

**BYLAWS of the
NATIONAL TREASURY EMPLOYEES UNION**

CHAPTER 282

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PART I

Constitution

The Constitution of the National Treasury Employees Union as amended at the last National Convention is hereby adopted as the Constitution of this Chapter. The Bylaws of this Chapter contained herein set forth rules for the local administration and functions of this Chapter. No part of these Bylaws shall be in force if they are contrary to or in conflict with the provisions of the NTEU National Constitution and Bylaws and the US Department of Labor regulations and guidance.

PART II

Name, Headquarters, Jurisdiction and Fiscal Year

Section 1: Name

This organization shall be known as the National Treasury Employees Union (NTEU), Chapter 282.

Section 2: Headquarters and Jurisdiction

The headquarters of Chapter 282 shall be maintained in Silver Spring, Maryland and have jurisdiction concurrent with the jurisdiction granted in the Charter issued pursuant to the NTEU National Constitution.

Chapter 282 has representational jurisdiction of all FDA bargaining unit employees located in the Washington, District of Columbia, and the States of Maryland, Virginia and West Virginia and who report directly to management located in the said District and States.

Section 3: Fiscal Year

The fiscal year of the Chapter shall be from January 1 to December 31.

PART III

Membership

Section 1:

Any person who is presently employed by the Federal Government within the Chapter's jurisdiction as defined in Part II, Section 2, or any former federal employee, or any retired employee of the Federal Government is eligible for membership in this Chapter,

regardless of race, color, religion, sex, national origin, age, disability, marital status, or sexual orientation.

Section 2:

A member of Chapter 282 is defined as one who is eligible for membership pursuant to Article V, Section 1 of the NTEU National Constitution and who has remitted to the Chapter and for whom the Chapter has remitted to the National Headquarters Office, within sixty (60) days following the beginning of the fiscal year, the total amount of Chapter and national per capita dues payable as a cash payment, or one who has notified the Chapter and for whom the Chapter has notified the National Headquarters Office of an intention to remit the total amount of Chapter and National per capita dues payable pursuant to the dues withholding program.

Section 3:

Classification of membership in Chapter 282 shall be:

- A. Bargaining Unit Member: any member presently employed by the Food and Drug Administration within the jurisdiction of Chapter 282.
- B. Retired Member: any member who is a former employee of the Food and Drug Administration whose last assigned post of duty was in the jurisdiction of chapter 282 and is drawing an annuity under the Federal Employees Retirement System (CSRS) and/or the Federal Employees Retirement System (FERS).
- C. Retired Member who is member of the FDA bargaining unit: any retired member receiving an annuity from another organization or FDA and has returned to work full time for FDA or is in a phase retirement program within FDA and pays membership dues. See *Donovan v. Local 25, Sheet Metal Workers*, 613 F. Supp. 607 (E.D. Tenn. 1985).
- D. Former Employee Member: any member formerly employed by the Food and Drug Administration who left before he/she was eligible for retirement. Restrictive membership.
- E. New Member: any employee who has never been a member of NTEU or who has not been a member during the twelve months prior to submitting an application to join.
- F. Member-at-Large: any person who meets the definition as set out in Part VII (E) of the NTEU National Bylaws. Restrictive membership.

- G. **Non-Bargaining Unit Member:** any non-bargaining unit employee of Food and Drug Administration that pays membership dues. Restrictive membership.

Note: Restrictive membership means that these members are not eligible to be candidates, nominate or vote in the Chapter's 282 elections.

PART IV

Dues and Funds

Section 1: Revenue

- A. **How prescribed:** The revenue of the Chapter shall be obtained from the membership dues paid by each member and from other activities as may be determined by the members of the Chapter Executive Board.
- B. **Amount of dues:** Unless modified by Section 3(A) below, the per capita payment from each bargaining unit member and new member shall be the national per capita plus local dues in the amount of fifteen percent (15%) of the national per capita, and from each retired member, former employee member, member-at-large, or non-bargaining unit member as prescribed by the NTEU National Bylaws.
- C. **Proration of funds:** In the case of a new member or a former NTEU member whose membership has lapsed for a period of more than one year, who elects to pay the annual dues on a cash basis, the annual per capita dues will be prorated for the fiscal year in which the employee becomes a member so that the member will pay dues for only those months (a fraction of a month will be counted as a full month) remaining in the fiscal year.

