

## **ARTICLE III**

### **THE TRUSTEES**

#### **1. Board of Trustees**

The Trust Fund and the employee welfare benefit plan(s) shall be administered by a Board of Trustees composed of no less than six (6) Trustee positions nor more than nine (9) Trustee positions.

##### **A. GGU Trustees**

The membership of ASEA/AFSCME Local 52 shall elect six (6) Trustees from the State of Alaska General Governmental Unit (GGU Trustees). Each GGU Trustee shall serve a term of four years, with no prohibition against serving multiple terms, as follows:

- i. Two Trustees elected At Large by the general membership of the Union.
- ii. One Trustee elected by ballot of the members of the Central (Anchorage) Region.
- iii. One Trustee elected by ballot of the members of the Southeast (Juneau) Region.
- iv. One Trustee elected by ballot of the members of the Northern (Fairbanks) Region.
- v. One Trustee elected by ballot of the members of the Rural/Bush Region.

GGU Trustee elections shall take place in September of the year corresponding with the Trustee position up for election. Each Trustee shall be elected for a term of four (4) years on a rotating basis running from the date such Trustee is elected. A newly elected, or re-elected Trustee shall be seated on the Board of Trustees no later than the next regularly scheduled Board of Trustees meeting following the election.

Current GGU Trustee positions will come up for election by Statewide or Regional GGU membership as follows, and every four years thereafter:

- a. One Trustee--At Large (Statewide)—September 2019
- b. One Trustee—At Large (Statewide)—September 2020
- c. One Trustee--Central Region (Anchorage)—September 2020
- d. One Trustee--Southeast Region (Juneau)—September 2021
- e. One Trustee--Northern Region (Fairbanks)—September 2019

f. One Trustee—Rural/Bush Region—September 2021

## **B. Non-GGU Trustees**

The Board of Trustees, in their sole discretion, may allow Trustee positions for non-GGU employee groups participating pursuant to a Special Agreement as defined in Article II, Sections 6 and 8. The method of appointment or election of non-GGU Trustees, or successor non-GGU Trustee shall be determined by the public-sector employee organization representing the participating employees subject to the Special Agreement and is subject to the approval of the Board of Trustees.

## **C. Election Policy**

The Board of Trustees shall be responsible for establishing an Election Policy and for running the elections for the Trustee positions.

To be considered for election as a GGU Trustee to the Board of Trustees, an individual must be an ASEA/AFSCME Local 52 Health Benefits Trust participant, and a member in good standing of ASEA/AFSCME Local 52 whose status is any one of the following: full-time, part-time, seasonal, on leave-of-absence, or layoff Employee of the State of Alaska in the General Governmental Unit.

For a Regional position, an individual must work in that area. GGU Trustees shall be elected based on their credentials, taking into consideration the individuals' knowledge of employee benefits issues, special training pertaining to benefit plans and/or fiduciary responsibility, and other unique qualifications, training, or knowledge.

The method of filling GGU Trustee positions on the Board of Trustees provided for by Article III shall not be amended without the affirmative vote upon ballot poll of the general membership of the Union.

## **2. Statutory Capacities of Trustees**

The Trustees shall be considered "named fiduciaries," "fiduciaries," and "the plan administrator."

## **3. Plan Sponsor**

ASEA/AFSCME Local 52 shall be considered the "plan sponsor."

## **4. Agent for Service of Process**

Each Trustee shall be considered as an agent of the Trust Fund for the purpose of accepting service of legal process, provided that the Trustees may designate their administrative agent, or another person, as agent of the Trust Fund for this purpose.

## **5. Termination of Trustee**

The Board of Trustees shall have the authority to terminate a Trustee from the Board of Trustees on Motion and by majority vote of the Board of Trustees.

## **6. Successor GGU Trustees -- Filling Vacancies on the Board of Trustees**

In the event of the termination of office, resignation, or death of a GGU Trustee, a successor GGU Trustee shall be elected at the next regularly scheduled GGU Trustee election for the position left vacant. If a vacancy on the Board of Trustees impedes the Trustees from conducting the business of the Trust, the Board of Trustees may call for a special election to fill the vacant GGU Trustee position.

GGU Trustees elected to fill a vacancy shall be elected to fill the remainder of the term of the vacated position.

## **7. Acceptance of Office by Trustees**

Each Trustee shall sign the Trust Agreement or another document accepting his/her office as Trustee and agreeing to abide by the terms and provisions of this Trust Agreement. Each Trustee may be asked to submit to a criminal background check, which may include fingerprint identification. Further, each Trustee must sign an Acceptance of Trusteeship document attesting to the fact that they have committed no past acts which would disqualify them from acting as a fiduciary, utilizing ERISA standards as a guideline for fiduciary qualifications.

## **8. Termination of Office for Failure to Attend Meetings**

The office of a Trustee shall be automatically terminated if such Trustee fails to attend three consecutive meetings of the Trustees, without being excused from attendance by specific action of the remaining Trustees noted in the minutes.

## **9. Resignation of Office**

A Trustee may resign his/her office at any time. A Trustee seeking to resign must give written notice of the intent to resign to the of the Board of Trustees. Such notice must be received at least 15 days prior to the resignation effective date.

## **10. Vacancies**

No vacancy in the position of Trustee shall impair the power of the remaining Trustees to administer the affairs of the Trust Fund, so long as a quorum exists as specified in Article IV, Section 2 hereof.

## **11. Return of Books and Records**

In the event of the termination of office, resignation, or death of a Trustee, the Trustee (or his/her legal guardian, heirs, or personal representative) shall forthwith turn over to ASE/AFSCME Local 52 Health Benefits Trust any and all records, books, documents, monies, and other property in the possession of the Trustee, or under his/her control, that belongs to the Trust Fund or that were received by him/her in his/her capacity as Trustee.