

# **PALOMAR FACULTY FEDERATION CONSTITUTION AFT LOCAL 6161**

## **Article I NAME**

The Name of this organization shall be the  
**Palomar Faculty Federation (PFF) Local 6161**  
**American Federation of Teachers**

## **Article II PURPOSE**

### **Section 2.01 Representation**

PFF shall represent Local 6161 and have jurisdiction of the Local in the Palomar Community College District. PFF shall act as the exclusive bargaining agent for all faculty of Palomar College on all matters subject to collective bargaining.

### **Section 2.02 Advancement of Educational Standards**

PFF supports quality education in the Palomar Community College District, the state, and the nation through the advancement of the economic and professional interests of its members, and the support of expanded educational opportunities for a diverse student body, advocating and working on actions reflecting the professional objectives of the faculty, and initiating and supporting state legislation to benefit students and faculty. PFF supports parity for all faculty, and within the union will strive for equal treatment in its decisions, actions, and language. The PFF encourages equity by seeking part-time participation on all its committees, especially those with important decision-making functions. In keeping with AFT's Blueprint for Fairness and Equity, PFF believes that part-time/adjunct faculty, often treated as second-class citizens at work, should never be treated as second-class citizens in their own union.

### **Section 2.03 Affiliation**

PFF shall be affiliated with the American Federation of Teachers, the California Federation of Teachers, and the San Diego & Imperial Counties Labor Council. This affiliation necessarily entails mutual obligations and mutual action on behalf of quality education and professionalism at Palomar College and for college faculty in California and the nation. Affiliation may be entered into with other

organizations by action of the Executive Board of PFF.

## **Article III**

# **MEMBERSHIP, DUES, AND VOTING**

### **Section 3.01 Membership**

- A. Membership shall be open to all permanent and temporary faculties, both full-time and part-time, as defined by the composition of the bargaining unit as defined in the PFF Contract. Members of the PFF shall be defined as those who have submitted validated membership applications and are currently paying dues.
  
- B. Petition of Extension of Membership
  - A PFF member who is not paying dues due to a reduction in force, not being assigned classes, whose classes were canceled, or are facing other extenuating circumstances, may petition the Executive Officers for a continuation of membership rights.
  - A. The member applying for this extension of rights must have been a dues-paying PFF member during the previous semester prior to his/her initial application for continuous membership.
  - B. The petition for continuous membership will be addressed to the appropriate Co-President, who will then take the information submitted into account and make a recommendation to Executive Leadership. Executive Leadership will make the decision and then notify the member of the granting or denial of continuous membership. The Leadership may choose to limit some access to some Union benefits during the time the member is not paying dues.  
3. The decision of the Leadership will be made public in the next PFF Executive Board meeting in the appropriate Co-President's report. The petitioner may request in their petition to only be identified publicly by their department.
  - C. If the initial decision is denied, or benefits are limited, the faculty member may appeal these decisions to the Executive Board. The Board may override the original decision by a two-thirds supermajority vote.
  - D. Continuous membership must be reapplied for each semester that the member is not paying dues.
  
- C. Membership "In Good Standing"
  - As noted in 3.01(a), a PFF member "shall be defined as those who have submitted validated membership applications and are currently paying dues" or a successful petitioner under 3.01(b). As 9.01 further calls out "members in good standing," it is necessary to define "good standing." For scenarios where privileges apply to "members in good standing" and not just "members," a member in good standing is defined as "a PFF member who is currently paying dues and has been paying dues for six (or more) consecutive months or has successfully petitioned to remain a member under 3.01 (b)." Only "members in good standing" may appear on ballots and/or be considered as a candidate for PFF eBoard seats. Only "members in good standing" may be considered and/or appointed to these compensated positions: Elections

Chair, Committees on Committees Chair, and Education Center Ombuds. Executive Leadership (Officer) positions, as defined in 4.02, and the Compensated Positions of Lead Negotiator, COPE Chair, and Grievance Officer(s), as defined in 5.03, in addition to the restriction of being held by “members in good standing,” are further restricted in the following ways: 1. Executive Leadership (Officer) positions and the Compensated Positions of Lead Negotiator, COPE Chair, and Grievance Officer(s) must have been “members in good standing” for 24 of the 36 months prior to their selection/appointment/election to any of these positions, 2. Executive Leadership (Officer) positions and the Compensated Positions of Lead Negotiator, COPE Chair, and Grievance Officer(s) must remain “members in good standing” for the duration of their term / service time, and 3. Executive Leadership (Officer) positions and the Compensated Positions of Lead Negotiator, COPE Chair, and Grievance Officer(s) must have attended (as member or guest) and/or participated in (as member or guest) several PFF eBoard meetings in the two calendar years prior to their appointment to any of these positions.