Section 2: Method of Payment

- A. The per capita payments shall be made to the National Headquarters Office at the beginning of each fiscal year except for those members who are on dues withholding. The National Headquarters Office shall issue renewal bills to all members who are not on dues withholding at the beginning of each fiscal year. Retired or former employees will be permitted to pay dues on an annual basis with payment due on January 1. All other members will be permitted to pay dues on an annual basis with payment due on October 1 or on a quarterly basis, with payment due on, January 1, April 1, July 1 and October 1 of each fiscal year. Per capita

payments collected by the Chapter shall be forwarded to the National Headquarters Office.

- B. Dues withheld for members on a dues-withholding program will be paid directly to the National Headquarters Office, which will then remit to the Chapter its share within ten (10) days.

Section 3: Increase in Dues

- A. For each increase in the National per capita dues, the Chapter shall automatically increase at a rate of 50% of the National per capita increase and become effective on October 1 of the year in question.
- B. An increase in Chapter dues which is not tied to an increase in National per capita dues shall occur only by secret ballot in an annual, general or special meeting for which at least fifteen (15) days notice has been given to all members. The Chapter President shall issue the notice for an annual, general or a special meeting which may be called pursuant to Part V, Section 2 and 3 of these Bylaws. The meeting notice shall state the amount and the effective date of the proposed increase. Notice shall be either by letter to all members, or publication in a Chapter newspaper which is mailed to all members' last known address, or publication in a special message which is mailed to all members' last known address. The dues increase shall be levied after a majority vote of the members of the Chapter at an annual, general or special meeting as described above.

PART V

Chapter Meetings

Section 1:

The Chapter shall hold at least one (1) Annual-Chapter meeting per year.

Section 2:

The meeting place will be designated by the President and notice given to the bargaining unit members at least seven (7) days prior to the meeting date.

Due notice of said meeting with a tentative agenda shall be issued at least seven (7) calendar days of the meeting.

This notice shall be by at least one of the following: letter or via e-mail to all bargaining unit members, in a publication, a Chapter newspaper which is mailed to all members' last known address or by posting the meeting notice on all official bulletin boards or chapter website.

Section 3:

Special meetings of the Chapter may be convened by:

- A. Written call by the President
- B. Written call by a majority of the Executive Board, or
- C. Written call signed by fifty (50) bargaining unit members of Chapter 282.

Section 4:

- A. All bargaining unit members of Chapter 282 shall have equal rights to attend and participate in all Chapter meetings.
- B. Each bargaining unit member shall be entitled to one (1) vote at any annual, general or special meeting, and in the election of officers.
- C. In case a bargaining unit member's right to vote is challenged, the Chapter President shall rule on the member's right to vote at said meeting. The bargaining unit member shall have a right to challenge this decision to the Chapter Executive Board, and then may make an appeal pursuant to the applicable provisions of the NTEU National Constitution and Bylaws.

Section 5:

A quorum at any meeting of the Chapter shall consist of ten (10) bargaining unit members present and in good standing.

Section 6:

Each bargaining unit member shall be entitled to full discussion at any meeting of the Chapter on those matters relating to the national or local organization.

PART VI

Chapter Executive Board

Section 1:

The Chapter Executive Board shall be composed of the following Chapter Officers: President, Executive Vice President, Center Vice Presidents: CBER (1), CDER (2), CDRH (1) CFSAN (1), CVM (1), OC (1), ORA /BTL District (1) and CTP (1).

Section 2:

The Chapter Executive Board shall have jurisdiction over all matters not specifically reserved to the members, and shall have authority to:

- A. Authorize necessary Chapter expenditures over \$500 and establish procedures for payment of authorized Chapter expenditures.
- B. Fill an office vacancy by a simple majority vote of the Executive Board.

