

Constitution



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Las Vegas, Nevada | July 18-22, 2016

International Constitution



42nd International Convention

July 18 – 22, 2016

Las Vegas, Nevada

American Federation of State, County and Municipal Employees

Affiliated with the American Federation of Labor
and Congress of Industrial Organizations (AFL-CIO)

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CONSTITUTION

of the

American Federation of State, County and Municipal Employees, AFL-CIO

Preamble

Workers organize labor unions primarily to secure better wages and better working conditions.

We hold that they also organize in order to participate in the decisions which affect them at work. One of the fundamental tenets of democratic government is the consent of the governed. Unions are an extension of that idea.

Union members are both workers and citizens.

Collective bargaining is the expression of citizenship in employment. Participation in the political life of the nation is but another aspect of that citizenship.

In the same way that unions are dedicated to improvement of the terms and conditions of employment, we are equally dedicated to exert ourselves, individually and collectively, to fulfill the promise of American life. Amidst unparalleled abundance, there should be no want. Surrounded by agricultural surpluses of all descriptions, there should be no hunger. With advanced science and medical research, sickness should not go untreated. A country that voyages into outer space can provide adequate education, protection and family preservation for all its children.

For unions, the work place and the polling place are inseparable, and the exercise of the awesome rights and responsibilities of citizenship is equally required at both.

Unions are under a solemn obligation: to represent members forcefully and effectively in negotiations with management and to conduct internal union affairs according to democratic standards.

Therefore, we the members of the American Federation of State, County and Municipal Employees, in convention assembled, adopt this Constitution and this

Bill of Rights for Union Members

1. No person otherwise eligible for membership in this union shall be denied membership, on a basis of unqualified equality, because of race, creed, color, national origin, sex, age, sexual orientation, disability, or political belief.

2. Members shall suffer no impairment of freedom of speech concerning the operations of this union. Active discussion of union affairs shall be encouraged and protected within this organization.

3. Members shall have the right to conduct the internal affairs of the union free from employer domination.

4. Members shall have the right to fair and democratic elections, at all levels of the union. This includes due notice of nominations and elections, equal opportunity for competing candidates, and proper election procedures which shall be constitutionally specified.

5. Members shall have an equal right to run for and hold office, subject only to constitutionally specified qualifications, uniformly applied.

6. Members shall have the right to a full and clear accounting of all union funds at all levels. Such accounting shall include, but not be limited to, periodic reports to the membership by the appropriate fiscal officers and periodic audits by officers

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elected for that purpose or by independent auditors not otherwise connected with the union.

7. Members shall have the right to full participation, through discussion and vote, in the decision-making processes of the union, and to pertinent information needed for the exercise of this right. This right shall specifically include decisions concerning the acceptance or rejection of collective bargaining contracts, memoranda of understanding, or any other agreements affecting their wages, hours, or other terms and conditions of employment. All members shall have an equal right to vote and each vote cast shall be of equal weight.

8. Charges against a member or officer shall be specific and shall be only on grounds provided in this Constitution. Accused members or officers shall have the right to a fair trial with strict adherence to due process. The accused shall be considered innocent until proven guilty.

ARTICLE I

Name, Affiliation, and Headquarters

Section 1. This International Union shall be known as the American Federation of State, County and Municipal Employees, and shall be affiliated with the American Federation of Labor and Congress of Industrial Organizations.

Section 2. The headquarters of this International Union shall be in the Washington, D.C., metropolitan area.

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ARTICLE II

Objectives

The objectives of this Federation are:

A. To promote the organization of workers in general and public employees in particular.

B. To promote the welfare of the membership and to provide a voice in the determination of the terms and conditions of employment. We are committed to the process of collective bargaining as the most desirable, democratic, and effective method to achieve this. Both as union members and as citizens, we shall also employ available legislative and political action.

