

The Constitution & By-Laws of
The New Hartford Employees Union



County of Oneida

State of New York

United States of America

Revised January 2023

ARTICLE 1

ORGANIZATION NAME

- Section 1.1** The name of the organization shall be the: “**New Hartford Employees Union.**”
- Section 1.2** References in this Constitution and By-Laws to "Local", “Union" or “Association”, shall refer to the New Hartford Employees Union, as designated in Section 1.1 above.
- Section 1.3** This Local Union, its officers, representatives and members, shall recognize, observe and be bound by the provisions of the Constitution and By-Laws of the Association and the resolutions, decisions and directives of the Executive Board of the Association when made in conformity with authority granted by the Constitution and By-Laws of the Association.

ARTICLE 2

PURPOSES

- Section 2.1** The purpose of this organization shall be to:
- 1) Promote the interests and welfare of its’ members, relative to the terms and conditions of employment under which they offer their services.
 - 2) Maintain a liaison with the community and employees of other school districts.

ARTICLE 3

AFFILIATIONS

- Section 3.1** This organization shall affiliate with the New York State United Teachers and its national affiliate(s).

ARTICLE 4

MEMBERSHIP & RIGHTS

- Section 4.1** Membership shall be open to all employees who are included in the bargaining unit represented by the New Hartford Employees Union and have tendered the necessary monthly dues to the New Hartford Employees Union and the New York State United Teachers National Education Association and the American Federation of Teachers.

Section 4.2 Every member of this organization shall have the right to:

- a) Vote in person or by absentee ballot.
- b) Be eligible to serve as a member of any committee of the organization.
- c) Be eligible to serve as an elected officer or as an elected representative within his or her job classification or respective building representative.
- d) Every active member of this association shall have equal rights and privileges to nominate candidates to hold office, to vote in elections or referenda, to attend membership meetings and to participate in deliberations and voting upon business of the association.
- e) No member may be fined, suspended, expelled, or otherwise disciplined, except for nonpayment of dues, by this association unless such member has been served with written specific charges and given reasonable time to prepare his/her defense and afforded a full and fair hearing.
- f) This association shall show no bias of sex, creed, color, race, national origin, or political activities or beliefs.

Section 4.3 Membership Statuses

Member in Good Standing - Membership in good standing includes any person who has fulfilled the requirements for membership in this Local and who has not voluntarily withdrawn, become ineligible for continued membership, or has been suspended or expelled as provided in the Constitution and By-Laws of this Local. A member in good standing shall be current in the payment of dues to the Local.

Members not in Good Standing- Members removed from *Good Standing* shall not be eligible to vote, hold committee positions or hold an Officers position. Members shall be returned to *Member in Good Standing*, when the reason for the status of not in good standing has been corrected.

Section 4.4 *Delinquent Members* – Members who fail to pay their monthly dues or assessments by the fifteenth (15th) day following the month such dues are payable, shall be notified by the Local Officer appointed to do so, that they are delinquent and will be automatically suspended and lose their good standing if payment is not made within thirty (30) days following such notification. Delinquent and suspended members are not entitled to a voice or vote in the Local’s affairs.

Section 4.5 *Honorary* - For meritorious service to this Local or for distinguished public service, persons may be elected honorary members by majority vote. Honorary members shall not pay initiation fees, dues or other charges and shall have no voice or vote in the Local. Such membership may be revoked for cause.

