



CONSTITUTION

1993

(Amended September 2000)

CONSTITUTION OF THE NATIONAL ASSOCIATION OF AIR TRAFFIC SPECIALISTS

PREAMBLE

The membership of this Association reserves to itself all authority not granted herein to the governing body as necessary for the conduct of the Association's affairs.

By conferring the following authority on their elected leaders, the members hereby repose in their leaders a responsibility to exercise that authority, to manage the Association's business, to hold their property, and to spend their money, solely at the behest of the Association and its members in accordance with high fiduciary standards.

ARTICLE 1 - NAME

This unaffiliated, nonprofit, membership organization shall be known as the National Association of Air Traffic Specialists ("NAATS" or "Association").

ARTICLE 2 - HEADQUARTERS

The headquarters and National Office of this Association shall be located in Washington, D.C., or vicinity.

ARTICLE 3 - OBJECTIVES

The objectives of NAATS are: to promote, enhance and improve the dignity and stature of specialists in the Flight Service option, in all of its phases and applications, together with any other persons employed by the Federal Aviation Administration who are members of bargaining units for which NAATS is recognized as the exclusive representative; to improve the hours, wages, and working conditions of NAATS members; to educate members and the general public about democratic unionism and to foster public sentiment favorable to reforms sponsored by NAATS; to petition Congress and other governmental agencies and tribunals for the enactment and enforcement of laws and regulations that protect and enhance the welfare of its members, and workers generally; and to cooperate with all persons interested in the promotion and advancement of aviation safety and services.

ARTICLE 4 - MEMBERSHIP

Section 1. The membership of this organization shall be comprised of those persons who subscribe to the foregoing objects, and who tender appropriate dues.

Section 2. Regular membership shall be available to all persons employed by the Federal Aviation Administration in bargaining units which NAATS is certified to represent. Associate membership shall be available to all other persons, including retirees.

Section 3. An individual may obtain regular membership in this Association by executing a dues deduction authorization form. Associate membership may be obtained by submitting an application and paying dues directly to the National Office.

Section 4. It shall be the duty of all members to faithfully abide by this Constitution and the rules and regulations of this Association, to uphold and defend the rights of every other member under this Constitution and to aid and support enforcement of the duties of every other member under this Constitution, and to support the enforcement of collective bargaining agreements negotiated by the Association.

Section 5. All regular members in good standing shall have equal rights and privileges in this Association without regard to age, handicap, race, color, creed, sex or national origin, and shall have the right, subject to the provisions of this Constitution, to nominate candidates, to run for office, to support candidates of their choosing without fear of reprisal, to vote in elections and referenda, to attend membership meetings, to express any views, arguments or opinions, to meet and assemble freely with other members, and to participate in the discussions, deliberations and voting upon the business of such meetings. Associate members shall be entitled to enjoy such rights and privileges as may be determined by the Board of Directors; provided, however, that they shall not be eligible to vote.

Section 6. Except for the nonpayment of dues, no member may be fined, censured, suspended, expelled or otherwise disciplined for actions detrimental to the Association, or for refusing to abide by this Constitution, unless such member has been served with specific, written charges, given a reasonable opportunity to prepare his or her defense, and afforded a full and fair hearing in accordance with federal law.

Section 7. In addition to the right to vote for officers, on proposed amendments to this Constitution, matters submitted by the Board of Directors, and as required by Federal Law or Regulation, all regular members shall be entitled to ratify by majority vote collective bargaining agreements in accordance with fair and impartial procedures established by the Board of Directors, and shall be entitled to be furnished with the text of any proposed changes and deletions together with their ballots.

ARTICLE 5 - DUES

Section 1. Regular member dues shall be proposed by the Board of Directors, and approved by the regular membership by secret ballot. Associate member dues shall be set by the Board of Directors.

Section 2. Dues shall be payable only through payroll deduction, except for Associate members, or when otherwise authorized by the Board of Directors.

Section 3. If the dues of any associate member remain unpaid beyond ninety days, his or her membership shall be terminated.