C. To promote civil service legislation and career service in government.

D. To provide research and educational services and activities designed to assist members and affiliates.

E. To foster cooperation among affiliates.

F. To cooperate with other labor organizations in particular and other segments of our society in general towards the end that the material riches of American society be more justly distributed and the moral promise of American life be realized.

G. To work with our brothers and sisters in other lands towards the improvement of the conditions of life and work in all countries, towards the diminution of international tensions and a reduction in the use of armed force to resolve disputes, and towards genuine fraternity of all workers.

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Membership

Section 1. Except as otherwise provided in this Constitution, any person, without regard to race, creed, color, national origin, sex, age, sexual orientation, disability, or political belief, who meets one or more of the requirements hereafter listed shall be eligible for membership in a local union duly chartered by and regularly affiliated with this Federation.

A. An employee of any state, territory, commonwealth, county, district, school board, city, town, village, township, or other public authority or of any governmental subdivision of any such government or authority, except elected officials who are not otherwise eligible under this Article, or of any quasi-public agency or any non-profit or tax-exempt agency of a public, charitable, educational, or civic nature.

B. A full-time staff employee of any subordinate body of the Federation. If employed by a local union, such employee shall be eligible for membership in the local union by which such employee is employed. If employed by any other subordinate body, such employee shall be eligible for membership in any local union which is affiliated with such subordinate body and which is willing to accept such employee into membership.

C. A full-time staff employee of the International Union. If such employee was, at the time of becoming an employee of the International Union, a member of a local union, such employee may maintain membership in such local or may transfer such membership to any other local union which is willing to accept such employee into membership and

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which is encompassed by such employee's job assignment. If such employee was not a member of a local union at the time of becoming an employee of the International Union, such employee may establish membership in any local union which is willing to accept such employee into membership and which is encompassed by such employee's job assignments.

D. Any full-time employee of the International Union or of a subordinate body who was, prior to the acceptance of such employment, or at the time of the adoption of this Constitution, a member of a local union, may continue such membership.

E. A full-time elected or appointed officer or representative of any labor body or labor organization with which the Federation is affiliated or with which subordinate bodies of the Federation are constitutionally affiliated or are constitutionally authorized to affiliate, who, at the time of such election or appointment, was a member of a local union of this Federation.

F. A person appointed or elected to serve, on a full-time basis, as an official representative of organized labor, on or for a governmental or civic board, commission, or agency, who, at the time of such appointment or election, was a member of a local union of this Federation, unless the acceptance of such appointment or election results in placing the person in a position as an employer of other members of this Federation or creates a clear conflict of interest between the person's official duties and the person's fealty to the union.

G. Individuals not within a local union jurisdiction but otherwise eligible for membership may become members-at-large of this Federation. Dues for members-at-large shall be an amount equal to the minimum International Union per capita tax

plus one dollar per month, payable directly to the International Secretary-Treasurer.

H. The International President is authorized, with the approval of the International Executive Board, to establish alternative forms of membership, including special rules governing the rights and obligations of such members, for groups of workers for whom regular membership is determined to be inappropriate based upon the nature of the workers' employment relationship or limitations on their legal rights in the workplace. Any special rules governing the rights and obligations of such members shall, to the extent required by law, be subject to the approval of the next regular biennial convention.

I. Any person who is retired and who, prior to such retirement, was eligible for membership in AFSCME and the spouse of any such person may become a member of an appropriate retired employee chapter chartered by AFSCME or may become a retired member-at-large if there is no retired employee chapter or sub-chapter to which such person can appropriately belong. Retired members-at-large shall pay dues on an annual or monthly basis in such amounts as are established by the International Executive Board. These dues shall be payable directly to the International Secretary-Treasurer who shall deduct the amount which represents per capita tax payable to the International Union and place any remaining amounts in escrow. Upon the chartering of any retired employee chapter or sub-chapter, all amounts held in such escrow account attributable to members-at-large within the jurisdiction of such chapter or sub-chapter shall be paid over to the newly chartered chapter or sub-chapter.