## **Section 3.02 Dues**

Dues shall be set by the board between 1.3% to 1.6% of faculty members’ gross pay. Dues will be collected from members through payroll deduction. Revenues produced by dues will be distributed among the required per capita payments to the affiliates (Section 2.03) and the PFF.

- A. Changes in dues assessments may be made by the Executive Board. Notice to the membership of a proposed change must be given at least two meetings or one month prior to the Board meeting at which action will be taken. Changes must be approved by a two-thirds vote of the Executive Board. Such a change in dues may reset the rate permanently or be for a fixed time, such as one year.
- B. Other changes in dues assessments may be mandated by the AFT or other affiliates or to comply with changes in state or federal laws. Any such changes that require changes to documents or procedures of the PFF will comply with Article VII.
- C. Provision for members to opt out of PFF contributions to COPE made on their behalf will be made in compliance with state and federal laws.

## **Section 3.03 Voting**

Voting is a right of each PFF member.

- A. Problems with the payroll deduction system shall not disqualify voting privileges.
- B. All elections will be decided upon by a simple majority of those voting, with the exception of the ratification of the constitution, constitutional amendments, and special elections such as recall elections as specified elsewhere in the constitution.
- C. Only PFF members are eligible to vote on matters that lie within the bargaining unit’s statutory and contractual responsibilities.
- D. Elections for open positions on the Executive Board shall be held by secret ballot in the spring semester and will be coordinated by the Chair of the Elections Committee.

# **Article IV**

# GOVERNANCE

Governance shall be by the Executive Board of PFF. The Executive Board shall be responsible for day-to-day operations of the PFF.

## Section 4.01 Executive Board Composition

The Executive Board shall consist of up to 14 elected members. The composition of the board shall be 5 full-time faculty, 5 part-time faculty, and 4 at-large faculty. Each of the 4 at-large faculty positions may be held by either full-time or part-time members.

## Section 4.02 Executive Leadership: Officers

The Executive Leadership (herein also referred to as "Officers") of the PFF shall be elected by union membership as described in section 4.03. The composition of Executive officers shall be as follows:

- A. Full-Time Co-President – Must be a full-time faculty member.
- B. Part-Time Co-President – Must be a part-time faculty member.
- C. Treasurer – May be a full-time or part-time faculty member.

## Section 4.03 Election of Board Members and Officers

- A. The standard term of office for all Executive Board members and Officers shall be for two years. Election terms may be staggered. Members voted in under section 4.06 H to fill vacant seats shall serve no longer than the remainder of the current term office but are eligible to run for that position or any other once the term is served.
- B. Seven Executive Board members shall be elected in alternate years for two-year terms. The day and month of each election shall be established by the Election Committee and confirmed by the Executive Board.
- C. Only PFF members (as defined in section 3.01) shall be eligible to vote for Executive Board members and officers.
- D. Only part-time faculty members shall be eligible to vote for part-time Executive Board members and officers. Only full-time faculty members shall be eligible to vote for full-time Executive Board members and officers.
- E. All PFF members are eligible to vote for at-large Executive Board members and officer positions which are designated as being open to full time or part time applicants.

## Section 4.04 Executive Board Eligibility

- A. Any PFF member in good standing (as defined in Section 3.01(C)) is eligible to seek election to an Executive Board position within the requirements stated in section 4.01.
- B. The PFF expects and maintains among its Executive Board members and officers the highest standards of integrity. In order to make sure that neither the appearance nor reality of conflict of interest occurs for the Executive Board, the following conditions will be considered as violations of conflict of interest and render a member ineligible to run for or serve as a member of the Executive Board or its designated leadership positions:

- i. If a nominee for the Executive Board or current officer of the Executive Board finds themselves in a situation that would give the appearance or reality of conflict of interest between the interests of the union and its membership and some other obligation, it will be expected that the individual will withdraw their name from running or resign from the Executive Board, respectively.
  - ii. Such conflicts of interest may include (but are not limited to): Serving on a PAC for the privatization of education, being named to lead an accreditation agency, submitting paperwork to run for the Palomar Board of Governors, or applying for an administrative position at Palomar.
  - iii. Whether the conflict of interest is immediate or there is a possible impending conflict of interest (paperwork has been filed to apply for an administrative position, campaign papers have been filed to run for Palomar's Governing Board), the member shall withdraw their name or resign immediately. If the individual is a current member of the Executive Board, their seat on the Executive Board shall then be considered vacant.
- C. Officer "on leave" (Nicknamed "Carbonite Status") is a status that can be conferred upon a member of the Executive Board who will be absent for an extended period of time but whose absence is not anticipated to extend through the entire duration of their elected term. An Executive Board member will be considered having on-leave status upon any of the following conditions:
- i. An Executive Board member notifies the Board in writing requesting on-leave status due to an anticipated absence that would not exceed their term, and the officer does not believe during their absence they may continue their duties, such as having to take FMLA time or being on Sabbatical. If requested by the Executive Board member, on-leave status is automatically granted. The Executive Board member must give in their notice an anticipated return date for when their status would be counted as active again.
  - ii. If an Executive Board member is absent for 2 meetings in a row without notification or communication to either of the Co-Presidents, a majority vote may be called to put the member on on-leave status.
  - iii. An Executive Board member who is on leave is not considered to be an e-Board member during the time of their leave. They cannot vote and their position does not count against a quorum. During this time, they will not represent themselves as an active Executive Board member.
  - iv. Asking to be placed on leave status or being voted into leave status does not confer protection against nor preclude the constitutional provisions for voting to remove an Executive Board member who has missed three consecutive meetings. A member may be on leave and then later removed from the Executive Board or be removed in lieu of being granted a leave.
- D. Officers of the Executive Board, Paid Positions, and Committee Chairs are subject to recall by petition of 1/3 of the PFF membership. In response to such petition, the Executive Board shall call a special election within 30 calendar days, soliciting votes from the appropriate constituency (full-time faculty, part-time faculty, or all faculty for at large positions). A 2/3 majority of those voting shall be required for recall. Should the recall involve the Elections Chair, a Special Elections Chair will be appointed by the Executive Board to avoid any appearance of conflict of interest. Individuals subject to recall will abstain from voting on any votes involving procedures for the recall election.

## **Section 4.05 Executive Board Officer Responsibilities**

The Executive Officers as the PFF Leadership Team shall have individual and collective responsibilities to the PFF and its membership.

- A. The Co-presidents shall serve as primary advocates for PFF members and help set the direction of the Executive Board. They shall represent the PFF at Palomar College meetings of Governance such as at Governing Board Meetings or in appropriate shared governance

committees; at individual meetings with Palomar College leadership to advocate for PFF member interests; at local, state, and federal meetings or conferences for the benefit or knowledge of advancing union and PFF interests; and to the community at large. They shall report back to the Executive Board on their activities, findings, and concerns at regular PFF meetings.

- B. The Presiding Officer of meetings shall be one of the PFF Co-Presidents as decided by the Presidential Leadership each meeting. Presiding Officers may not make motions nor cast votes except to break a tie. The non-presiding Co-President may make motions or vote as any other member.
- C. The Treasurer shall keep and maintain records of the PFF finances. The Treasurer shall be responsible for the integrity of the financial dealings and records of the PFF, overseeing the budgeting process each year of the PFF, the issuance of funds as directed by the Executive Board and mandated by state or federal law, keeping abreast of state and federal laws regarding finances to maintain the union's legal compliance, and overseeing the regular financial disclosures, tax filings, and audits of PFF finances. The Treasurer shall serve these functions for the PFF at large, COPE, and for any external committees designated by the PFF Executive Board. The Treasurer shall be responsible for giving regular reports at PFF meetings on the union's financial health and offer recommendations and report on potential concerns that affect PFF finances.
- E. Executive Leadership shall meet and confer as necessary in order be signatories for legal and financial documents. They shall stay up to date with local and federal legislation to keep the PFF in compliance with such laws and seek outside counsel when necessary. They shall call for, receive, and vet proposed appointees or prospective staff members as designated by this constitution or Executive Board vote. They shall oversee the description of duties, hiring, dismissal, direction, procedures, and integrity of staff members and the description of duties, dismissal, direction, procedures, and integrity of paid positions as designated in section X. They shall maintain and document regular procedures of the PFF. They may act as a whole or designate / delegate these responsibilities among themselves as appropriate.

## **Section 4.06 Executive Board Member Responsibilities**

- A. The Executive Board shall establish meeting times through the bylaw process. These meeting times and locations will be posted on the PFF website and sent to members of the bargaining unit through either physical or electronic communication.
- B. Minutes of all meetings shall be published to the membership, including the record of votes taken and a listing of the yeas and nays. Supplemental material presented at meetings will be made available to members upon request.
- C. The Board may submit propositions for a vote of the membership as needed.
- D. Collective Bargaining contracts must be submitted to a vote of the membership.
- E. A quorum of the Board shall be a simple majority of the filled executive board positions.
- F. No majority vote decision of the board may pass an action item or other binding vote of the board without at least five "yea" votes.
- G. If a Board member misses three consecutive Board meetings without an acceptable reason, or if a Board member resigns, the seat will be declared vacant.