ARTICLE 5

MEETINGS

- Section 5.1** *General and Representative Council Meetings* – General and Representative Council meetings of the Local shall be held on the *Second (2nd) Wednesday* of the month, except for the summer months (July and August).
- Section 5.2** *Annual Meeting* – The Annual Meeting shall take place at the regular September meeting of the local.
- Section 5.3** *Special Meetings* – Special meetings may be called by the Executive Board or may be requested in writing, letter, or email, to the Executive Board by any member of the Local and shall be called upon approval by a majority vote of the Executive Board. All members in good standing shall be notified of such special meeting at least seven (7) days prior to the same. The notice shall state the business to be considered at such meeting and no other business than that shall be conducted at such meeting.
- Section 5.4** *Quorum* - The quorum for any meeting of this Local, either regular or special, shall be at a minimum of one half (1/2) of the membership present at such meeting, that are in good standing.
- Section 5.5** *Member Rights* - Every member in good standing shall have the right to attend and participate in all local meetings in accordance with the recognized rules set forth in the manual of parliamentary procedures (Roberts Rules of Order) adopted by this Local. Members shall conduct themselves in such a manner as not to interfere with the legal or contractual obligations of this Local.
- Section 5.6** *Rules for Order/Meetings* - The Local shall recognize Robert's Rules of Order as the official “Rule”, when conducting meetings and business of the Local in all cases not in conflict with this Constitution and By-Laws, or interpretations of these documents.
- Section 5.7** Any elected official will be required to attend 80% of the regular monthly meetings and may be removed from his/her position by a majority vote of the Representative Council if they do not meet the attendance requirement. Officials with a legitimate excuse may be excused by the President.

ARTICLE 6

OFFICERS AND ELECTIONS

- Section 6.1** The Officers of this Local shall consist of a **President, Vice President, Secretary and Treasurer**, who shall also act as the **Executive Board**, and who shall hold office for two (2) years, until the election and installation of their successors unless removed from office as

provided in the Constitution and By-Laws.

Section 6.2 *Eligibility for Office* - Any Active member in good standing shall be eligible to be a candidate for office in this Local.

Section 6.3 *Rights of the Candidate* - Every candidate for office shall have the right to request distribution of campaign literature, by mail, email or otherwise, to all members in good standing, at the candidates' personal expense. There shall be no discrimination in favor of, or against any candidate with regard to use of membership lists.

Section 6.4 *Use of Funds Prohibited in Elections* - No funds received by this Local through initiation fees, dues, assessments or otherwise, shall be contributed or applied to promote the candidacy of any person running for office of this local.

This section does not prevent the expenditure from Local funds for notices, factual statements of issues and other necessary expenses to conduct elections so long as they do not involve promotion of any candidate.

Section 6.5.1 *Method of Nomination and Election* - All members in good standing shall be given at least one month notice prior to election day, of the right to make nominations, the offices to be filled, including the date, time and location at which nominations shall be made. Notification shall also include the date, time and location where the elections shall be held.

Nominations for Officers shall be accepted by the Secretary from the Election Committee at the regularly scheduled meeting held in the month of May. Any member in good standing may nominate eligible members for office.

The office of President shall be listed on the ballot as "President and Delegate to NYSUT RA"

Elections shall be by secret ballot. Write-in Votes shall not be permitted. Elections will be held in the month of June. Voting members will sign the eligible members list located at the poll location for verification. The voting site is to be manned at all times. The immediate voting area shall remain clear of all campaign material.

Written notice announcing the candidates for office, time and place of the elections, shall be mailed (or electronically emailed) to each member at least fifteen (15) days prior to the elections.

If there is only one (1) candidate for a given office, such candidate shall be declared elected. There shall be no voting by proxy in the election of Local officers. The candidate receiving the majority vote of ballots cast shall be declared elected. In the event of a tie, there shall be a run-off election between the two candidates who received the most votes. Newly elected Officers and Representatives will assume office on July 1st of their election year. The results of the election shall be posted in all buildings. The Secretary shall preserve all election

records, including ballots, for a period of one (1) year.

No member shall hold more than one (1) office at the same time.

Members may vote for all candidates within his/her building.

If a member holds (2) job classifications, he/she may be a candidate for either job classification.

Prior to the elections the voting place in each building shall be determined and announced by each building representative.

To realign the elections with the amended dates of the Officer's & Rep's terms; the recently held elections for reps in Nov. of 2021, will extend their term to June of 2024. The E-Board will hold their officer's election in Nov. of 2022 and extend their term to June of 2025.