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Section 2. Any member who retires may continue membership in AFSCME in the following manner:

A. If the retiring member is an incumbent officer of a local, council or the International Union, such retiring member may, by the payment of the full amount of dues, retain full membership status until the end of the term of such office, except as provided below. At the end of said term, the retiring member shall be eligible to become and to remain a retired member with the rights specified below, and shall lose eligibility for full membership status. If the retiring member is an International Vice President, and such retirement occurs prior to a regular International Union convention at which elections are not scheduled, such member shall lose eligibility for full membership status at the conclusion of that convention, and an election shall be held at that convention to fill the vacancy for the remainder of the unexpired term of office, unless the vacancy shall have been filled earlier pursuant to Article VIII, Section 11 of this Constitution. Notwithstanding the contrary provisions of this Section, a subordinate body may provide in its constitution that retiring incumbent officers of such subordinate body are not eligible to continue as full members or officers of such subordinate body following their retirement.

B. If the retiring member is not an incumbent officer of a local, council, or the International Union, said retiring member shall be eligible to become and to remain a retired member with the rights specified below, and shall lose eligibility for full membership status.

C. A retired member shall have the right to membership in the appropriate AFSCME retired employee chapter or sub-chapter. No retired member or

member of a retired employee chapter or subchapter shall be a candidate for any elected office in a local, council or the International Union.

Section 3. The International Executive Board, or the International President, subject to the approval of the International Executive Board, may issue local union charters or authorize the enlargement of the jurisdiction of existing local unions to include other appropriate groups of workers not specifically enumerated in this Article, and such workers shall be eligible for membership.

Section 4. No local union shall accept dues payments from any individual who does not meet the eligibility requirements set forth in this Article. Should dues payments be offered by such an individual and accepted by a local union, the individual shall, nevertheless, not be a member of this Federation. Any challenge regarding eligibility for membership shall be decided by the International President; provided, however, that decisions of the International President may be appealed to the International Executive Board. Any individual who is determined by the International President to have ceased to meet the eligibility requirements set forth in this Article shall thereby automatically cease to occupy any office in the International Union or any council or local union; provided, however, that the decision of the International President may be stayed by the International Executive Board upon appeal being filed to such body, and during the period of such stay, the individual involved shall be entitled to remain in office.

Section 5. A member in good standing shall, at said member's request, receive a withdrawal card from the local union under the following circumstances:

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A. If the member is separated from service with the employing agency.

B. If the member becomes ineligible for membership in the local union as a result of a promotion, demotion, or transfer.

C. If the member retires.

D. If the member enters military service.

Section 6. No person may, at any one time, be a member of more than one local of this Federation unless such person is actually employed within the jurisdiction of each local union to which such person belongs. A member in good standing who transfers to the jurisdiction of another local union of this Federation shall be issued a transfer card by the local from which said member is transferring which shall, for a period of thirty days, entitle the member to join the local union in the jurisdiction in which said member is newly employed without payment of an initiation fee. Transfer cards shall also be issued to members who, as a result of their employment by the International Union or a subordinate body, request such transfer cards.

Section 7. No person who has been expelled from membership in accordance with the provisions of this Constitution may be admitted to membership in or employed by the Federation or any of its subordinate bodies for one year following such expulsion, and may thereafter be admitted to membership or offered such employment only with the prior approval of the International Executive Board.

Section 8. When a member is unemployed for more than twenty days in any calendar month and does not receive unemployment compensation or sick leave pay or other remuneration, such

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unemployed member may be entitled to credit for membership dues for the period of unemployment but not to exceed six months in any calendar year.

Section 9. Each new member shall subscribe to the Membership Obligation contained in Appendix A of this Constitution.

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The Convention

Section 1. All sovereign powers of this Federation shall be vested in the convention, when in session.