H. Vacancies on the Executive Board shall be filled by appointment by the Executive Leadership and confirmed by vote of the Executive Board. Such appointed members shall serve until the next regularly scheduled election of that position.

## **Section 4.07 Executive Board Composition**

The Executive Board shall consist of up to 14 elected members. The composition of the board shall be 5 full-time faculty, 5 part-time faculty, and 4 at-large faculty. Each of the 4 at-large faculty positions may be held by either full-time or part-time members.

# **Article V Other Compensated Positions**

Outside of the compensation to Executive Leadership and hired staff members, some duties of the PFF as designated by the PFF Contract or Executive Board are extensive enough that positions may be created that oversee these duties and receive appropriate compensation by the PFF.

## **Section 5.01 Eligibility and Appointment**

Compensated Positions designated under Article V are appointed by Executive Leadership and confirmed by the Executive Board. Compensated Positions that are continuous serve for two year appointments. Ad-Hoc compensated positions, such as for special projects, will serve for the term designated by the proposal voted on by the Executive Board that created the position.

## **Section 5.02 Duties**

All Compensated Positions shall be overseen by PFF Executive Leadership as described in Article 4.05 Section E. As representatives of the PFF, Compensated Positions must maintain the same high integrity and responsibility required of Executive Leadership. Some Compensated Positions may be required to serve as chairs of committees. Compensated Positions shall regularly report back on their duties at Executive Board meetings.

## **Section 5.03 Positions**

The current appointed Compensated Positions include:

### **A) Lead Negotiator**

The Lead Negotiator shall oversee the Negotiation Team and their responsibilities. The Lead Negotiator may be required to meet and confer with PFF Executive Leadership and / or the District during summers as well as during the school calendar year. The Lead negotiator shall be appointed during odd numbered years (such as 2019-2021).

### **B) Elections / Committee on Committees Chair**

The Elections / Committee on Committees Chair shall be responsible for tracking and documenting elected and appointed terms of office of Executive Leadership, Executive Board Members, Appointed Positions (Compensated and not compensated), PFF Committee Chairs and members, and PFF designated positions on Committees of School Governance. The

Chair shall be appointed during odd numbered years (such as 2019-2021).

### C) COPE Chair

The COPE Chair shall oversee the Committee on Political Education and their responsibilities. The COPE Chair shall be appointed during odd numbered years (such as 2019-2021).

### D) Grievance Officer(s)

- a. The Executive Board shall appoint at least one Grievance Officer.
- b. The Grievance Officer(s) shall work with faculty on any grievances or issues that could lead to grievances and shall coordinate with the District and legal counsel as necessary.
- c. Grievance Officers are appointed during even numbered years (such as 2020-2022).
- d. While the title "Grievance Officer" is traditional and maintained for clarity for the PFF membership, Grievance Officer(s) are not considered "officers" in terms of belonging to the PFF Leadership.

## **Article VI Committees**

The Executive Board shall have the power to create standing and ad hoc committees as necessary. Chairs of these committees will be required to meet as necessary or as designated by the Executive Leadership and report regularly to the Executive Board. Part-time faculty serving on union-based standing committees will be compensated when feasible.

### **Section 6.01 Definitions and Classifications**

- A. Standing committees may be standard committees or, if designated by the constitution, follow their own unique rules. COPE is an example of a special committee.
- B. Standard Committees are a part of regular PFF Governance and are led by a chair. The chairs and members of committees will consist of PFF members as defined in section 3.01.
  - a. Some Committees may have Compensated Positions designated to serve as their chairs. These will be appointed by the procedure documented in Article V.
  - b. Chairs of Committees not led by Article V Compensated Positions will be appointed to serve two-year terms.
  - c. Part-time faculty serving on union-based standard committees will be compensated whenever possible.
- C. Special Committees are created when a separate entity for legal, political, or financial reasons must be created. Special Committees have their own Constitutions and separate financial accounts and may be required to file legal documents with state or federal entities. The PFF Constitution, policies, procedures, votes, and leadership decisions of the PFF takes precedence over those of its special committees.
- D. All committees may be designated by Executive Board vote to be led by co-chairs. Should a committee be led by co-chairs, the Executive Board will give preferential consideration to co-chairs representing full-time and part-time faculty. Should compensation be attached to a chair position, the division of the stipend will be agreed upon by the co-chairs and co-presidents and be presented to the Executive Board for a vote. The Executive Board may also choose to



stagger terms of appointments of co-chairs.