- Section 6.5.2** *Absentee Ballots* – May be obtained from the Election Committee no later than three (3) school days prior to the election. Absentee ballots will be available for members who have a known absence on the day of the vote. The absentee ballots are to be used for an anticipated absence only, not in lieu of voting early or in the event of sickness on the day of the vote. Absentee ballots shall remain sealed then counted with all ballots on election day.
- Section 6.6** *Election Committee* - The President shall appoint an Election Committee. The Election Committee shall be responsible for distributing and tabulating the ballots. Each candidate for office shall be entitled to appoint an observer who shall be permitted to witness the manner of distribution and casting of ballots and attend the meeting of the Election Committee at which the votes are tabulated. This will be done on the day of election. The Election Committee shall be responsible for the procedures outlined in Appendix C and Appendix D of this Constitution and By-laws.
- Section 6.7** *Ballots* - The official paper ballot for election of Local officers shall be as designated in Appendix A of this Constitution and By-Laws.
- Section 6.8** *Ballots Preserved* - The Secretary shall preserve the ballots and all other records of the election for one (1) year following such election.
- Section 6.9** *Vacancies in Office* - When an office becomes vacant due to death, resignation, or removal of the incumbent, the President shall fill said office by appointment with majority approval of the Executive Board; no later than thirty (30) days after the vacancy occurs. When the office of President becomes vacant, the Vice-President shall assume the office of President.

ARTICLE 7

DUTIES of OFFICERS

Section 7.1 *President* – It shall be the duty of the President to preside over all General, Representative Council, special and E-Board meetings. He/she shall be the Chief Executive Officer of the Local. The President shall be a member of all committees. He/she shall appoint such committees as provided for in this Constitution and By-Laws. The President shall preside over and sit on any special committees deemed necessary by the Local. Together with the Treasurer, he/she shall sign all orders and checks lawfully and properly drawn. The President shall enforce strict observance of the Constitution and By-Laws of this Local. He/she shall have general supervision of the activities of Officers and Chairmen of committees. The President shall evaluate the accountability of other officers with the right to ask for resignation. He/she shall certify to the Secretary Treasurer of the American Federation of Teachers that the annual audit/internal financial review were presented to the entire membership annually.

The President shall discharge on behalf of the Local such duties as may be imposed upon him by applicable law, including the execution and filing of any reports to Federal or State authorities. He/she shall order such records to be maintained by the Local as required by law and to be kept in support of reports filed by the Local.

The President, by virtue of his election, shall be delegate of this Local to the Representative Assembly of NYSUT. He/she may appoint a member of the E-Board to serve on his behalf should he/she not be able to attend.

The President shall receive a stipend as determined and agreed upon by the membership.

Section 7.2 *Vice President* – The Vice President shall assist the President in such a manner as the President may determine and perform such other duties as the President may request. He/she shall assume the functions of the President in his/her absence. If the Office of President becomes vacant, the Vice President shall assume the duties of the President. The Vice President shall co-sign financial instruments in the absence of the President or Treasurer.

The Vice President shall receive a stipend as determined and agreed upon by the membership.

Section 7.3 *Secretary* – The Secretary shall have custody of all documents, records, books and papers belonging to the Local, except as may be otherwise provided by this Constitution and Bylaws. He/she shall ensure that the annual budget is adopted and recorded in the minutes of the Local's meetings; and keep accurate records of meetings of the Local and of the Executive Board, of which he/she shall act as the Secretary. The Secretary shall attest all official documents with his/her signature. He/she shall conduct the correspondence of the Local promptly. The Secretary shall maintain the official list of the membership, which shall be kept

accurately and on a current basis. He/she shall keep the official copy of the Constitution and Bylaws of the association and attach amendments as they are passed.

The Secretary shall discharge on the behalf of the Local such duties as may be imposed upon him/her by applicable law, including the execution and filing of any reports to the Federal and State authorities. He/she shall maintain such records of the Local as required by law, and to be kept in support of reports filed on behalf of the Local.

The Secretary shall be responsible for providing new members with a contract, constitution and member kit.

