

# CONSTITUTION

## December 2008

### ARTICLE I - Name

The name of this organization shall be Patent Office Professional Association hereinafter, in this constitution, to be referred to as the Association.

### ARTICLE II - Purpose

**Section 1.** It shall be the purpose of the Association to facilitate the betterment of the United States Patent and Trademark Office by promoting and fostering the aims and goals of the professional members of the patent system by means of the institution of such action as is appropriate to establish better working conditions and an atmosphere of professionalism among the professional employees of the United States Patent and Trademark Office.

**Section 2.** It shall be the purpose of the Association to achieve recognition to the maximum degree attainable in order to most readily effectuate the purpose set forth in Section 1 of this article.

### ARTICLE III - Authority and Limitations Thereon

**Section 1.** All authority of the Association shall be vested in the membership.

**Section 2.** The Association certifies that:

A. It does not assert the right to strike against the Government of the United States or any agency thereof, or to assist or participate in any such strike;

B. It does not advocate the overthrow of the constitutional form of Government in the United States;

C. It does not discriminate with regard to the terms or conditions of membership because of sex, race, color, creed, national origin, sexual orientation, age or handicap;

D. It will maintain democratic procedures and practices, including provisions for periodic elections to be conducted subject to recognized safeguards and provisions defining and securing the right of members to participation in the

affairs of the Association, to fair and equal treatment under the governing rules of the Association, and to fair process in disciplinary proceedings;

E. It will exclude from office in the Association, persons affiliated with Communist or other totalitarian movements and persons identified with corrupt influences;

F. It will prohibit business or financial interests on the part of officers and agents of the Association which conflict with their duty to the Association and its members;

G. It will maintain fiscal integrity in the conduct of the affairs of the Association, including provision for accounting and financial reports to be made available to members.

**Section 3.** The authority of the Association shall be limited within the boundaries set forth by all statutes or regulations which are promulgated by any governmental or regulatory authority of the United States which are properly applicable to the activities of the Association, and the Constitution of the Association may be amended as provided in Section 1 of Article XII in accordance with any modification in the aforementioned statutes or regulations.

## **ARTICLE IV - Membership**

**Section 1.** Membership in the Association shall be open to all professional employees of the Patent and Trademark Office properly includable in the Association's bargaining unit.

## **ARTICLE V - Executive Committee**

**Section 1.** The Association shall be governed by an Executive Committee.

**Section 2.** Each United States Patent and Trademark Office organizational area shall be entitled to Executive Committee delegates, who shall be the organizational area representatives and together with the officers as specified in Article VII will form the entire Executive Committee.

**Section 3.** The Executive Committee shall define the organizational areas and authorize organizational area delegates provided that:

A. No area shall have less than one delegate;

B. The ratio of members to delegates in any one area shall not deviate by more than 15 percent from this ratio in any other area.

**Section 4.** The Executive Committee shall provide for the reapportionment of delegates from the various organizational areas when it is the opinion of the majority of the members of the Executive Committee that such reapportionment is desirable.

**Section 5.** At a meeting to be held in September of each Association election year, the Executive Committee shall define the organizational areas and determine the number of Executive Committee delegates to be elected at the next election of Executive Committee delegates. A special meeting of the Executive Committee for such purposes as set forth in Sections 3 and 4 of this Article shall be called by the President upon written petition of at least 15% of the members in good standing of the Association.

**Section 6.** The Executive Committee, by majority vote, shall from time to time provide for Standing Rules. These Standing Rules will establish regulations concerning elections, election protests, limitations of officers and committees and general operating procedures of the Association not inconsistent with this Constitution. These Standing Rules will remain in effect until changed by a majority vote of the Executive Committee.

**Section 7.** Any power of the Executive Committee may be exercised by a majority of the Association membership, and such action shall be controlling.

## **ARTICLE VI - Delegates**

**Section 1.** Each delegate shall be nominated and elected by the Association members of the organization area in the manner set forth in Article IX.

**Section 2.** The duties of the delegates shall be to represent the members of their organizational area; provided that their actions shall be bound by a majority vote, as to any specific action by the Association members of the organizational area.

## **ARTICLE VII - Officers**

**Section 1.** The officers of the Association shall be President, Vice-President, Secretary, Assistant Secretary, and Treasurer.

**Section 2.** Duties of the Officers:

A. The President shall preside at all meetings of the Executive Committee, all general meetings and at meetings of the President's Committee. The President shall appoint all committees except the Organization Committee,

and shall fill all vacancies on the Executive Committee except those otherwise provided for in this Constitution.

B. The Vice-President shall be in charge of all organizing activities and shall assume the duties of the President in the President's absence. The Vice-President shall be an ex-officio member of all committees, except the Election Committee, and shall appoint the Organization Committee. The Vice-President shall assume the Office of the President should that Office become vacant.

C. The Secretary shall keep a permanent file of membership records, records of the meetings, records of Association correspondence and all other Association records, and shall conduct the correspondence of the Association.

D. The Assistant Secretary shall assist the Secretary in the performance of the Secretary's duties, and shall assume the duties of the Secretary in the Secretary's absence.