- E. Should any committee have less than its designated numbers due to situations such as a lack of volunteers, unexpected absences, or resignation, the committee may constitutionally continue their work and execute their functions as long as a good faith effort is made by the Executive Board to fill those vacancies.

## **Section 6.02 Special Committees**

- A. Committee on Political Education (COPE)
  - a. COPE shall maintain documents and records including its Constitution, Financial records, and records of meetings.
  - b. The Chair of COPE will be a Compensated Position appointed and overseen as described in 5.03 C.
  - c. Members of COPE will be members of the PFF and who have maintained their eligibility as outlined in the COPE Constitution.
  - d. COPE expenditures in excess of \$1000 shall be approved by vote of the Executive Board and disbursed in compliance with state and federal election laws. See also Section 3.02 C.
  - e. COPE shall study proposed legislation and initiatives, evaluate candidates for public office, and prepare recommendations. It shall examine voting records and performance of government officials. It may recommend to the PFF Executive Board disbursement of COPE funds.
  - f. The Chair of COPE will make a special report to the Board yearly during the Summer Board retreat on the state of elections or legislation under the purview of COPE and recommend to the board staffing and funding levels as appropriate for the coming year. The COPE chair will also offer a timeline of expected deadlines, goals, and events for the coming year during this meeting.
  - g. Executive Board Leadership, in consultation with the Executive Board, will issue written style guidelines for forthcoming elections or legislation under the purview of COPE.

## **Section 6.03 Standard Committees led by Compensated Positions**

- A. Negotiation Team
  - a. The Negotiation Team shall consist of the Lead Negotiator, the Co-Presidents, and members of the Lead Negotiator's appointed Negotiation Team.
  - b. The Negotiation Team shall coordinate and manage all negotiations with the District, including the Collective Bargaining Agreement, necessary MOUs, and any matters pertaining to the mandatory subjects of bargaining.

## **Section 6.04 Standard Committees led by Volunteer Chairs**

- A. Constitution Committee
  - a. The Executive Board shall appoint a Constitution Committee Chair and at least one other PFF member to serve on the Constitution Committee. At least one of the appointees shall be a member of the Executive Board.
  - b. The Constitution Committee shall be tasked with the oversight of PFF procedures and to remind the Executive Board when procedures or practices may fall out of compliance

with the Constitution. The Constitution Committee shall also bring proposed amendment language into compliance with state and federal law and court rulings on such statutes and shall recommend changes to proposed bylaws or amendments to help ensure the intent of the original proposition without creating negative unintended consequences. The Constitution Committee shall also keep track of the passage of bylaws and amendments and be responsible for updating both documents and creating proper numbering to place changes in the Constitution in the most logical and transparent fashion. Should new bylaws or a revision to the constitution supersede previous bylaws, the Constitution Committee will change or remove those older bylaws as they are made redundant.

**B. Scholarship Committee**

- a. The Executive Board shall appoint a Scholarship Committee Chair, and at least two other PFF members to serve on the Scholarship Committee.
- b. The Scholarship Committee shall set the rules and procedures for the eligibility and determination of PFF scholarships and create rules to avoid any conflicts of interest of members serving on said committee.

**C. Conference Funding Committee**

- a. The Executive Board shall appoint a Conference Funding Chair. The chair may recommend the committee's need for additional members.
- b. The Conference Funding Committee shall set the rules and procedures for the eligibility and determination of recipients of PFF sponsored Conference Funding. They shall recommend at the summer retreat any adjustments to the budget for the pool of funding based on needs and trends from previous years.

## **Article VII MEMBERSHIP MEETINGS**

Membership meetings may be called by either the vote of the Executive Board or upon receipt of a verified petition of one-third of PFF members. A meeting requested by petition will be held within 30 days of the verification of membership of the petition signers.

## **Article VIII BYLAWS**

- A. The Executive Board shall enact Bylaws as necessary for the operation of the PFF. A two-thirds vote of the Executive Board shall be required to adopt the Bylaws and/or an amendment to the Bylaws. PFF members will be notified of the text of a proposed Bylaw in the agenda of a meeting during which it is sunshined and again in the agenda of the subsequent meeting during which the Bylaw is slated for adoption.
- B. Bylaws, once voted upon by the Executive Board and active for at least one calendar year, may be placed to a vote of the Executive Board for elevation into the main body of the Constitution. Such a vote will require a two thirds majority of the present Executive Board.