Section 3:

A quorum for the purpose of an Executive Board meeting shall consist of a simple majority of its members physically present at the place and time of the Executive Board meeting.

Section 4:

The Chapter Executive Board shall convene for regular meetings quarterly at a time and place designated by the President.

Section 5:

Special meetings of the Executive Board may be convened by:

- A. Written call of the President; or
- B. Written call of a majority of the Executive Board. Such a special meeting must be convened within thirty (30) days after receipt of the request by the President.

Section 6:

The following business shall be observed: see Part XI (A)-Order of Business.

Section 7:

All actions and minutes of the Executive Board will be available to the members by the Secretary at the next general or annual meeting of the Chapter.

Section 8:

Whenever a duly scheduled meeting agenda of the Executive Board has been issued seven days in advance to the attention of its members by either email, telephoning, or face-to-face notifications and there is not enough members present on the date, time and place set for conducting said meeting to constitute a quorum per the Bylaws, the Chapter President is authorized to convene a follow-up Call Meeting of the Board.

Members of the Board will be duly notified seven days in advance of the meeting by either certified mail, email, telephoning, or face-to-face notifications that the same business agenda that could not be discussed and voted on previously due to absentees as required by the Bylaws will be discussed and voted on at the subsequent follow-up meeting by those Board members who are present and voting.

The decision reached at the Call Meeting will be adopted as the action of the full Executive Board.

The Secretary will record the minutes of both meetings to document the proceedings of the meetings.

Section: 9

Whenever the President of Chapter 282 receives information against any officer or member of Chapter 282 for malfeasance, misconduct or dereliction of duties; the Chapter 282 Executive board shall serve as the court of first jurisdiction.

The President of Chapter 282 will send a copy of the allegations to the accused by certified mail. Upon requesting a hearing within fifteen (15) days after receipt of charges the accused can meet with the Executive Board of Chapter 282 at which a vote will be taken. At the conclusion, the Executive Board members of Chapter 282 will acquit, suspend or expel the accused from membership in Chapter 282.

Any Executive Board member who is alleged to have violated the Standards of Ethical Conduct for Employees of the Executive Branch or these bylaws or the NTEU National bylaws shall not participate in any election nor vote until a decision has been determined to the contrary.

Section 10:

Elected or appointed officers of the Executive Board of Chapter 282 cannot be officers of other organizations representing segments of federal employees.

PART VII

Chapter Officers

Section 1: Officer Designations

The officers of this Chapter shall be those designated in Part VI, Section 1 of these bylaws.

Section 2: Eligibility for Officer Nomination and Candidacy

Any candidate for election to any office of the Chapter 282 must be a member as per Part III, Sections 3A, 3B, and 3C of Chapter 282 bylaws and in good standing for 24 consecutive months prior to the date of mailing the Notice of Nominations and Election.

Section 3: Elections-Term in Office

A. Terms of office for the Chapter officers shall be three (3) years. The President cannot hold office for more than two (2) consecutive terms. The election to office of all Chapter officers shall follow the procedures provided for in the US Department of Labor Election (DOL) Guidance and NTEU National Constitution and Bylaws. In case of contradiction the DOL Election Guidance governs.

The election process shall begin on or about March 15, and the officers will assume their elected positions on May 1.

- B. The Chapter President and Executive Vice President, by their election, are considered ex officio delegates to the NTEU National Conventions conducted during their terms of office.
- C. The election of any additional delegates to the NTEU National Convention shall be conducted pursuant to the NTEU National Constitution and Bylaws.
- D. Article 10 of the HHS-NTEU Consolidated Collective Bargaining Agreement (Contract) provides that three officer positions in Chapter 282 are granted 100% official time. These are the positions for President, Executive Vice President, and Chief Steward.
- E. If the President resigns, or becomes permanently incapacitated, the Executive Vice President will serve the remainder of his/her term as President. The President with the concurrence of the Executive Board will appoint an Executive Vice President.