Section 2. The convention shall meet biennially in the even-numbered years at such time, date, and place as shall be determined by the International Executive Board; provided, however, that such convention shall begin at some time between April 1 and September 30, and that no convention shall be held on a holiday weekend. For a specific purpose or purposes, which shall be clearly defined in the call, a special convention may be called at any time by the International Executive Board. A special convention solely to fill a vacancy in the office of International President shall be called as provided in this Constitution.

Section 3. If one or more local unions in each of ten different states, commonwealths or territories shall, by letter to the International Secretary-Treasurer, request the calling of a special convention for a specific purpose or purposes, the International Secretary-Treasurer shall forward copies of such requests to each member of the International

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Executive Board. At the next meeting of the International Executive Board, the Board shall vote on the question of calling a special convention for the purpose or purposes set forth in the requests. If the majority of those present and voting favor the calling of a special convention, such convention shall be held within 120 days thereafter. If the majority of those present and voting oppose the calling of a special convention, the question shall, within seven days thereafter, be submitted to all affiliated local unions for action. If, within sixty days after the question has been submitted, local unions representing a majority of the membership of the Federation, as determined by the average per capita tax payments for the twelve-month period ending with the fourth full month prior to the date on which the question is submitted, indicate by certification to the International Secretary-Treasurer that they favor the calling of a special convention, such convention shall be called. The International Executive Board shall determine the time, date, and place for such special convention, except that such convention shall begin not earlier than 150 days nor later than 180 days following the original submission of the question to the local unions for action.

Section 4. Not less than seventy-five days prior to the opening of any convention, the International Secretary-Treasurer shall issue a convention call, in the name of the International Executive Board. Such call shall state the time, date, and place of the convention and, in the case of a special convention, the purpose or purposes. A copy of the call shall be sent to all subordinate bodies, together with the appropriate number of blank credential forms.

Section 5. The basis of local union representation in conventions shall be determined from the average per capita tax actually paid to the Federation for the twelve consecutive months ending with the fourth full month preceding the opening of the convention. In the case of a local composed of two or more locals that have merged during the twelve-month period, or between the end of the twelve-month period and the opening of the convention, the combined average per capita tax of the merging locals shall be the basis of representation. In any case where a local has been divided into two or more locals during the twelve-month period, or between the end of the twelve-month period and the opening of the convention, the total average per capita tax shall be divided among the newly created locals in direct proportion to their respective averages since the division, and this shall constitute their respective bases of representation. In the case of a newly organized or newly affiliated local which has been in existence or has been affiliated for less than the full twelve-month period, the average per capita tax for that portion of the twelve-month period during which the local has been in existence or has been affiliated shall be the basis for representation; provided, however, that any local which was formed after the twelve-month period shall be entitled to representation only in accordance with the provisions of Section 8 below.

Section 6. Locals shall be entitled to delegates on the basis of membership as follows: 100 or fewer, one delegate; more than 100 but not exceeding 200, two delegates; more than 200 but not exceeding 300, three delegates; more than 300 but not exceeding 400, four delegates; more than 400, one additional delegate for each 1,000 additional members or fraction thereof.

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Section 7. Regardless of the number of delegates, locals shall be entitled to vote on the basis of one vote for each member or fraction thereof. Locals entitled to more than one delegate may send fewer than their quota of delegates and the delegates present may cast the entire vote of the local on all recorded votes and elections coming before the convention. The number of votes shall be divided equally among the delegates, with any remaining votes to be cast by the Chairperson of the delegation, as designated by the local. No fractional votes shall be permitted.

Section 8. Each chartered council shall be entitled to one delegate and one vote. Each chartered retiree chapter shall be entitled to delegates on the basis of membership, to be determined in the manner provided for local unions in Article IV, Section 5 of this Constitution, as follows: 10,000 or fewer, one delegate; more than 10,000 but not exceeding 25,000, two delegates; more than 25,000 but not exceeding 50,000, three delegates; more than 50,000, four delegates. Each delegate representing a retiree chapter shall be entitled to one vote. Such delegates shall be entitled to all the rights and privileges of a delegate except that such a delegate shall not be entitled to nominate any candidate for International Union office as a council or retiree chapter delegate or to cast the council's or retiree chapter's vote in the election of International Union officers unless such delegate has been elected to that position by secret ballot vote conducted among the members of the local unions affiliated with such delegate's council or among the members of such delegate's retiree chapter or its sub-chapters. Any local formed or affiliated after the twelve-month period which forms the basis for representation of