# Article IX

## RATIFICATION AND AMENDMENTS

### Section 9.01 Original Ratification

Ratification of the Constitution required a two-thirds majority vote of those members in good standing.

### Section 9.02 Constitutional Amendments and Changes

Changes to the PFF Constitution may happen in one of three ways:

- A. New constitutional amendments may be proposed by a passing vote of the Executive Board or by a petition to the Executive Board that includes a simple majority of the membership. Verification of signatures is the responsibility of the Elections Chair.
  - i. Proposed Amendments passed by this method will trigger a Constitutional Amendment Election.
  - ii. Such an election will be held within three months of the proposed amendment going through the aforementioned procedures and be adopted with a two-thirds majority vote either electronically or by a Membership Meeting as noted in Article V.
  - iii. The text of the proposed Constitutional Changes shall be sunshined a week prior to the Constitutional Amendment Election or membership meeting to all PFF members eligible to vote on the Constitution.
- B. Bylaws which qualify for elevation to the main body of the Constitution shall follow the procedures outlined in Article VIII.
- C. Should changes in state or federal laws or court rulings require changes in the terms or language of PFF membership forms, paperwork, procedures, or the constitution, the Executive Board and Constitution Committee will be tasked with making sure new language is published to the membership that complies with the new statutes or rulings. Such language, as voted on by the Executive Board, shall be considered valid retroactively to apply to all documents and procedures to bring them in line with such statutes or rulings. \* **(Note: Current language superseded by Bylaw, see below)**

## Article X

### PROCEDURES

Unless otherwise specified in the Bylaws, Robert's Rules of Order shall govern all meetings.

©2004 Palomar Faculty Federation. Last updated: April and May 2024 by vote of the Executive Board. 5 bylaws which were passed before April of 2023 were elevated to the main body of the constitution. Conflicting language in different areas of the Constitution was clarified. Educational Ombuds positions were retired. Minor grammatical changes made.

# Bylaws

## **Bylaw: Regular Meeting Times (Adopted September 27, 2018)**

The Executive Board's regular meeting times shall be the second and fourth Thursday of each month during the academic year from 4:00-6:00 p.m. These meeting times and locations will be posted on the PFF website and sent to members of the bargaining unit through either physical or electronic communication.

## **Bylaw: Constitution Committee Changes (Adopted May 10, 2024)**

(Revision of article 9.02c, addition of new article 9.03)

- C. The Constitution Committee, in conjunction with approval of the executive board, will be tasked with proposing new language that may be voted directly into the constitution under limited circumstances described below and by election procedures outlined in article 9.03.
- i. The Constitution Committee may propose changes in grammar, spelling, or clarifications to the text of the constitution. These changes should not change the substance of the constitution, only create clarifications that comply with the original intent of the language.
  - ii. The Constitution Committee may propose changes to the constitutional text wherein a newer amendment or bylaw now overrides an earlier part of the constitution, but the conflict was not properly rectified at the time of the amendment's adoption.
  - iii. Should changes occur that require constitutional compliance with affiliates as outlined in article 2.03, state or federal laws, court rulings, or legal advice from PFF counsel, the Constitution committee will craft language to bring the constitution and any other PFF paperwork (such membership forms, publications, or procedures) into compliance. Any language changed under this provision as voted on by the Executive Board shall be considered valid retroactively to apply to all documents and procedures to bring them in compliance.
  - iv. When there has been confusion over the language or implementation of the language of a clause of the constitution, advice has been sought from the Constitution chair or designated parliamentarian, and there has been general agreement upon the interpretation, this constitutional interpretation will be considered a precedent. The Constitution Committee will then be tasked with language to draft clarifying language in the constitution to document the precedent.

(New article 9.03)

A proposal to alter the constitution invoked under article 9.02 shall be placed on an agenda of a meeting prior to being voted upon and again placed on the agenda during the subsequent meeting when the proposal is brought to a vote. Like a bylaw, proposals under article 9.02 must receive a two-thirds vote to pass.