Section 4: Duties

A. The President's duties shall be:

1. To preside at all duly called meetings of the Chapter.
2. To appoint by simple majority vote of the board the following: Secretary, and Treasurer.
3. To appoint and remove Stewards with concurrence and recommendation of the Chief Steward.
4. To appoint and remove the Chief Steward.
5. To issue proper notice calling meetings of the Chapter and the Executive Board pursuant to Part IV, Section 3 and Part V, Sections 2 and 3 of these Bylaws.
6. To preside at all regular and special meetings of the Chapter and Executive Board.
7. To appoint chairpersons of all committees with the advice of the Executive Board.
8. To represent and act as spokesperson for the Chapter in all matters in harmony with the will and guidance of the Executive Board.
9. To attend all meetings with the Agency's management as deemed necessary and briefs the Executive Board.

B. The Executive-Vice President's (EVP) duties shall be:

1. To act in the absence of the Chapter President per Section 4 above.
2. As the chief operations officer of the Chapter, the EVP interprets the CBA and performs duties as necessary to enhance the visibility and quality of responsiveness of the Chapter.
3. To coordinate the activities of the membership committee and to build membership to the highest possible level.

4. To report directly to the President any and all problems of the members and to keep the President informed as to the progress in solving these problems.
5. To distribute information and assist the President as his/her spokesperson.

C. The duties of the Secretary shall be:

1. To record and keep minutes on all meetings of the Chapter and the Executive Board.
2. To conduct each correspondence as may be necessary or as the President shall direct and maintain copies in a permanent file.
3. To maintain custody of all books, records, papers and effects of the Chapter, and transfer these items to his/her successor at termination of his/her tenure of office.
4. To distribute literature, copies of documents and other communications to the Chapter members.
5. To prepare and maintain a calendar of Chapter events for proper planning and coordination with other Chapter officers and Committee Chairpersons.
6. To maintain a correct and current record of the membership with the name, address and dues status of each member.

D. The duties of the Treasurer shall be:

1. To receive and deposit all funds of the Chapter in a depository approved by the Executive Board.
2. To make payments from funds as authorized by the President or Executive Board, and to maintain a petty cash fund in an amount as determined by the Executive Board.
3. To submit monthly financial reports and other reports as requested by the Executive Board.

4. To submit the Chapter books and accounts for audit on the demand of the Executive Board.
5. To furnish a surety bond to the Chapter, the premium of such bond to be paid by the Chapter.
7. To prepare and file Internal Revenue Form 990 and Department of Labor LM3 forms.
8. To keep an accurate and current record of all receipts and expenditures of the Chapter, according to accepted accounting procedures.

E. The duties of the Chief Steward shall be:

1. To recommend stewards to the president for appointment or removal.
2. To chair the Stewards' meetings.
3. To receive, delegate and keep a complete and accurate record of all such cases (complaints, grievances and adverse actions).
4. To report to the Executive Board at least once a year on the status of all relevant matters under the chapter purview.

PART VIII

Chapter Elections

Section 1: Candidates for Election to Office

Any candidate for election to any office is eligible as per Part III Sections 3A, 3B, and 3C of Chapter 282 bylaws and in good standing for 24 consecutive months prior to the date of mailing the Notice of the Nominations and Election.

Any bargaining unit member that is an officer of another organization representing segments of federal employees or another union is not qualified to be candidate for office unless he/she resigns of his/her position prior to the date of the Notice of the Nominations and Election mailing.

Section 2: Eligibility to Nominate and Vote

All members of Chapter 282 (**Part III, Sections 3A, 3B and 3C**), are eligible to vote in all Chapter elections and to nominate candidates for Chapter office.

All officers are elected at large.

Section 3: Meaning of “Member in Good Standing”:

- A. For the purpose of being a candidate for an office, a member is in good standing if he/she pays dues for 24 consecutive months that is exactly 730 consecutive days from the date that dues started being withheld from this member.
- B. A bargaining unit member that has submitted an SF1188 to leave the union or has expressed in writing his/her intention to leave the union is not in good standing and is not eligible to participate in the election process.
- C. A bargaining unit member whose latest final PMAP of record is less than satisfactory or who is under a PIP or has received performance warning from his/her supervisor during his/her mid-year evaluation immediately prior to the election is not in good standing. This member is not eligible to become a candidate but is eligible to vote.