E. The Treasurer shall receive and disburse, upon proper authorization of the Executive Committee, all funds of the Association and shall report the financial status of the Association at Executive Committee meetings and at the annual meeting of Article X, Section 1. The Treasurer shall establish checking and savings accounts and regularly deposit all funds received. Disbursements from all accounts are to be co-signed by the Treasurer and either the President or Vice-President and such persons shall be bonded.

F. In the event that any of the Vice-President, Secretary, Assistant Secretary or Treasurer be removed from or resign the office or become incapacitated to perform the duties of the office, the Executive Committee shall appoint someone to perform that officer's duties.

G. Other duties not inconsistent with this Constitution may be assigned officers of the Association at the discretion of the Executive Committee, and as many assistants may be assigned them as is deemed necessary by the Committee.

## **ARTICLE VIII - Committees**

**Section 1.** There shall be a President's Committee, which shall consist of the President, Vice-President, Secretary, Assistant Secretary and Treasurer. The President's Committee shall conduct the routine business of the Association between Executive Committee meetings.

**Section 2.** There shall be an Organization Committee which shall encourage membership, and shall consist of the Vice-President and at least four

other members of the Association appointed by the Vice-President with the consent of the Executive Committee.

**Section 3.** There shall be an Election Committee which shall conduct and supervise the nominations and elections in the manner set forth in Article IX. The Election Committee shall promulgate rules, consistent with the Standing Rules provided by the Executive Committee, for implementing nomination and election procedures. No member of the Election Committee shall be a nominee or candidate.

**Section 4.** The Executive Committee may provide for such other committees as it deems necessary.

## **ARTICLE IX - Nominations and Elections**

**Section 1.** The election of officers and Executive Committee delegates shall be held every three years in November of the election year. All candidates for these positions shall be Association members in good standing.

**Section 2.** All Association elections shall be conducted by secret ballot. Election of Officers shall be by a plurality of the vote. Election of delegates shall be by a plurality of the vote where election of delegates within each organizational area shall be determined by ranking the candidates by the number of votes received and choosing a sufficient number of the highest vote getters to equal the number of vacancies in the organizational area. If the candidate runs for more than one position and is elected to more than one position, the candidate must elect which position to serve in.

**Section 3.** Nomination of officers and Executive Committee delegates shall be open to all Association members in good standing and shall be as specified by the Executive Committee. Officers shall be elected among members of the Association at large. Executive Committee delegates shall be elected among members of the Association in each organizational area.

**Section 4.** All newly elected officers and Executive Committee delegates shall be installed at the first annual December meeting of the Association following an election, and their terms shall run until the next December meeting of the Association which occurs after an election.

## **ARTICLE X - Meetings**

**Section 1.** The annual meeting of the Association shall be in December.

**Section 2.** Special meetings of the Association shall be called by the Executive Committee or by written petition of 25% of the members of the Association in good standing. Special meetings shall be held provided that three days, Monday through Friday, excluding Federal holidays, previous notice has been given to members of the Association. The requirements for a petition from the Association membership shall be established by the Executive Committee.

**Section 3.** Regular meetings of the Executive Committee shall be held at least once a month, as designated by the Executive Committee.

**Section 4.** One-third of the members in good standing of the Association shall constitute a quorum for the transaction of business at regular or special meetings of the Association.

**Section 5.** A majority of the Executive Committee shall constitute a quorum for the transaction of business at any Executive Committee meeting. A majority of the President's Committee shall constitute a quorum for the transaction of business at any President's Committee meeting.

**Section 6.** Regular meetings of the Executive Committee shall be generally open to the public, but upon a two-thirds vote of the Committee delegates present and voting, the meeting may be closed.

**Section 7.** Special meetings of the Executive Committee may be called by the President, but must be called (a) upon written petition of a majority of the members of the Executive Committee or 15% of the members of the Association or (b) as specified elsewhere in this Constitution or in the Standing Rules.

## **ARTICLE XI - Fees and Dues**

**Section 1.** The rate of dues and initiation fees payable by members of the Association shall be as set from time to time by majority vote by secret ballot of the members in good standing voting at a general or special membership meeting, after reasonable notice of the intention to vote upon such question or by majority vote of the members in good standing voting in a membership referendum conducted by secret ballot.

## **ARTICLE XII - Amendments**

**Section 1.** This Constitution may be amended by majority vote of those members of the Association voting provided that written notice of the proposed changes shall have been given the members prior to balloting and provided further

that the proposed changes shall originate by resolution of the Executive Committee or by written petition signed by ten percent of the members of the Association.

### **ARTICLE XIII - Parliamentary Authority**

**Section 1.** Roberts Rules of Order Revised shall be the governing authority of the Association when not inconsistent with this Constitution.

### **ARTICLE XIV - Removal from Office**

**Section 1.** An officer or delegate may be removed for serious misconduct at a special meeting of the Association by a 2/3 majority vote of the members present and voting provided that said officer or delegate is given at least one month notice of the proposed action, which includes a statement of the charges, and provided further that a copy of said statement be furnished to the Executive Committee at the same time, unless the charges originated in the Executive Committee. The Executive Committee by a 2/3 majority vote by the members present and voting at a meeting thereof may suspend any officer or delegate from exercising the duties of their office for a period of up to six weeks from the time the statement of charges is given. The Executive Committee by a majority vote may appoint a member in good standing to exercise the duties of a suspended officer or delegate during the period of suspension of the said officer or delegate.

As Amended 1984, 1993, 2001, 2008.