local unions or from which no per capita tax was due and paid for the twelfth month of the twelve-month period shall be entitled to send one fraternal delegate to serve as an official observer without voice or vote. Any member of the International Executive Board and any member of the Judicial Panel who is not elected as a delegate representing a subordinate body shall nevertheless be entitled to all the rights and privileges of a delegate except the right to vote.

Section 9. All delegates shall, after due notice of nominations and elections has been given, be elected in the respective subordinate bodies. Subordinate bodies may also elect an alternate delegate for each delegate. Election shall be by secret ballot, except in instances where a nominee is unopposed. The names of the delegates and of alternates, if any, shall be certified by the president and secretary of each subordinate body to the International Secretary-Treasurer at International Headquarters at least twenty days prior to the convention. If such certification is by a local union and includes two or more delegates, the certification shall designate one of the delegates as Chairperson of the delegation. Names of delegates certified after the twentieth day prior to the convention shall be deemed irregular and shall not be included in the initial report of the Credentials Committee.

Section 10. In any special convention, every local union president shall be considered a delegate automatically, except in a local union where the local constitution makes specific provision for a different automatic delegate. Nothing in this Section shall be deemed to prohibit any local union which is entitled to more than one delegate from electing additional delegates; nor shall this Section be interpreted so

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as to prevent one or more subordinate bodies from exercising the rights provided in Sections 12 and 13 below to unite in sending a delegate to the special convention.

Section 11. No nomination or election of delegates shall be held more than 120 days prior to the opening of the convention; provided, however, that this restriction shall not apply to a delegate from a subordinate body which normally meets less often than quarterly, nor shall it affect anyone who is a delegate pursuant to the constitution of a subordinate body by virtue of election to an office therein.

Section 12. A delegate representing a local union must, from the twelfth month of the twelve-month period which forms the basis for local union representation until the opening of the convention, be a member in good standing of the local represented. With the exceptions provided in Section 15, however, two or more locals within the same council, organizing committee, state, commonwealth, or territory may unite in sending to the convention a delegate who meets the above qualifications in one of such locals. Before a local may be represented by a delegate who is not a member of the local, the membership of the local shall first vote on the following question: "Shall this local elect as a convention delegate a person who is not a member of this local union?" If the majority of those voting on the question vote in the affirmative, the local may then proceed to elect a delegate in accordance with the above requirements. Any delegate so elected may cast the votes to which the locals are individually entitled. No delegate may represent more than five locals.

Section 13. A delegate representing a council must, from the twelfth month of the twelve-month period

which forms the basis for local union representation until the opening of the convention, be a member in good standing of a local union which is affiliated with such council. A delegate representing a council may, if elected in accordance with the procedures set forth in Section 12 above, also serve as delegate for not more than four local unions affiliated with the council. Any delegate so elected may cast the votes to which the subordinate bodies are individually entitled. No delegate may represent more than five subordinate bodies.

Section 14. A delegate representing a retiree chapter must, from the twelfth month of the twelve-month period which forms the basis for local union representation until the opening of the convention, be a member in good standing of such retiree chapter or of a retiree sub-chapter affiliated with such chapter.

Section 15. No member of the International Executive Board and no salaried employee of the International Union and no member of the Judicial Panel shall serve as a delegate from any local except the local of which such person is a member or of the council with which that local is affiliated.

Section 16. No local union or retiree chapter shall be entitled to representation in any convention unless all its per capita tax due to and all special assessments levied by the Federation as of the end of the fourth month preceding the opening of the convention shall have been paid in full by or on the day the delegate seeks to register at the convention. No council shall be entitled to representation in any convention unless the annual affiliation fee for the current year shall have been paid in full by or on the day the delegate seeks to register at the convention.

