

Constitution and By-Laws  
of the  
McKinley County Federation of United  
School Employees

**(MCFUSE)**  
**Local #3313**

Approved September 9, 2006  
Amended March 22, 2008  
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## **Article I      Name**

This organization shall be known as the McKinley County Federation of United School Employees, MCFUSE, Local # 3313.

## **Article II      Objective**

The purpose of this organization shall be:

1. To bring associations of non-supervisory school employees into relations of mutual assistance and cooperation.
2. To obtain and defend for them the rights to which they are entitled.
3. To raise the standards of the educational profession by securing the conditions essential to the best professional service.
4. To promote such a democratization of the schools as will enable the educational staff to better equip their pupils to take their places in the industrial, social, and political life of the community.
5. To promote the welfare of the nation's youth by providing progressively better educational opportunity for all.
6. To eliminate sexism and racism in education, in all its forms.
7. To gain and maintain collective bargaining rights for all Gallup-McKinley County School employees eligible for membership in MCFUSE.

## **Article III      Membership**

1. McKinley County Certified Employees licensed by the New Mexico Public Education Department (NMPED), including: Teachers, Counselors, Coaches, Nurses, Librarians, Diagnosticians, School Psychologists, Interpreters of the Deaf, Occupational, Speech

Language, and Physical Therapists, Early Childhood/Support Coaches, Early Child Interventionists, Instructional Coaches, System Support Specialists, Technology Support Specialists are eligible for membership.

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2. Classified Employees including all regular Custodial, Food Services, Receiving/Delivery Personnel, Educational/Instructional Assistants, Cooks, Maintenance and Operation Personnel, all Bus Drivers, Assistant Bus Drivers, and Mechanics are eligible for membership.
3. Secretaries shall become eligible for membership into MCFUSE upon acceptance of bargaining unit as per PEBA.
4. Any person who has been a member of MCFUSE and retires from working in New Mexico public schools may retain full membership by paying the annual dues in the classification from which that person has retired. Full membership for retired members shall include all rights and responsibilities enjoyed by non-retired members, including eligibility to hold office in Local #3313.
5. The employees excluded are: supervisors with authority to recommend employment or dismissal of personnel to the Assistant Superintendent of Personnel. This includes Assistant Principals who are directly involved in supervision and evaluation.
6. Qualified persons in public or private institutions outside the jurisdiction of this local may be admitted to membership until such time as a local is chartered in their jurisdiction.
7. MCFUSE shall not discriminate against an individual member or applicants for membership because of race, religious beliefs, political activities, sex, age, handicap and/or disability, national origin, or sexual orientation.
8. The Executive Council shall determine whether an individual meets the qualifications for membership. All new members must be approved by a majority vote at the following Executive Council meeting. Conduct that is detrimental to the Local, undermines its objectives, or is otherwise inconsistent with the Constitutions of the Local, State Federation, or AFT shall be grounds for denying membership to any individual.
9. A member may be expelled for acts detrimental to the Local upon presentation of written charges approved by at least three -quarter (3/4) of the Executive Council. (The membership will receive by mail the written charges for approval. Charges must be signed by at least one-quarter(1/4) of the total membership.)  
The member shall have the right to appeal the decision to the membership within ten (10) working days and shall be reinstated with full rights if a majority of the membership vote to reinstate. (This will be mailed within thirty (30) days after receiving the appeal.)
10. Any member who fails to pay dues upon their due date plus no more than a thirty (30) day

grace period shall be dropped from the rolls and the member's name removed from the records at the National Office. The member will be reinstated upon payment of all current dues.

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## **Article IV            OFFICERS**

1. The following officers shall be elected bi-annually by MCFUSE:
  - a. President
  - b. Executive Vice-President
  - c. Treasurer
  - d. Secretary
  - e. Elementary Constituent Vice-President
  - f. Secondary Constituent Vice-President
  - g. Bus Drivers and Cooks Constituent Vice-President
  - h. Maintenance and Custodians Constituent Vice-President
  - i. Educational/Instructional Assistants Constituent Vice-President

Term of office is two (2) years. President, Executive Vice-President, Treasurer, and Secretary are elected on odd numbered years. Elementary Constituent Vice-President, Secondary Constituent Vice-President, Bus Drivers and Cooks Constituent Vice-President, and Maintenance and Custodians Constituent Vice-President, and Educational/Instructional Assistants Constituent Vice-President are elected on even numbered years.