- A. The Constitution Committee will be tasked with updating the constitution with language proposals approved by the board under article 9.02.
- B. During the discussion phase after a motion has been made and seconded to pass a language change covered under article 9.02, any PFF member attending the meeting may make a special privileged motion for "consideration of inapplicability." Note that this motion is one of the few times a non-executive board member or the chair of the meeting may make a motion. It needs no second.
- C. The privileged motion for "consideration of inapplicability" calls into question that the language being proposed is applicable to the limited circumstances of article 9.02 and should, instead, properly be a bylaw instead. A motion of inapplicability passes on a simple majority of the executive board. Should

the motion of inapplicability pass, the original motion for a vote of language to be elevated to the constitution under article 9.02 is immediately amended to be a vote of a bylaw under Article VIII. As the process of sunshining a bylaw and an article 9.02 is the same, the amended motion will not need to be tabled for a future meeting.

D. A privileged motion of inapplicability may only be attempted once per motion made under 9.03.

## **Bylaw: Conflict of Interest Changes, *Emeritus* (Adopted May 10, 2024)**

(Revision of article 4.04B)

- B. The PFF expects and maintains among its Leadership, Executive Board members, and compensated positions the highest standards of integrity. In order to make sure that neither the appearance nor reality of conflict of interest occurs, the PFF outlines herein conditions that would constitute possible conflicts of interest by position held and expectations and obligations of those position holders should a possible conflict of interest arise.
- i. Executive Leadership Positions (The Co-presidents and Treasurer), having the highest positions in the union and often the most autonomy to make decisions, are to be held to the strictest scrutiny of possible conflict of interest.
    - a. A conflict of interest may include (but are not limited to) the following situations: Serving on a PAC for the privatization of education, being named to lead an accreditation agency, or applying for or being appointed to an administrative position at Palomar.
    - b. If the conflict of interest is a named conflict under the previous subclause 4.04B.i.a., a member of Leadership must notify other members of leadership and tender their resignation from their position. Should a person be running in an election for a PFF Leadership position covered by this clause, they must notify both PFF Leadership and the Elections Chair immediately and withdraw their candidacy.
    - c. If there is a possible conflict of interest not named under subclause 4.04B.i.a., the member of leadership or the person running for the leadership position must notify all current members of leadership. PFF Leadership will then discuss the issue and attempt to come to consensus on whether the situation entails a conflict of interest that would be covered by this clause.
      - i. Should consensus be reached; the individual will follow the guidance of Leadership's decision.
      - ii. Should consensus not be reached; Leadership may consult with the members of the Executive Board in closed session. Should the board not reach consensus, a majority vote during closed session on the issue will be considered the prevailing ruling on the possible conflict of interest at hand.
    - d. Should a member of current Leadership resign, their position will be considered vacant and may be appointed under clause 4.06 H.

- e. Should a current member of Leadership or individual running for a Leadership position be found to have a conflict of interest under subclause 4.04B.i.a and they do not tender their resignation, they will be immediately removed from their position and that position considered vacant or their nomination for that leadership position will be withdrawn by the PFF. Remaining current members of Leadership will report out to the board of this requirement.
- f. Should a current member of Leadership or individual running for a Leadership position be found to have a conflict of interest under subclause 4.04B.i.c and they do not tender their resignation, they will be immediately suspended from their position or candidacy pending a meeting of the Executive Board. At that time, the board shall hold a closed session wherein the conflict of interest is laid out before the members of the board. The individual affected shall have the right to disclose their reason for refusal to resign either by an invitation to the closed session only briefly to make a statement and answer any board questions (though they may not stay for any other part of the closed session) or by a written prepared statement given to Leadership to be read at the closed session. Should the board vote in closed session by simple majority to uphold Leadership's assessment that the situation is a conflict of interest, the consequences of a finding of conflict of interest will be upheld immediately. Should the Executive Board vote against a finding of conflict of interest, that specific instance of this issue or situation will not be considered to be a conflict of interest by this clause. This does not preclude any other perceived conflict of interest or a similar perceived conflict of interest under subclause 4.04B.i.c being brought up again later.
- g. A member of current Leadership who voluntarily resigns as a result of this clause may be considered eligible to serve in the position of *Leadership Emeritus*.
  - i. Leadership Emeritus is a temporary position that may be appointed by Current remaining PFF Leadership to serve as a bridge between a resignation of Leadership and up to the end of the Leadership Emeritus' previous term. The term may be set at the time of the position to a fixed date, to serve until certain conditions or met, or at the pleasure of current PFF Leadership. No matter the initial terms set, the position of Leadership Emeritus may be terminated early by current PFF Leadership. At no time will an *Emeritus* position continue for a member who would no longer be qualified to be a member of the PFF, such as someone who was now working in an administrative position.
  - ii. A person in the position of Leadership Emeritus will help the transition between their holding of an office of leadership and a newly appointed Leader. Their duties and responsibilities will be spelled out by the remaining members of current Leadership. These may include helping explain or fill out paperwork, prepping for events, negotiations, or meeting with auditors, or explaining any other current issues that were delegated to that Emeritus member while under Leadership.
  - iii. A person who is serving as a Leadership Emeritus may not vote or represent themselves as current members of PFF Leadership. Emeritus

positions may be asked by current Leadership to follow certain non-disclosure principles, such as not discussing negotiations strategy or other sensitive matters.

