the contract by written secret ballot. The contract will be considered ratified if a majority of those active ESP-150 members voting approve of the contract.

Section 6. The ESP-150 Vice President shall serve as the Alternate. A strike authorization shall be determined by means of a written secret ballot. Such strike authorization shall require a simple majority vote of the active ESP-150 members voting.

ARTICLE XV

Amendment

Section 1: Ratification: This Constitution will become effective upon: a) amendment of the MTEA Constitution providing for and approving the creation of the ESP-150 membership class; and b) approval of this Constitution by two-thirds of all potential ESP-150 members in attendance at an ESP-150 Stewards' meeting convened in May 2018 by interim ESP-150 Officers appointed by the MTEA President.

Section 2. Any proposed constitutional amendment presented by an active, dues-paying ESP-150 member shall be submitted to the President of the ESP-150 no later than January 31. Proposed constitutional amendments shall be considered by the ESP-150 Constitution Committee which shall draft or present the proposed amendments. The proposed amendments shall be sent to all active, dues-paying ESP-150 members at least thirty (30) days before the vote is taken at the May Stewards meeting.