The Secretary shall receive a stipend as determined and agreed upon by the membership.

Section 7.4 *Treasurer* – The Treasurer shall receive all money due to the local, and shall disburse the same only by voucher signed by the President in conformity with vote of the Local. Such disbursement shall be by check. He/she shall maintain and keep current a record of member’s dues payments, assessments and all financial transactions promptly and accurately entered.

The Treasurer shall hold the funds of the organization, maintain bank accounts, maintain a roll of all members and keep accurate accounts of receipts and disbursements. He/she shall also provide a monthly report to the E-Board, Representative Council and local. The Treasurer shall arrange for an internal review of the finances of the organization annually, no later than December 31st and make same available to the E-Board and membership. He/she shall be responsible for the adherence of the Sunshine Policy as stated in Appendix B of this Constitution and By-Laws. The Treasurer shall perform other duties as the President may request.

The Treasurer will pay all reoccurring debts and authorized expenditures of the Local per the approved/adopted budget, which will serve as authorization to do so. He/she shall be prepared to exhibit receipts and vouchers upon audit of his/her books.

The Treasurer shall discharge on the behalf of the Local such duties as may be imposed upon him/her by applicable law, including the execution and filing of any reports to the Federal and State authorities. He/she shall maintain such records of the Local as required by law, and to be kept in support of reports filed on behalf of the Local. The Treasurer shall perform other financial duties as delegated by the President or assigned by the Executive Board.

The Treasurer shall receive a stipend as determined and agreed upon by the membership.

Section 7.5 *Executive or E-Board* – The Executive Board, also known as the “E-Board,” shall consist of the President, Vice President, Secretary, Treasurer. It shall be the duty of the Executive Board to exercise general supervision and control of the invested funds and property of the Local. It shall have authority to act in the name of the Local during intervals between meetings; such acts being subject to confirmation by audit of the Treasurer's books. The E-Board shall meet at least once a month, or at the order of the President, or on a written demand signed by a majority of its members. A majority shall constitute a quorum. The E-Board, shall present a

budget to the membership at the September regular meeting to be voted on. The E-Board shall establish a fiscal year for the local which shall commence July 1st and end June 30th.

The Executive Board shall ensure that an annual financial report and an audit/internal financial review are presented to the membership. The Executive Board shall ensure that an audit/review by an independent accounting firm or an internal financial review conducted by a committee of 3-5 members who do not sit on the Executive Board is presented to the membership.

Section 7.6 *Bonding of Officers* – All officers and employees of the Local who handle funds or property of the Local shall be bonded in such amounts as may be required and in compliance with applicable law. The Bond shall be borne by NYSUT.

Section 7.7 *Political Action Committee (PAC) & Contributions* – The E-Board shall serve as the PAC. Any recommendations by the PAC to give local backing or support to any political figure/candidate will require a special election. Notice of the motion and a special election shall be posted in all applicable buildings, at least three (3) days prior to a special election held to approve the contribution. Special elections shall be held at the same location in which regular meetings of the Local are held. Special elections shall consist of two (2) staggered meetings so that all members in good standing can attend. The proposed endorsement shall become effective upon a majority vote of the voting members. Voting shall be by secret ballot.

Section 7.8 The Executive Board, upon a majority vote and upon passage of the recommendation in compliance of Section 7.7, shall have the power to authorize the expenditure of monies in an amount not to exceed \$500.00.

ARTICLE 8

Representative Council

Section 8.1 The Representative Council shall be the legislative and policy-forming body of the organization. It shall act on reports from committees, and approve resolutions and other policy statements. They shall also disseminate information to the membership, perform duties as requested by the President and serve as liaison between the membership and the E- Board.