ARTICLE 6 - OFFICERS

Section 1. The officers of this Association shall be a President and the nine Regional Directors collectively who shall comprise the Board of Directors. The members of the Board shall meet periodically.

Section 2. The Association shall be governed by its Board of Directors which shall establish, amend, and review all policies of the Association. The Board may delegate its authority as necessary. It may authorize the creation and term of committees in which case the President shall nominate the committee chairperson, which nomination shall be subject to Board approval.

Section 3. The Board shall meet at least semiannually at times and places to be selected by the Board. A special meeting may be called by the President or by a majority of the members of the Board of Directors. The business of the Board may also be conducted by mail/fax vote, or by conference call. All conference call votes shall be documented. All Directors shall be given reasonable advance notice prior to the transaction of business of the Association. A quorum shall consist of two-thirds of the members of the Board of the Directors. In no case shall block votes be accepted. In no case shall proxy votes be accepted, except that the Regional Coordinator may vote on behalf of their Director, in circumstances when a Director's illness or personal family emergency precludes their participation in a vote. Members in good standing shall be permitted to attend all meetings of the Board, except when the Board meets in executive session.

Section 4. The President shall -

- (a) Preside at meetings of the Board, and shall vote only to break ties among the Board;
- (b) Preside at national conventions, and other meetings of the Association;
- (c) Sign any deed, mortgage, bond, contract or other instrument which the Board of Directors has authorized to be executed, except in cases where the signing and execution thereof shall be expressly delegated by the Board of Directors to some other officer or agent of the Association;
- (d) Interpret this Constitution subject to Board review, approval or modification;
- (e) Perform such other duties as may be prescribed by the Board of Directors.

Section 5. Regional Directors shall be responsible for the handling of all matters of the Association within their respective Regions, consistent with Association policy, and shall be the main contact between NAATS and the FAA in their Region. Regional Directors may delegate authority, as needed, to assure the competent and expeditious conduct of the Association's business within their Regions.

Section 6. In addition to the Regional Director, there shall be one Regional Coordinator in each Region who shall perform such duties as may be assigned by the Regional Director, and one Facility Representative for each FAA facility where bargaining unit members are employed.

Section 7. Facility Representatives shall be responsible for representing the bargaining unit members in their respective facilities in accordance with the NAATS/FAA Contract,

the NAATS Constitution, directives of the Board of Directors, and all applicable laws, rules and regulations. In addition, they shall perform other duties that may be assigned by their Regional Director.

ARTICLE 7 - ELECTIONS

Section 1. Term of office. The term of elective office shall be three years; however the term for each facility representative shall be determined by each facility.

Section 2. Vacancies in office.

(a) If the office of President should be vacated during the third year of the term, the Board shall appoint a member in good standing to fill the vacant office provided the member would be eligible to be elected to the office. If the office should become vacant during the first or second year of the term, a special election shall be held within 90 days.

(b) If the office of a Regional Director becomes vacant during the third year of the term, the Regional Coordinator shall assume the office, subject to the approval of the Board of Directors, and provided that s/he was elected to that office. If the office of a Regional Director becomes vacant during the first or second year of the term, or the Regional Coordinator does not assume the office, a special election shall be held within 90 days.

(c) If the office of Regional Coordinator becomes vacant, the Regional Director shall appoint a member from that Region to fill the remainder of the term of office provided that member would be eligible to run for that office.

(d) If a Facility Representative position should become vacant during the term of office, the Alternate Facility Representative shall assume the office, provided that s/he was elected to that office; otherwise an election shall be held to fill the vacancy.

Section 3. Eligibility. Candidates for elective office shall:

(a) Have met the requirements of full performance level in the flight service option, or the journeyman level in any other bargaining unit for which the organization is recognized as the exclusive representative;

(b) Have been an regular member in continuous good standing for two consecutive years prior to the time he or she will assume office (except that a candidate for the office of Facility Representative shall have been an regular member in good standing for ninety consecutive days prior to the time he or she will assume office) and shall be employed within the jurisdiction the member would represent as an elected official;

(c) Be free of indebtedness to NAATS;

(d) Only seek or hold one office in any election; provided however, Regional Coordinators may also run for, and simultaneously hold office as, Facility Representatives or Alternates, and vice versa.