2. Constituent Vice-Presidents shall be elected from the groups they represent.
3. Membership in good standing for at least one year is required to hold office.
4. Nominations for office shall be made during the regular March meeting in respective corresponding years. Notice shall be provided to each member at least fifteen (15) days prior to the March meeting that nominations will be in order. Elections will be held at the regular April meeting, and the new officers will assume duties the first week of May. Nominations shall be made by petitions containing the signatures of at least ten (10) members in good standing.
5. Voting for office shall be conducted by secret ballot. A majority vote of the members present shall elect. The winner shall be the candidate with a simple majority of votes. In case of a tie, a runoff election shall be conducted between the two candidates who are tied. This shall be held within twenty-five (25) working days of the original election date.
6. Absentee ballots may be obtained from any member of the Election Committee or obtained at the MCFUSE office. Closing date for obtaining absentee ballots shall be one week before

the election. Absentee ballots shall be submitted to the chair of the Election Committee no later than two (2) days prior to the election.

7. Interim vacancies in any office shall be filled by appointment by the President and/or a majority vote of the Executive Council.

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8. Election disputes shall be decided by the Elections Committee no later than fifteen (15) days after the dispute is submitted, in writing, to the Committee.

## **Article V            COMMITTEES**

1. The following standing committees may be active in this Federation:
  - a. Membership Committee
  - b. Salary and Finance Committee
  - c. Communications Committee
  - d. Welfare and Grievance Committee
  - e. Educational Issues Committee
  - f. C.O.P.E. (Committee on Political Education)
  - g. Social Committee
  - h. School-Related Personnel Committee (PSRP)
  - i. Budget Committee
  - j. Audit Committee
  - k. Constitution/Election Committee
  - l. Area Coordinators Committee
  - m. Standing Committee of Native Culture and Education
2. Special and standing committees shall be appointed by the President (with approval of the Executive Council), as necessary.
3. Chairperson of each of the standing committees and of all special committees shall be appointed by the President with the consent of a majority of the other elected officers.
4. Additional members of each committee shall be appointed by the chairperson of each committee with the approval of the President.

## **Article VI            Executive Council**

1. The Executive Council of MCFUSE shall consist of the following:
  - a. All elected officers
  - b. Chairpersons of standing committees
2. The Executive Council shall administer the policy of this federation as set by the membership at regular meetings. It shall have the power to act for the good of the federation in

emergency situations,(where the policy cannot be set by the membership).

3. The Executive Council shall have the power to employ all personnel including secretarial, clerical help, and other persons on full or part-time basis as may be determined by needs and finances of MCFUSE.

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4. The chairperson of the Executive Council shall be the President of MCFUSE.
5. The date, time, and place of meetings shall be determined by the Executive Council.
6. The Executive Council shall be empowered to make contracts and incur liabilities which may be appropriate to enable it to accomplish any or all of its purposes; to borrow money for federation purposes at such rates of interest and terms and conditions as they may determine; to issue notes, bonds, and other obligations, and to secure any of its obligations by mortgage, pledge, or deed of trust of all or any of its property and income.
7. The Executive Council shall report its activities at each regular membership meeting.
8. The Executive Council shall annually approve a budget for the following fiscal year. The fiscal year shall be from July through June.

## **Article VII                      AFFILIATIONS**

1. MCFUSE shall maintain affiliation with and whenever possible send delegates to the following organizations:
  - a. The American Federation of Teachers-all delegates and alternates to the National Convention of the AFT shall be elected by the membership at a general membership meeting.
  - b. AFT New Mexico (AFTNM)-delegates shall be elected at a general meeting of the school year. The President shall automatically be a delegate.
  - c. The New Mexico Federation of Labor (AFL-CIO)-delegates shall be appointed at the last general meeting each school year. The president shall automatically be a delegate.
  - d. Any Regional Central Labor Council delegates shall be appointed by the MCFUSE President, with approval by the Executive Council at a regular general meeting. The President shall automatically be a delegate to a CLU.
2. All delegates shall make reports to the Executive Council on meetings attended.
3. Reasonable effort shall be made by MCFUSE to pay the registration fees of delegates to meetings and conventions of affiliated.