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A local union which would be deprived of representation in full or in part pursuant to the provisions of this Article solely because of an employer's delay in remitting dues deductions in the normal fashion shall be allowed such representation and voting strength as the convention upon the report of the Credentials Committee shall determine to be equitable.

Section 17. No local union shall be entitled to representation at any convention if it is in violation of a lawful ruling of the International Executive Board requiring affiliation with a council.

Section 18. Prior to each convention, the International President shall, with the approval of the International Executive Board, appoint a Credentials Committee, a Committee on Rules and Order of Business, a Constitution Committee, a Sergeants-at-Arms Committee, and such other Committees as shall be authorized by the Executive Board, designating at least one member of each Committee as Chairperson. At the convention, the International President, with the approval of the International Executive Board, shall appoint any additional committees required under the rules of the convention, designating at least one member of each committee as Chairperson, and special committees and the Chairpersons thereof required by any resolution adopted by the convention, unless such resolution provides for a different method of appointment. At each convention at which elections are to be held, the International President, with the approval of the International Executive Board, shall appoint a Committee on Elections, designating at least one member of the Committee as Chairperson. The International President shall be an ex-officio

member of all convention committees, except the Credentials Committee and the Committee on Elections, and of any interim committees that may be established by the convention.

Section 19. Each member of the Credentials Committee shall, upon accepting appointment to such committee, be disqualified from becoming a candidate for elective office at the convention. The Credentials Committee shall receive from the International Secretary-Treasurer, in advance of the convention, all credentials which have been received by the International Secretary-Treasurer, such credentials having been stamped as to the date they were received and attached to the envelope in which they were received. The Credentials Committee shall receive from the International Secretary-Treasurer, in advance of the convention, a report on the month-by-month per capita tax payments of each local union for the twelve consecutive months ending with the fourth full month preceding the opening of the convention. The Credentials Committee shall provide facilities for the registration of delegates. The Credentials Committee shall make all decisions concerning the validity of credentials and decide all questions regarding the bona fide absence of delegates and the seating of alternates, such decisions being subject to appeal to the convention. Any delegate whose credential was not received by the International Secretary-Treasurer by the twentieth day prior to the convention or addressed to the International Secretary-Treasurer and postmarked by the twentieth day prior to the convention shall be considered an irregular delegate. No irregular delegate shall be seated at the opening of the convention and no irregular delegate shall be included in the initial report of the Cre-

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dentials Committee. Following the adoption of the convention rules, irregular delegates may be seated by a majority vote of the convention. No delegate shall be permitted to register after 1:00 p.m. on the second day of the convention. The Credentials Committee shall provide each delegate with a complete copy of the Committee's report or reports.

Section 20. The Committee on Rules and Order of Business shall report to the convention its recommendations concerning rules of procedure for the convention. The rules of procedure governing the preceding regular biennial convention shall be in force from the opening of any convention until new rules have been adopted by action of the convention.

Section 21. The Sergeants-at-Arms Committee shall arrange for the seating of all delegates in the convention hall. Under the direction of the presiding officer of the convention, the Sergeants-at-Arms Committee shall maintain proper order and decorum within the hall and shall perform such other duties as the presiding officer shall require.

Section 22. Resolutions, including proposals to amend the Constitution, to be introduced for consideration at any convention shall be signed by the president and the secretary of a subordinate body or by one or more certified delegates. Such resolutions shall be prepared and signed in duplicate and sent to the International Secretary-Treasurer at International Headquarters and postmarked at least twenty days prior to the opening of the convention. The International Secretary-Treasurer shall make copies of all such resolutions available to the delegates and shall properly identify those who submitted

the resolutions. No resolutions may be introduced thereafter unless consent is given by a two-thirds vote of the convention; provided, however, that the International President or the International Executive Board may introduce a resolution for consideration by the convention at any time up to and including the fourth day of the convention.