Section 8.2 Composition of the Representative Council shall consist of the E-Board and one (1) Representative for each fifteen (15) members or major fraction thereof in the seven areas listed below. There shall be one (1) Representative from each building, with a minimum of one (1) for each area electing its' own Representative in a manner to be determined by the E-Board. No member shall sit as a Representative outside his/her job classification. The areas are as follows:

Area 1: Secretaries/Clerks

- Area 2: Bus Drivers
- Area 3: Custodians/Cleaners
- Area 4: Teacher Aides & DP Aides
- Area 5: Monitors
- Area 6: Maintenance/Mechanics/Groundsmen
- Area 7: Bus Aides

Section 8.3 Those elected to the Representative Council shall serve for a two (2) year term commencing July 1st on alternating years with the E-Board.

Section 8.4 Building Representatives who hold monthly meetings in their buildings with their respective members, will receive an additional \$20.00 per meeting in addition to the stipend, upon completing the following:

- a) Develop an agenda
- b) Chair meetings
- c) Supply a copy of the minutes to the association officers.
- d) Develop rapport and confidence among assigned association members.

For every three (3) years of service as a building representative a \$5.00 increase will be added to the monthly meeting stipend.

Members of the Representative Council shall receive a stipend as determined and agreed upon by the membership for 80% attendance. This will be exclusive from section 5.7.

ARTICLE 9

Dues, Assessments and Expenditures

Section 9.1 Dues shall be established annually, by the Representative Council and be deducted bi-weekly by payroll deduction into the account of the New Hartford Employees Union. Dues increases shall take effect the first pay period or soon afterward, following a vote as described in sec. 9.4.

Section 9.1.2 Dues for Active Members shall be collected bi-weekly for ten (10) months (September thru June). Dues shall be direct deposit for all Active Members.

Section 9.2 Assessments may be made only in the following manner: Each member in good standing shall be notified in writing via letter or e-mail at least thirty (30) days in advance of the date on which the vote for an assessment is to occur. The proposed assessment shall become effective upon majority vote of the members in good standing and of those voting, by secret ballot, at a regular or special meeting.

Section 9.3 Increases in the rate of reinstatement fees, dues, or assessments shall require notice of such

proposed increase to be given to members in good standing at least 30 (thirty) days in advance of the date of which the vote for such increase is to occur. Notification shall be in writing via letter or e-mail to all active members. The proposed increase shall become effective upon a majority vote of the members in good standing and of those voting, by secret ballot, at a regular or special meeting.

Section 9.4 Reinstatement fees shall be \$20.00 dollars, plus back dues and assessments.

ARTICLE 10

Committees

Section 10.1 The following standing committees shall be appointed by the President:

- a) Health Committee - Union Participation will be as described in Article XV section G of the NHEU Labor Contract.
- b) Grievance Committee – Will act on all grievances according to procedures outlined in the NHEU Labor Contract. The grievance committee shall consist of five (5) members.
- c) Election Committee – The Election Committee shall consist of five (5) members and shall adhere to the procedures outlined in Article 6 of these by-laws.
- d) Negotiation Committee – Shall participate in gathering information from members, relative to negotiations and present same to the E-Board.
- e) By-Law Committee – Shall review and revise the Association’s Constitution and By-Laws when needed.
- f) Political Action Committee – The PAC Committee will conduct the annual VOTE/COPE campaign. Members of this committee will actively study local School Board elections and School Budget votes, and recommend appropriate Association action. The PAC will conduct public relations activities and publicly, in accordance with its recommendations on Board elections and budget votes.
- g) Events Committee – Will arrange any and all other social functions.
- h) Safety Committee – The goal of such committee shall be to foster a safety conscious environment in the workplace. The procedures of this committee are outlined in Article XXXII (B) of the NHEU Labor Contract.
- i) Labor Management Committee – The purpose of such committee shall be to discuss employer-employee relation issues not normally the subject of negotiations. The

procedures of this committee are outlined in Article XXXII (A) of the NHEU labor contract.

ARTICLE 11

Audits

- Section 11.1** The books and accounts of this Local shall be audited annually by an independent auditor, if deemed necessary.
- Section 11.2** The President shall appoint three (3) members who do not sit on the E-Board to conduct an internal financial review of the books and accounts of the NHEU.
- Section 11.3** An audit of the financial records shall be conducted annually. An audit of the financial records shall be conducted whenever there is a change in the NHEU Treasurer.
- Section 11.4** The fiscal year shall begin July 1st and end June 30th.