## **Article VIII                      DUTIES OF OFFICERS**

1. The President shall preside at all meetings of MCFUSE and the Executive Council; and shall be ex-officio member of all committees, except the Audit Committee, shall sign all necessary papers and documents, and represent the local when and where necessary. The President shall make a report to the membership at least once each year summarizing the accomplishments of the federation and outlining plans for the next year.

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The President shall be a voting delegate to the AFTNM Convention.

2. The Vice-President shall perform all duties of the President in the absence of that office, and all duties assigned by the President.
3. The Secretary shall issue all notices, shall answer correspondence at the direction of the President and the Executive Council. The Secretary shall be the custodian of the MCFUSE seal and the Charter of MCFUSE. The secretary shall record the minutes of the Executive Council and of general meetings.
4. The duties of the Treasurer shall be:
  - a. To receive, record, and deposit in the name of MCFUSE all monies from dues and all other sources.
  - b. To keep the membership roll, issue receipts, and delinquent notices.
  - c. To forward all per capita dues and current membership lists to the National Office of the American Federation of Teachers and to other affiliated organizations to keep MCFUSE in good standing at all times.
  - d. To be chairperson of the Budget Committee and present a report to the members once a year. A written report shall be submitted to the Executive Council each year. This report shall be available to members upon request
  - e. To keep adequate records available at all times for the Executive Council and the Audit Committee.
  - f. To pay all bills authorized by the Executive Council and the adopted budget, retain vouchers of invoice for same. Expenses not authorized in the budget must be presented to the Executive Council for authorization. All checks shall be countersigned by two MCFUSE officers. (The legal Bank signature card will have four (4) authorized persons listed.)
5. The duties of the Constituent Vice-Presidents shall include:
  - a. To represent their constituents at Executive and General meetings.
  - b. To relay to Executive Officers concerns of constituent members.

## **Article IX      DUTIES OF STANDING COMMITTEES**

1. The Membership Committee shall plan and execute a dynamic program to ensure growth and vitality of MCFUSE.
2. The Salary and Finance Committee shall prepare and substantiate salary and other School Board policy proposals. It shall present these proposals for approval of the Executive Council and then negotiate these proposals with the employers whenever possible.



3. The Communications Committee shall prepare and distribute information to the MCFUSE membership. Reasonable effort shall be made by this committee to make use of other sources of publicity: i.e. newspapers, radio, television, etc.

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4. The Welfare and Grievance Committee shall act on all grievances submitted in Writing to the Executive Council. It shall present to the Executive Council a procedure for handling grievances.
5. The Educational Issues Committee shall study and make recommendations for improvement in curricula, teaching techniques, class size, texts, equipment, and other professional matters. The Educational Issues Committee shall recommend and organize a workshop when possible.
6. The C.O.P.E. Committee shall consider recommendations of the AFT, the State Federation, and the Local pertaining to all levels of government. It shall study proposed legislation which may affect the Federation and the schools. It may present the record of government officials to the Executive Council.  
The C.O.P.E. shall be responsible for soliciting voluntary political contributions from the Membership, making candidate endorsement recommendations from the membership, and making candidate endorsement recommendations to the Executive Council.
7. The Social Committee shall arrange such programs and entertainments and perform such duties as MCFUSE may direct.
8. The School-Related Personnel Committee (PSRP) shall study and make recommendations to the Executive Council regarding the needs of school-related personnel. The chairperson of this committee will act as a representative of school-related personnel to the Executive Council.
9. The Budget Committee shall prepare a budget for adoption by the Executive Council each August.
10. The Audit Committee shall audit the Treasurer's books and issue a yearly Treasurer's report to the Executive Council each July.
11. The Constitution/Election Committee shall revise the constitution as necessary. The Committee shall present the Executive Council and/or membership all constitutional revisions for acceptance. The Committee shall oversee all elections and announce the results.
12. The Area Coordinators shall coordinate activities with Building Reps and membership of their assigned area.
13. MCFUSE shall create a **Standing committee of Native Culture and Education**. The purpose shall be:

- a. to increase Native representation in MCFUSE
- b. to increase Native participation in the District
- c. to foster/augment cultural awareness of the majority culture
- d. to add Native views/viewpoint to discussions in decision-making process in an effort to reach culturally sensitive, relevant, and appropriate decisions.