(e) Not have been censured, suspended or expelled by the Association, or recalled from elective office within the preceding four years from the date of acceptance of nomination for office.

Section 4. Nominations.

(a) By April 15, 1995, and every three years thereafter, an Election Committee shall be appointed by the Board of Directors. The Committee shall supervise the elections, the counting of the ballots, and report the results to the membership. The Election Committee shall be a standing committee for the three-year term of office.

(b) Immediately following its appointment, the Election Committee shall cause a Notice of Election to be disseminated by May 15th to all Facility Representatives who shall cause it to be posted prominently, and to remain posted, on a union bulletin board for a month. The Notice shall inform all members that the nomination period has opened and that nominations must be received by the National Office no later than June 20th or the first business day thereafter if June 20th should fall on a weekend or holiday. The Notice shall include a nomination form which may be duplicated and shall be used by interested members or candidates. Copies shall also be made available promptly to members requesting them from the National Office.

(c) The Election Committee shall verify the eligibility of all nominees and shall inform them of their nominations by mail postmarked no later than July 1st. Thereafter, candidates shall have until July 15th to accept nomination to run for one office. Candidates for Regional Director and Regional Coordinator may also submit by July 15th camera-ready, black-and-white photos of their head and shoulders only, and/or a 300-word statement to be sent to members together with their ballots.

Section 5. Voting.

(a) Balloting materials shall be mailed to all regular members in good standing no later than August 5th. A double-envelope system shall be used for the return ballots to insure ballot secrecy. Member identification shall be required on the outer envelope, and the inner envelope in which the marked ballot is placed shall be free of any markings that could identify the voter.

(b) The balloting materials shall inform members that their ballots must be received at the Post Office Box appearing on the outer, return envelope, no later than September 10th (or first business day thereafter) to be counted.

(c) The Election Committee shall rent a Post Office Box where marked ballots are to be returned and to make arrangements with the Postmaster to collect and safeguard the returned ballots until their pickup by the Election Committee on September 11 (or first business day thereafter) for counting.

(d) The Election Committee shall make arrangements for eligible voters who do not receive ballots to request and obtain duplicate ballots from the National Office.

(e) At the conclusion of the election, the Election Committee shall account for all ballots printed.

Section 6. Campaigning.

(a) No Association funds shall be expended, directly or indirectly, to promote or oppose any candidate for union office. No union facilities, equipment, stationery, or supplies may be used to further any candidacy. No appointed employee, agent, or elected officer shall be required to support the candidacy of any individual or slate.

(b) Each candidate shall be entitled to inspect the list containing the names and last known addresses of all regular members once within the 30 day period preceding the mailing of the ballots. The right to inspect shall not include the right to copy, but does include the right to compare the list with any personal list of members.

(c) The National Office shall honor the reasonable requests of candidates or slates of candidates to send uncensored campaign mailings at his/her or their expense utilizing any special mailing privileges available to the Association. All candidates shall be treated equally with respect to the expense of such mailings which shall not exceed the actual cost of the mailings incurred by the National Office.

(d) A Special Election Publication, printed at NAATS' expense, shall accompany each ballot mailed to eligible voters. It shall contain factual information concerning election/voting procedures together with any photographs and/or statements not exceeding 300 words that were furnished to the Election Committee at the National Headquarters by the candidates.

Section 7. Ballot Counting.

(a) The Election Committee shall inform all candidates of their right to observe the pickup and counting of mail ballots, or to designate an individual to observe on their behalf.

(b) The Election Committee shall verify the eligibility of all members who cast mail ballots.

(c) The candidates receiving a majority of the votes cast by the members within their Regions shall be declared the victors. In the event no candidate receives a majority of the votes cast, a runoff election shall be conducted promptly between the two candidates that received the most votes.

(d) Write-in votes shall not be counted.