- D. A bargaining unit member who has committed malfeasance, misconduct, or significant dereliction of duties that resulted in suspension or other adverse action as per Articles 43 and 44 of the HHS NTEU Consolidated Collective Bargaining Agreement (CBA) is not in good standing. This member is not eligible to become a candidate but is eligible to vote.

Section 4: Elections of Chapter Officers

All elected Chapter officers shall be selected in the following manner:

- A. Sixty (60) days before the election date, the Chapter President will post on the Chapter's website an announcement about the upcoming election and directing the members to update their home address at NTEU National website in order to receive mail for the upcoming election. An email will be sent to the work address of the members directing them to the website for an important announcement.
- B. No less than forty-five (45) days prior to the scheduled election, a Chapter must mail to each member at his/her last known address, a Notice of Nominations and of Election which shall:
 - 1. Identify the offices to be filled.
 - 2. State that nominations must be submitted to the Chairperson of the Election and Nominations Committee in writing thirty (30) days prior to the scheduled election date.
 - 3. The Notice of Nominations and Election will be posted to Chapter's 282 website together with a request that the members update their home addresses by going to the NTEU National website.
- C. The Chairperson of the Elections and Nominations Committee shall notify all nominees of their nominations for office in writing by email.
- D. Any member otherwise eligible to run for office shall become a bona fide candidate only upon his/her nomination for office and acceptance of the nomination. Acceptance of a nomination must be made in writing no later than thirty-five (35) days prior to the scheduled election date.
- E. The election shall be by the use of a mail ballot election.

- F. The candidate for each office who receives a plurality of the members' votes cast for that office shall be selected thereto. Where the nominee is unopposed, there shall be no necessity for the election of such nominee, and he/she shall be declared duly elected, effective as of the conclusion of the term of the previous incumbent.
- G. The Chapter Secretary shall maintain for one (1) year all used, unused, and challenged ballots, envelopes used to mail marked ballots in the case of a mail ballot election, tally sheets and related documents.

Section 5: Challenges to Elections

Any bargaining unit member who wishes to challenge an election conducted under these bylaws must do so pursuant to Part IV of the NTEU National Bylaws and the US Department of Labor Election (DOL) Guidance. In case of contradiction the DOL Election Guidance governs.

PART IX

Committees

The President shall appoint, a Chairperson and the members of the following committees, and the President shall publish the names of the Chairpersons and the members of each committee on chapter's website. These appointees shall serve for one (1) year.

Section 1: Classification and Responsibilities

- A. Committee on Nominations and Elections: it shall consist of three (3) members and a Chairperson for the purpose of conducting a democratic election of officers as provided in the Labor Management Reporting and Disclosure Act of 1959 (LMRDA), U.S. Department of Labor Election Guidance and NTEU Constitution.
 - 1. This Committee shall conduct the election of Chapter officers pursuant to Part IV, Section 2, of the NTEU National Bylaws.
 - 2. This Committee shall count the ballots, and post the results of the election and mail results to all posts of duty. The newly elected officers shall be

notified in writing by the Chairperson of the Nominations and Election Committee of their election.

3. The Chairperson shall immediately make a written report on the results of the election to the NTEU National Headquarters Office.

B. Committee on Membership: it shall consist of a Chairperson and two (2) additional members, for the purpose of increasing and retaining the number of active employee members eligible for membership in the Chapter, and shall:

1. Devise a program of membership and insurance recruitment of all employees in the Chapter's jurisdiction in order for an effective membership program to be conducted on a continual basis.
2. Accept and promptly forward to the Treasurer the dues collected along with the applications for cash dues paying membership.
3. Report to the President the format of the membership program and its status.
4. Distribute and accept membership applications, requests for transfers of memberships from other Chapter or to other Chapters, assist with execution of Form 1187 for dues withholding and promptly forward such items to the Treasurer.

C. Legislative Committee: it shall consist of two (2) members and a Chairperson for the purpose of ensuring Chapter participation in ongoing legislative efforts being conducted by the National Headquarters Office.