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The appointed Chairperson of this Committee will be a union member and also act as liaison with appropriate Native organizations in the area.

## **Article X MEETINGS**

1. The date, time, and place of meetings shall be fixed by the Executive Council. All general meetings shall be open to any member at any time. Executive Council meetings shall be closed, but members may address the Council at the Executive Council meeting upon prior written request/notice.
2. There shall be at least four (4) fixed general membership meetings per year. General membership meetings will be held each September, November, February, and April.
3. Special meetings of the Executive Council or of membership may be called by the President or the Executive Council, acting as a body.
4. A quorum for any meeting shall consist of a simple majority of elected officers present.

## **Article XI RULES OF ORDER**

1. Robert's Rules of Order, revised, shall govern in all cases not covered by this constitution or the By-Laws of this local.

## **Article XII AMENDMENTS**

1. Proposed Constitutional Amendments shall be submitted to the Executive Council. The Executive Council may initiate amendments. After having received a majority vote of the Executive Council, the amendments shall be presented to the membership at a general membership meeting. A simple majority vote of members present shall be sufficient for adoption.

## **Article XIII AVAILABILITY OF CONSTITUTION**

1. Three(3) copies of this Constitution and all future amendments shall be submitted to

the American Federation of Teachers (AFT) and three (3) copies shall be submitted to AFTNM.

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2. Copies shall be made available to other affiliated organizations upon request.
3. Copies will be provided for all members of this Federation upon request.
4. The MCFUSE Constitution will be available on the MCFUSE Website.

## **By-Laws of MCFUSE**

### **Article I DUES**

1. The dues of the Federation shall be a sum equal to the current dues/and assessments of the national affiliation, the state affiliation, insurances, plus 0.0035 of a beginning teacher's salary.
2. Supportive Operations Employees hired for the first time in the McKinley County School District which have) experience shall pay one eighth (1/8) local dues.
3. Members not on a teacher's salary schedule shall pay MCFUSE local dues in the same ratio required for AFT and AFTNM dues. This amendment shall go into effect as of September 1, 1988.
4. A surcharge of \$1.50 shall be added to each members monthly dues starting September, 1999. This surcharge shall be increased by \$1.50 in September, 2000 and by \$1.00 in September 2001. This surcharge shall be used to pay for other employees in order to service members. These salaries are to be negotiated annually.
5. The dues shall be for the contract payment year, with changes occurring at the September payment.
6. Dues may be paid through Payroll Deduction or in a manner approved by the Treasurer, the President of MCFUSE, and the Executive Council.
7. No Membership Dues shall be used for political campaigns—which is the purpose of COPE. Nor shall said Dues be used for member campaigns for union offices. Nor shall COPE funds be used for member campaigns for union office.

## **Article II            AMENDMENTS**

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1. The By-Laws may be amended by a majority of the members present at any regular meeting providing the proposed change has been introduced and seconded at a previous membership meeting.

## **Article III            Officers Term of Office**

1. Those officers elected on odd-numbered years will serve from April of the election year through the succeeding two-year period. Those officers elected on even-numbered years will serve from April of the election year through the succeeding two year period.  
{Approved September 9, 2006}

## **Article IV            Privacy Statement/Policy**

1. MCFUSE will not disseminate or distribute the names of its membership, their demographic or contact information to any third party with or without membership consent. Exceptions shall only be made for MCFUSE Executive Council Officers and affiliates (AFT, AFT-NM, AFL-CIO, etc.) who need this information in the performance of their official duties to service members.

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