(e) The Election Committee shall promptly submit a written certification of the results of the ballot count.

Section 8. Elections of Facility Representatives.

On-site, secret ballot elections for Facility Representatives and Alternate Facility Representatives shall take place between September 1st and September 15th. They shall be conducted by Election Committees of no more than three persons chosen no later than July 20th by the facility memberships provided that no member of an Election Committee may be a candidate. These Election Committees shall ensure that the elections are fairly conducted. Nominations shall be submitted to the Election Committees by August 1st and they shall promptly determine the eligibility of each nominee. The Committees shall be responsible for giving notice to all members of the time, date, and location of the balloting, and for the preparation, distribution, collection, counting, and safeguarding of ballots. Candidates shall be eligible to observe all phases of the conduct of the election.

Section 9. Installation of Elective Officers.

All victorious candidates shall assume office on October 1st. All victorious candidates involved in runoff elections shall be installed at the conclusion of the ballot count. Upon leaving office, each former elected official shall provide his or her successor with all

records and equipment which are the property of the Association, together with a comprehensive written report explaining all current projects and unfinished business. Except in the case of death or incapacity, any official leaving his or her elected position during the term of office shall provide his or her successor with a similar report.

ARTICLE 8 - Executive Director

Section 1. The National Headquarters and business office shall operate under the supervision of an Administrator. Under no circumstances may a member of the Board of Directors serve as Administrator.

Section 2. The Administrator shall, in accordance with Association policy, be responsible for managing the day-to-day business of the Association under the supervision of the Board of Directors. More particularly, the Administrator shall --

(a) Under suitable bond, cosign checks, drafts or orders for payment of money, receive and deposit funds;

(b) Maintain accurate books and records, and safeguard the records of the Association;

(c) Cause all applications for membership and renewals to be processed;

(d) Assist in the formulation of annual budgets for approval by the Board of Directors; prepare periodic accounting, reports, and summaries of the Association's finances;

(e) Consult regularly with the Board of Directors; keep its members fully informed concerning all significant matters on a timely basis; and obtain its prior approval for all significant policy-related or financial decisions;

(f) Assist in the publication and distribution of informational communications to the members;

(g) Perform other duties as assigned.

(h) Publish and distribute informational communications to the members;

(I) Contract with legal counsel and other professionals for services to the Association and its members;

Section 3. The salary, benefits and terms of employment of the Administrator shall be determined by the Board of Directors.

ARTICLE 9 - FINANCIAL AFFAIRS AND STANDARDS

Section 1. The Association's fiscal year shall commence on the first day of January of each year.

Section 2. The Board of Directors shall establish Association policy for the expenditure of funds. All NAATS' officials or employees who are authorized to expend NAATS' funds

shall be bonded in such amounts as the Board of Directors shall from time to time determine.

Section 3. The Board of Directors shall appoint a Treasurer to serve as Chairman of the Finance Committee, who shall not be a member of the Board of Directors. The Treasurer shall appoint members of the Finance Committee, subject to approval by the Board.

Section 4. Unusual, nonrecurring expenditures in excess of a predetermined amount established by Association financial policy shall require the prior approval of the Board of Directors.

Section 5. All money and property belonging to NAATS shall be held and used solely for the benefit of the Association and its members. No contracts, investments or expenditures of Association funds shall be made that will result in the personal profit or advantage of any officer or employee of the Association. Nor shall any Association funds be loaned to any officer, employee or member, except as advances for reimbursable expenses.

Section 6. All funds of the Association shall be deposited in such banks, trust companies, or other depositories as the Board of Directors may approve.

Section 7. Copies of NAATS' annual audit and LM-2 Report submitted to the Department of Labor shall be made available to members on request.

Section 8. Prior to the commencement of each fiscal year, the Board of Directors shall approve a budget for the coming year.

