

Summary

In our constitution and bylaws, referenda and other things depend on whether a local is in good standing with AFT-OR. Representation at convention uses a separately written standard that is often the same as good standing, but differs in some cases. Running the recent referendum, it was not always clear which locals were in good standing, in part because folks are accustomed to using the standard for convention representation.

Let's have one standard, that we can use for both referenda and convention. Let's make it as clear as we can. Let's make it generous by default, so folks can usually vote, but maintain the executive council's power to protect AFT-OR's revenue.

This proposal attempts to:

1. Clarify the specific date used to determine when per cap payments count as timely for determining good standing.
2. Clarify that unless a local is suspended from membership, it is in good standing with AFT-OR. This seems like the original intent of Bylaws Article I, this change just makes it explicit.
3. Clarify that the executive council needs to vote to suspend a local from membership, that the executive council may do so when the local is more than two months in arrears, and that the executive council may subsequently vote to reinstate the local.
4. Remove the "in all cases" suspension for locals six months or more in arrears. The executive council can already suspend these locals if they want, and reinstate suspended locals. Having two different dates, with differently-written ways for the executive council to make this decision, is confusing and unnecessary.
5. Use local standing for convention representation, so we can always use one set of rules to determine whether a local has votes, in a referendum or at convention. The standard is still based on whether a local is more than two months in arrears, the number of months used for convention previously, but now unless the local has also been suspended from membership by the executive council, the local is still entitled to convention representation. This should simplify the work of the credentials committee, and allow more locals to participate in convention. If a local has been suspended, they can still submit payment by the date of the convention to be eligible to be seated, and need to be paid up at least through two months before the date of convention, as before.
6. Clarify how much a local needs to pay back to AFT-OR to be automatically reinstated to membership (until the local is two months or less in arrears, the same standard used for suspending locals, and currently used for representation at convention).

Proposed changes

Constitution

Article VIII, Section 2.a. No local in arrears for more than two (2) months at the time of the convention shall be entitled to representation; and

Bylaws

ARTICLE I – LOCAL STANDING

Section 1. Locals of AFT-Oregon shall maintain good standing by the timely paying of percapita dues as prescribed by Article II of these bylaws.

Section 2. Any local which is more than two months in arrears in payment of dues to AFT-Oregon shall be suspended from membership, upon action of the executive council.

Section 3. In all cases, a local which is more than six months in arrears in payment of dues to AFT-Oregon shall be suspended from membership.

Section 34. A suspended local may be reinstated to membership after payment of back dues or by action of the executive council.

With changes applied:

Constitution

Article VIII, Section 2.a. Only locals in good standing shall be entitled to representation; and

Bylaws

ARTICLE I – LOCAL STANDING

Section 1. Locals of AFT-Oregon shall maintain good standing by the timely payment of percapita dues as prescribed by Article II, Section 3 of these bylaws. A local has good standing unless it is suspended from membership.

Section 2. Any local which is more than two months in arrears in payment of dues to AFT-Oregon shall be suspended from membership, upon action of the executive council.

Section 3. A suspended local may be reinstated to membership after payment of back dues until two months or less in arrears, or by action of the executive council.

Rationale

Relevant current language

Constitution

Article VIII, Section 2. For the purpose of seating delegates from locals at the convention, membership shall mean the average number on which percapita tax has been paid for the calendar year immediately preceding the month in which the convention meets, provided that:

- a. No local in arrears **for more than two (2) months** at the time of the convention shall be entitled to representation; and

... (case for new locals)

Article XI, Section 5. After receipt of order or request for referendum, it shall be the duty of the AFT-Oregon president to transmit the question to be voted on to the locals within two weeks of its receipt by the president. Following this, there shall be a period of six weeks during which the proponents and opponents shall be given the opportunity to debate the issue through the regular channels of AFT- Oregon, at the end of which time the president shall send to the individual members of **all locals in good standing** ballots upon which the members shall cast their votes.

Bylaws

ARTICLE I – LOCAL STANDING

Section 1. Locals of AFT-Oregon shall maintain good standing by the timely paying of percapita dues as prescribed by Article II of these bylaws.

Section 2. Any local which is more than two months in arrears in payment of dues to AFT-Oregon shall be suspended from membership, upon action of the executive council.