ARTICLE 12

Amendments

- Section 12.1** The Constitution and Bylaws made under its provisions, may be amended by a two-thirds vote of those members voting, (except for changes in dues, assessment, initiation and reinstatement fees, which shall require a majority vote, as provided in Article 9) at a regular meeting. Provided that each member in good standing is provided notice of the proposed amendment at least (15) fifteen days in advance of the meeting at which the vote will be taken.

The notice will contain the proposed amendment along with the date of a meeting called prior to the vote to discuss the proposed amendment.

- Section 12.2** *Certification & Distribution of Updated Constitution & By-Laws* – Upon approval of any changes to the Constitution and By-Laws in accordance with Article 12.1, the revised version of the Constitution and By-Laws shall be certified by the Executive Board of the Local as attested to by their signatures on the Certification page of this document. Upon completion of the certification, the Constitution and By-Laws shall be distributed to all members either in print, email or other electronic format within thirty (30) calendar days of the date of certification.

ARTICLE 13**RATIFICATION OF the CONSTITUTION and BY-LAWS**

By the

Executive Board


Upon approval of the membership of the Local in compliance with Article 12.1, the Executive Board does hereby certify that the Constitution and By-Laws of the New Hartford Employees Union, dated February 24, 2023, is the most current and only legitimate version of this document. Said certification is attested to by the Executive Board by and affirmed by their signatures below:


President


2/24/23
Date


Vice-President

2/24/23
Date


Secretary

2/24/23
Date


Treasurer

2/24/23
Date

APPENDIX A

Official Election Ballot
Year 20__

Office of the President & Delegate to NYSUT RA

Candidate 1: _____ O

Candidate 2: _____ O

Candidate 3: _____ O

-----cut here-----

Official Election Ballot
Year 20__

Office of the Secretary

Candidate 1: _____ O

Candidate 2: _____ O

Candidate 3: _____ O

Official Election Ballot
Year 20__

Office of the Treasurer

Candidate 1: _____ O

Candidate 2: _____ O

Candidate 3: _____ O

-----cut here-----

Official Election Ballot
Year 20__

Office of the Vice President

Candidate 1: _____ O

Candidate 2: _____ O

Candidate 3: _____ O

Official Election Ballot
Year 20__

Bus Driver Representative

- Candidate 1: _____ O
- Candidate 2: _____ O
- Candidate 3: _____ O
- Candidate 4: _____ O