ARTICLE 10 - NATIONAL CONVENTIONS AND SEMINARS

Periodic conventions among delegates chosen by the members will be scheduled by the Board of Directors. A purpose of these conventions will be to develop recommendations concerning Association policy for consideration by the Board of Directors. National educational training seminars for officers and facility representatives will be scheduled by the Board of Directors. Notices of such conventions or seminars shall be mailed to the Facility Representatives for posting in facilities. The rules in the current edition of Robert's Rules of Order, Newly Revised, shall govern all formal discussion or debate at such assemblies in order to insure orderly process.

ARTICLE 11 - PUBLICATIONS

The Association shall publish an official newsletter on a periodic basis, together with such additional bulletins, journals and papers as may be authorized by the Board of Directors.

ARTICLE 12 - RECALL OF ELECTED OFFICERS

Section 1. Whenever a petition, signed within a 90 day period by a majority of the regular members in good standing who are eligible to vote for any elected officer, is filed with the

National Office together with charges alleging misconduct by their elected representative, the Executive Director shall immediately send a copy of the charges to the officer alleged to have engaged in misconduct, which officer shall have the right to submit to the National Office, within 30 days, a written defense. No Association funds may be expended to promote or defend a recall petition.

Thereafter, within a period of fifteen (15) days, the Executive Director shall cause secret ballots to be mailed to all regular members in good standing who are eligible to vote for the Regional officer whose recall is sought, together with the written charges and the officer's defense. In the case of a Facility Representative whose recall is sought, the Regional Director shall promptly appoint an Election Committee which shall be responsible for conducting the recall vote within 20 days, for distributing copies of the charges and response to eligible voters, together with notice to all members of the time, date, and location of the balloting, and for the preparation, distribution, collection, counting, and safeguarding of ballots. Two-thirds (2/3) of the votes cast shall be necessary to recall an officer.

Section 2. Where the welfare of NAATS is at risk, a Facility Representative may be suspended by the Board of Directors pending the outcome of a full and fair hearing; an elected officer may be suspended by the Board of Directors pending the outcome of a full and fair hearing and a recall referendum.

Section 3. The President may be removed from office by a vote of impeachment by a majority vote of members voting in a recall ballot. The President shall be served with a written petition calling for impeachment over the signatures of a majority of the members of the Board. The petition shall include specific charges against the President which the members of the Board. signatory to the petition, feel warrant the action. The President shall have 30 days to respond to the charges. The written response shall be delivered to all members of the Board. If the members of the Board are not satisfied with the response, and, by majority vote, decide that further action is warranted, an impeachment vote of the Active membership shall be taken., Such vote shall be by secret ballot, and shall be conducted within 30 days of the decision of the Board to require the vote. The President shall be permitted to prepare a written defense to the charges. A copy of this defense, and a copy of the charges specified by the Board, shall be mailed to all members, at NAATS expense, at least ten days prior to the mailing of the ballots. If a majority of the votes cast by the membership supports the impeachment of the President, the position shall be vacated within ten days following the counting of the ballots.

ARTICLE 13 - AMENDMENTS

Proposed amendments to this Constitution may be initiated either by a minimum of two-thirds (2/3) of the members of the Board of Directors or by petition of 20 percent of the regular members whose signatures were accumulated over no more than a 120 day period. Once initiated, proposed amendments shall be reproduced in two consecutive issues of NAATS' periodic publication, together with a 500 word statement by the proponents and a second 500 word statement by the opponents, and shall thereafter be submitted within 30 days to the regular members for their approval or rejection by mail ballot referendum. Two-thirds (2/3) of the votes cast must favor the amendment for it to be adopted. Unless otherwise specified, amendments shall become effective upon their adoption.

ARTICLE 14 - SAVINGS CLAUSE

If any provision of this Constitution is declared invalid or is rendered inoperative by any competent authority of the executive, judicial, or administrative branch of a state or the federal government, the Board of Directors shall have the authority to suspend the operation of such provision during the period of its invalidity and to substitute in its place a provision which will be in accord with the intended purpose of the invalid provision.

If any Article or Section of this Constitution is found to be invalid by operation of law or by any tribunal of competent jurisdiction, the remainder of this Constitution or the application of such Article or Section to persons or circumstances other than those as to which it has been held invalid shall not be affected thereby.