1. This Committee shall keep abreast of all legislative issues as they apply to Federal employees;
2. Coordinate lobbying efforts designed to inform Members of Congress of the Chapter's views on an issue of legislative proposal. These lobbying efforts should include, but are not limited to personal visits, community group meetings, personal letters, and telephone calls.

PART X

Delegates and Proxies

Section 1: Delegates to National Convention

- A. The Executive Board at a meeting not less than thirty (30) days prior to the National Convention shall determine the amount of delegate expense that will be paid by Chapter funds. Each delegate must receive an equal amount of reimbursement.
- B. The President and Executive Vice President respectively shall serve as ex officio delegates unless unable to attend. If the Executive Board determines that additional delegates may attend at Chapter's expense, such delegates will be elected pursuant to the NTEU National Constitution and Bylaws.
- C. Any member who wishes to attend the National Convention as a delegate at his/her own expense must be elected pursuant to the NTEU Constitution and Bylaws.
- D. The Chairperson of the delegation will be the President or in his/her absence, the highest-ranking officer who is a delegate.
- E. If no Chapter officer is a delegate, the Executive Board will appoint the Chairperson and define the succession of authority in the delegation.

Section 2: Proxies

For the purpose of representation at the National Convention, the Chapter may designate by proxy any member or members of NTEU elected pursuant to Part IV of the NTEU National Bylaws on a form prescribed by the Administrative Controller of NTEU. There shall be the statement made that the authority to issue and assign a proxy is given pursuant to a motion duly passed at a regular or special Chapter meeting. The member of NTEU to whom the proxy is assigned shall be named therein and it shall be signed by the President and Secretary of the Chapter.

PART XI

Business Procedure

Section 1: Executive Board -- Order of Business

- A. At each annual or general meeting of the Executive Board as provided by Part VII, Section 4, the following order of business shall be observed:
1. Call to order
 2. Roll call
 3. Report of President
 4. Report of Executive Vice President
 5. Report of Treasurer
 6. Report of Chief Steward
 7. Report of Chairpersons of Committees
 8. Reports by Vice Presidents
 9. Unfinished business
 10. New business, and
 11. Adjournment
- B. The above order of business may be suspended at any time by a majority vote of the Executive Board members presented at the meeting. In case of a special meeting of the Board, the President's call for the meeting shall set forth the business to be transacted and the order of it.

PART XII

Treasury and Dispersement of Funds

- A. Credit cards or petty cash shall not be used by the Chapter.
- B. Two signatures are required for the Chapter's bank checks. Three Chapter 282 Officers sign checks: President, Executive Vice President and Treasurer.
- C. No blank pre-signed checks shall be issued.

- D. No advanced payments shall be issued
- E. Funds shall not be used by officers and stewards for taking personal or professional development training, even if it is labor law related.
- F. Funds for training are only permitted for training during the NTEU Annual Training at Arlington VA, NTEU National Conventions, and FLRA, DOL, or other federal government training,
- G. Loans shall not be provided to members.
- H. Funds should be used to obtain liability insurance for Chapter's stewards and officers and should be used for the legal defense of the Chapter 282 and its officers and stewards.

PART XIII

Miscellaneous

Section 1: Rules of Order

In the absence of any provisions to the contrary in the NTEU National Constitution and these bylaws, all meetings of the Executive Board, Committees and Chapter meetings shall be governed by the parliamentary rules and usages contained in the then current edition of Robert's Rules of Order, Revised.

Section 2: Bylaws

Copies of these bylaws shall be distributed to all members of the Chapter, to the National NTEU Headquarters Office, and to the US Department of Labor.

Section 3: Amendments to Bylaws

- A. Amendments to these bylaws shall be submitted in writing to the Chapter Executive Board for their recommendations and consideration. The President will then report the recommendations of the Executive Board to the next annual, general or special Chapter meeting which may adopt such amendments by a majority vote, provided notice of the proposed amendment was given in writing at a previous meeting and/or all bargaining unit members were notified at least fifteen (15) days before such meeting.

B. These bylaws shall become effective at midnight on the day on which they are approved.

Last updated: October 31, 2019

Approved: November 21, 2019