Section 3. In all cases, a local which is more than six months in arrears in payment of dues to AFT-Oregon shall be suspended from membership.

Section 4. A suspended local may be reinstated after payment of back dues or by action of the executive council.

ARTICLE II – PER CAPITA

Section 1. Each local shall pay directly to the state office for each member or fair share contributor a per capita per month based on the schedule in subsection (a).

...

Section 3. The treasurer of each affiliated local shall fill out and forward to the state office on or before the 15th of each month the percapita report, to include:

- a. Number of members in good standing as of the first day of that month;

- b. An amount of the appropriate percapita for members in good standing as identified in (a);
- c. Names and addresses of any new members not included in previous months' reports;
- d. Corrections of names or addresses in error or changed from previous months' reports;
- e. The requirements of (c) and (d) of this Section may be fulfilled by timely submission of the required information in reports to the American Federation of Teachers.

Section 4. Any affiliated local not paying its percapita tax on or before the 15th day of the month:

- a. Shall be notified of the fact by the state office;
- b. Shall, if in arrears for sixty (60) days or longer, pay a 5 cent penalty percapita per member per month or portion thereof upon action of the executive council.

Problem 1

Whether a local is in good standing is open to interpretation. This affects whether the local's members are eligible to receive ballots for referenda under Constitution Article XI, Section 5.

Two relevant issues:

1. Does "in good standing" mean "not suspended from membership", or can a local be not suspended from membership but also not in good standing?
2. Which deadline in Bylaws Article II determines whether or not a payment is "timely" when interpreting Article I, Section 1? Examples:
 1. A local has not yet paid per caps on the 15th of the month. Bylaws Article II, Section 3 requires that per caps be paid before then. Interpretations:
 - a. Bylaws Article I, Section 1 requires that payments be timely in order to maintain local standing. Bylaws Article II, Section 3 requires that payments be submitted on or before the 15th of the month. This deadline is the intended meaning of "timely", and so the local does not meet the standard for good standing in Bylaws Article I, Section 1. Bylaws Article I, Section 2 is irrelevant, because "good standing" and "membership" are not the same.
 - b. Same as (a), except we interpret "membership" as the same as "good standing". Then, because Bylaws Article I, Section 2 is more specific than Section 1, the local is in good standing.
 - c. "membership" is not the same as "good standing", but Bylaws Article II never explicitly defines "timely", and contains multiple late payment thresholds (15 days and 60 days). If either the 60 day penalty deadline constitutes "timely", or "timely" is open to interpretation by the executive council because it is not explicitly defined, and the executive council has chosen a higher threshold than 15 days in its interpretation, then the local is in good standing. Otherwise, the local is not in good standing.
 2. A local is more than 2 months (but less than 6 months) in arrears on per caps. The executive council has not voted to suspend the local from membership. Interpretations:
 - a. By the same reasoning as (1.a), the local is not in good standing.

- b. By the same reasoning as (1.b), the local retains good standing unless the executive council votes to suspend it from membership. So, the local is in good standing.
- c. The 15-day deadline does not constitute “timely”, but Bylaws Article I, Section 2 is not the only basis for disqualifying a local from good standing. The 2 month requirement for seating delegates at convention from Constitution Article VIII, Section 2 should be broadly interpreted to apply to local standing, so the local is not in good standing, but any locals that are no more than 2 months in arrears are in good standing. This interpretation was originally proposed for evaluating eligibility to receive ballots for the recent referendum.
- d. “membership” is not the same as “good standing”, and Bylaws Article II never explicitly defines “timely”, so it is open to interpretation. Then, the local’s standing depends on the executive council’s interpretation of “timely”.

Problem 2

Bylaws Article I, Sections 3 and 4 can be read as in contradiction. Section 3 says that if a local is more than six months in arrears, then it is suspended “in all cases”, but Section 4 says that the local may be reinstated to membership by action of the executive council, even if it has not paid back dues. If the executive council uses Section 4 to reinstate a local, is that reinstatement covered by “all cases” stipulated in Section 3, which would mean that the local is once again suspended? Which of Sections 3 or 4 is more specific? If we assume that Section 4 does allow the executive council to reinstate a local over 6 months in arrears, without Section 3 undoing it immediately, why do we have two mechanisms allowing the executive council to decide whether a local is suspended, with different timelines (2 vs 6 months), written in different ways?