- iv. A person serving in the position of Leadership Emeritus may receive compensation up to but not exceeding the rate of compensation / release time they received in their previous Leadership position.

II. Executive Board Positions and Compensated Positions as described in Article V will also have obligations when they encounter a possible conflict of interest.

- a. A conflict of interest may include (but are not limited to) the following situations: Serving on a PAC for the privatization of education, being named to lead an accreditation agency, or accepting an administrative position at Palomar.
- b. If the conflict of interest is a named conflict under the previous subclause 4.04B.ii.a., the member must tender their resignation from their position. Should a person be running in an election for an executive Board position or has placed their name for consideration for an Article V Compensated Position, they must notify both PFF Leadership and the Elections Chair immediately and withdraw their candidacy.
- c. If there is a possible conflict of interest not named under subclause 4.04B.ii.a., such as simply considering running for or applying for an administrative position, the member must notify all current members of leadership. PFF Leadership will then discuss the issue and attempt to come to consensus on whether the situation entails a conflict of interest that would be covered by this clause.
  - i. Should consensus be reached; the individual will follow the guidance of Leadership's decision.
  - ii. Should consensus not be reached; Leadership may consult with the members of the Executive Board in closed session. Should the board not reach consensus, a majority vote during closed session on the issue will be considered the prevailing ruling on the possible conflict of interest at hand.
- d. Should the member resign from their position due to conflict of interest, the position will be considered vacant and may be appointed under clause 4.06 H or Article V, as is appropriate for the position.
- e. Should the member be found to have a conflict of interest under subclause 4.04B.ii.a and they do not tender their resignation, they will be immediately removed from their position and that position considered vacant or their nomination for that position will be withdrawn by the PFF. PFF Leadership will report out to the board of this requirement.
- f. Should a member be found to have a conflict of interest under subclause 4.04B.ii.c and they do not tender their resignation, they will be immediately suspended from their position or candidacy pending a meeting of the Executive Board. At that time, the board shall hold a closed session wherein the conflict of interest is laid out before the members of the board. The

individual affected shall have the right to disclose their reason for refusal to resign either by an invitation to the closed session only briefly to make a statement and answer any board questions (though they may not stay for any other part of the closed session) or by a written prepared statement given to Leadership to be read at the closed session. Should the board vote in closed session by simple majority to uphold Leadership's assessment that the situation is a conflict of interest, the consequences of a finding of conflict of interest will be upheld immediately. Should the Executive Board vote against a finding of conflict of interest, that specific instance of this issue or situation will not be considered to be a conflict of interest by this clause. This does not preclude any other perceived conflict of interest or a similar perceived conflict of interest under subclause 4.04B.ii.c being brought up again later.

- g. A member holding a Compensated position under Article V who voluntarily resigns as a result of this clause may be considered eligible to serve in the position as that position *Emeritus*. There are no *Emeritus* positions for Executive Board member seats.
  - i. Compensated Positions in *Emeritus* are a temporary position that may be appointed by Current PFF Leadership to serve as a bridge between a resignation of the position holder and up to the end of the *Emeritus'* previous term. The term may be set at the time of the position to a fixed date, to serve until certain conditions are met, or at the pleasure of current PFF Leadership. No matter the initial terms set, the position of *Emeritus* may be terminated early by current PFF Leadership. At no time will an *Emeritus* position continue for a member who would no longer be qualified to be a member of the PFF, such as someone who was now working in an administrative position.
  - ii. A person in the position of *Emeritus* will help the transition between their holding of the position and a newly appointed member. Their duties and responsibilities will be spelled out by PFF Leadership. These may include helping explain or fill out paperwork, prepping for events, negotiations, or meeting with auditors, or explaining any other current issues that were delegated to that *Emeritus* member while under their position.
  - iii. A person who is serving as an *Emeritus* may not vote or represent themselves as current holders of their previous PFF position. *Emeritus* positions may be asked by Leadership to follow certain non-disclosure principles, such as not discussing negotiations strategy or other sensitive matters.
  - iv. A person serving in the position of *Emeritus* covered by this subclause may receive compensation up to but not exceeding the rate of compensation / release time they received in their previous position.