Section 23. The International President shall be the presiding officer at all conventions, but may call any delegate to preside instead.

Section 24. The International Secretary-Treasurer shall serve as secretary at all conventions; shall read the convention call to the delegates at the opening session of the convention; and shall maintain an accurate record of the convention proceedings.

Section 25. A quorum for the transaction of business shall consist of not fewer than one-third of the delegates seated in the convention.

Section 26. Beginning at the 1972 regular biennial convention and at every second regular biennial convention thereafter, there shall be elected an International President and an International Secretary-Treasurer, both to be elected by the convention-at-large, and International Vice Presidents without priority, to be elected by the delegates representing locals, councils and retiree chapters in each of the Legislative Districts hereinafter established.

Section 27. Legislative Districts are hereby established for the purpose of electing International Vice Presidents. A delegate shall vote only for an International Vice President or International Vice Presidents from the Legislative District in which the subordinate body the delegate represents is

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located.

In any case where the membership of a subordinate body is employed in more than one Legislative District, the votes of such subordinate body shall be cast in the district in which the principal office of a subordinate body is located.

The Hawaii District shall consist of the State of Hawaii.

The Northwestern District shall consist of all councils and locals in the States of Alaska, Idaho, Montana, Oregon, Washington and Wyoming.

The California District shall consist of all councils and locals in the State of California, which are not included in the United Domestic Workers District.

The Southwestern District shall consist of the States of Arizona, Colorado, Nevada, New Mexico, Oklahoma, Texas and Utah.

The North-Central District shall consist of the States of Minnesota, North Dakota and South Dakota.

The Midwestern District shall consist of the States of Arkansas, Iowa, Kansas, Missouri and Nebraska.

The Wisconsin District shall consist of the State of Wisconsin.

The Michigan District shall consist of the State of Michigan.

The Illinois District shall consist of the State of Illinois.

The Central District shall consist of the States of Indiana, Kentucky and Tennessee.

The Ohio District shall consist of all councils and locals in the State of Ohio which are not included in the Ohio Civil Service Employees Association District or the Ohio Association of Public School Employees District.

The Ohio Civil Service Employees Association

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District shall consist of the Ohio Civil Service Employees Association, Local 11.

The Ohio Association of Public School Employees District shall consist of the Ohio Association of Public School Employees, Local 4.

The Northern New England District shall consist of the States of Maine, Massachusetts, New Hampshire and Vermont.

The Southern New England District shall consist of the States of Connecticut and Rhode Island.

The New York City District shall consist of any council having jurisdiction over county and municipal employees of New York City and local unions within the chartered jurisdictions of any such council.

The Civil Service Employees Association District shall consist of the Civil Service Employees Association, Local 1000.

The New York State District shall consist of all councils and locals in the State of New York which are not included in the New York City District or the Civil Service Employees Association District.

The Pennsylvania District shall consist of the State of Pennsylvania.

The Eastern District shall consist of the States of Delaware and New Jersey.

The Capital District shall consist of the States of Maryland, Virginia, West Virginia and the District of Columbia.

The Southeastern District shall consist of the States of Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina and the Republic of Panama.

The Puerto Rico District shall consist of the Commonwealth of Puerto Rico.

The National Union of Hospital and Health Care Employees District shall consist of the National Union of Hospital and Health Care Employees,