-----cut here-----

Official Election Ballot
Year 20__

Custodians/Cleaners Representative

- Candidate 1: _____ O
- Candidate 2: _____ O
- Candidate 3: _____ O

Official Election Ballot
Year 20__

Secretary/Clerk Representative

Candidate 1: _____ O

Candidate 2: _____ O

Candidate 3: _____ O

-----cut here-----

Official Election Ballot
Year 20__

Monitor Representative

Candidate 1: _____ O

Candidate 2: _____ O

Candidate 3: _____ O

Official Election Ballot
Year 20__

Maintenance/Mechanics/Groundsmen Representative

- Candidate 1: _____ O
- Candidate 2: _____ O
- Candidate 3: _____ O

-----cut here-----

Official Election Ballot
Year 20__

Bus Aide Representative

- Candidate 1: _____ O
- Candidate 2: _____ O
- Candidate 3: _____ O

Official Election Ballot
Year 20__

Teacher Aide/DP Aide Representative

Candidate 1: _____ O

Candidate 2: _____ O

Candidate 3: _____ O

-----cut here-----

APPENDIX B

SUNSHINE POLICY

- 1) A “Thinking of You” card with \$25 will be sent to a member out of work due to illness after seven (7) working days.
- 2) A “Sympathy Card” with \$25 will be sent to a member who has lost an immediate member of their family. Immediate family being a spouse, child, parent or sibling.
- 3) Death of a retired member; \$50 cash, flowers or donation to a charity will be sent (family choice).
- 4) Death of an active member; \$50 cash, flowers or donation to a charity will be sent (family choice). In addition, a check for \$10 for every year of service, (as in retirement).
- 5) Death of an administrator or school board member, a card will be sent to the family.
- 6) Death of a family member of an administrator or school board member, a card will be sent.
- 7) Retirement of a member; a check for \$10 times the number of years in service with the district will be given. (i.e. ten (10) years of service = \$100)
- 8) A committee of four (4) members will be appointed by the President to deal with unusual circumstances; consisting of the Vice-President, Treasurer and two (2) Reps from the Representative Council. This limit will be \$200.

APPENDIX C

NHEU CAMPAIGN MAILING AND ELECTION OBSERVATION PROCEDURES

Distribution of Candidate Campaign Literature

1. The Labor Management Reporting and Disclosure Act of 1950 (LMRDA) and the Code of Federal Regulations (CFR) do not require the New Hartford Employees Union (NHEU) to provide a membership list to a candidate rather, the NHEU is merely required to provide an opportunity to inspect the list once within thirty (30) calendar days of the election (29 CFR 452.71). This will take place at the New York State United Teachers (NYSUT) Utica Regional Office at a date and time convenient for both the candidate(s) and the NHEU.
2. With respect to the distribution of literature, the NHEU will comply with all reasonable requests to distribute, to all or a portion of the membership, a candidate's campaign literature, at the candidate's expense (29 CFR 452.67, 452.68, 452.69).
3. The NHEU will not actually share member addresses with the candidates. Member addresses will remain private, but a mailing can be done on the candidate's behalf. The NHEU will provide candidates access to member addresses in the same manner as NYSUT does, for its elections. That being:
 - Upon request from a candidate, NHEU will order from NYSUT, a set of mailing labels for the purpose of distribution of campaign related materials.
 - The NHEU will allow candidates to affix the labels and postage to envelopes provided by the candidates in the presence of an NHEU Election Committee member or NYSUT Utica Regional Office staff person.
 - The affixing of labels and postage will be done at the NYSUT Utica Regional Office.
 - Mailings will be picked up by the US Postal Service from the NYSUT Utica Regional Office or with permission from the candidate, staff from the NYSUT Utica Regional Office will deliver mailings to the New Hartford US Post Office.
 - The NHEU will require candidates to sign an affidavit in which they promise to not record addresses or use them for any reason other than the distribution of materials (Attached).
4. All candidates will be advised of the process outlined above, with enough time to submit campaign materials for distribution.

Observation of Voting and/or Tabulation Procedures

Candidates may observe and/or designate an observer to observe the voting and tabulation process. Observers must be members in good standing. Candidates and/or their designated observers may observe the voting and/or tabulation process subject to the following conditions:

Voting: Any candidate may observe and/or designate an observer to observe the voting process at each polling place.

Tabulation: Any candidate may observe and/or designate an observer for the tabulation process.

- Each candidate must register the name of each observer (themselves and/or their designee) with the NHEU Election Committee no later than seven (7) calendar days prior to the day of elections. The request to register by a certain date, will allow for the NHEU to plan for the extra bodies in the room(s) used for the casting of ballots and tabulation of votes. (The Chair of the NHEU Election Committee retains the right, based on logistical concerns, to limit the number of observers in the tabulation room; however, every candidate for election shall have the right to have at least one observer in the tabulation room.)
- No observer will be allowed to observe voting or enter the tabulation room without verification of the candidate's designation of the observer. Verification will be verified by the NHEU Election Committee.

MEMORANDUM

TO: _____

FROM: _____

DATE: _____

RE: *Mailing Labels for* _____ *Election*

Included in this sealed envelope is one (1) set of elector labels that you may use as a candidate or your designee in your campaign for _____. As per your request, you requested access to a set of eligible elector mailing labels at the NYSUT Utica Regional Office for campaign purposes.

In order to protect the confidentiality of member information, candidates or their designee(s) can only access mailing labels at the NYSUT Utica Regional office, at which location the candidates or their designee(s) can affix the labels to campaign material for mailing. Mailing labels may not be taken from the NYSUT office by candidates, reproduced or shared with anyone. In accordance with the NHEU Campaign and Election Procedures, the actual mailing must be done by NYSUT staff, although the candidates or their designees may observe the mailing. Candidates are responsible for affixing adequate postage on any correspondence. Alternatively, candidates may arrange with the NHEU Elections Committee for delivery of mailing data to a bona fide trackable mailing service for distribution of campaign material.

If you have any questions or concerns, please contact the NHEU Elections Committee.

Received and acknowledged:

Candidate: _____ Date _____

NHEU Election
Committee: _____ Date _____

APPENDIX D

ROLE AND AUTHORITY OF THE NEW HARTFORD EMPLOYEES (NHEU) ELECTIONS COMMITTEE

ELECTION PROTESTS

The Elections Committee shall have the authority to interpret and apply election related NHEU Constitution and Bylaw provisions, campaign and election policies and procedures, and practices. The Elections Committee shall be empowered to modify the policy and procedures, and timelines set forth below in the event of extenuating or unforeseen circumstances, or pursuant to the requirements of law. Any modification/change will require adoption by the Executive Board prior to becoming effective. Notification shall be provided in the event there is a material change in these procedures or timelines.

The Elections Committee shall have the authority to resolve all issues or disputes involving any election.

In initially presenting an issue or dispute to the Elections Committee for a ruling, the complaining party shall promptly do so in writing, but no later than (7) days from the date of the election.

That written complaint submission shall:

- a) Specify all the provisions of the NHEU Constitution and Bylaws, and/or each provision of the Campaign and Election Policies and Procedures, and practices which are claimed to be violated.
- b) Identify any other complaints related to election irregularities.
- c) Provide the specific facts supporting each such violation and/or irregularities.
- d) Explain the impact of the irregularities or violations on the outcome of the election.

Upon receipt of the complaint submission, the Elections Committee may:

- Review the submission(s) thoroughly to decide what information is needed to resolve the complaint(s).

- Talk to the protesting member(s) in order to clearly understand the allegation and to obtain any specific information needed.
- Review the Constitution/Bylaws and Campaign and Election Policies and Procedures and practices.
- Review election records.
- Interview members and other persons, as necessary. All members/candidates that are involved in the allegations will have an opportunity to address the issues alleged.
- Decide if the allegation is true by viewing all the information gathered by the Elections Committee and discussing the findings as a team.
- Determine how many votes may have been affected if the allegation is true.

After all allegations have been reviewed and the facts determined, the Elections Committee will decide what action is appropriate not more than twenty (20) calendar days from the submission of the protest except where there is good cause.

- If an allegation has no merit, no corrective action is necessary, and the Elections Committee will deny the protest.
- Any allegation which has merit will be closely analyzed to determine the corrective action necessary to resolve the issue(s). All possible actions will be carefully considered before a decision is made. The rerun of an election is considered a corrective action.
 - a. If a rerun election does become necessary, the same procedures and requirements which applied to the initial election will be followed. Special precautions will be taken to ensure that the problems which caused the need for the rerun do not happen again.
 - b. Decisions about how to remedy irregularities and whether to rerun elections are difficult and may involve many different factors. The Elections Committee will seek advice from NHEU officials or the NYSUT assigned Labor Relations Specialist as necessary.

The Elections Committee will notify the protesting member(s) of their decision regardless of whether a protest is denied, or a decision is made to rerun the election or take other corrective action(s). The decision from the Elections Committee, responding to the complaint(s), shall be in writing.

- Any person aggrieved from a decision of the NHEU Elections Committee who wishes to appeal the determination of the NHEU Elections Committee, must file in writing, an appeal within fifteen (15) calendar days (absent a showing of extenuating circumstances which shall be set forth in the written appeal) from the date the decision of the Elections Committee is received, to the NHEU President.