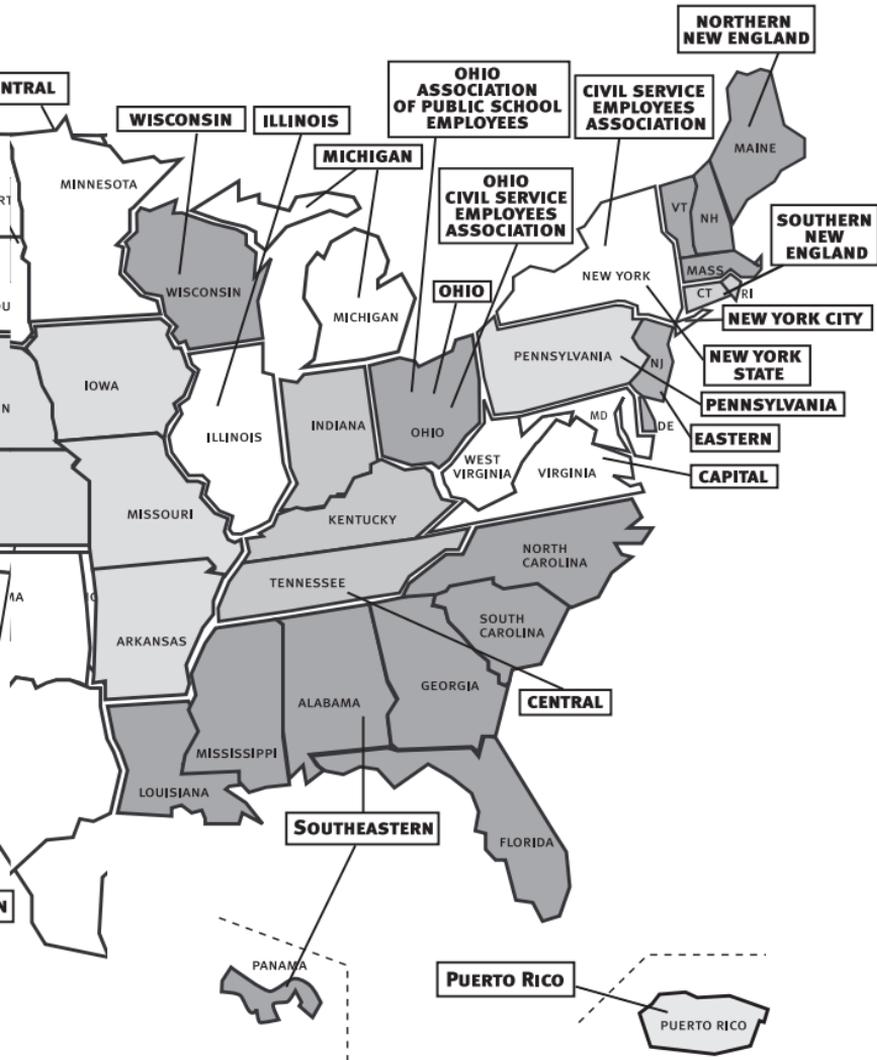
**INTERNATIONAL
VICE PRESIDENTS
LEGISLATIVE DISTRICT**



**NATIONAL UNION OF HOSPITAL
AND HEALTH CARE EMPLOYEES***

*NUHCE is a Legislative District, unrelated to any geographic area.

DISTRICTS



ARTICLE IV

Local 1199.

The United Domestic Workers District shall consist of the Local 3930.

Section 28. One International Vice President shall be elected by the delegates representing locals, councils and retiree chapters in each of the Legislative Districts established in Article IV, Section 27; provided, however, that in any Legislative District containing local unions having a total membership in excess of five percent but less than fifteen percent of the total membership of all local unions in the International Union, two International Vice Presidents shall be elected; and provided further, that in any Legislative District containing local unions having a total membership in excess of fifteen percent of the total membership of all local unions in the International Union, three International Vice Presidents shall be elected. Each delegate representing a local, council or retiree chapter in a Legislative District shall vote for the number of candidates for International Vice President to be elected from such District.

Section 29. Each month, the International Secretary-Treasurer shall certify, for the six-month period ending with the second full month preceding the month in which the certification is made, (1) the average total number of members of all local unions in the Federation, and (2) the average total number of members in all local unions in each of the several Legislative Districts, and such certifications shall be reported to the International Executive Board as part of the International Secretary-Treasurer's regular, periodic reports to the International Executive Board. If such certification shows that any Legislative District which had, at the previous

International Convention at which regular elections were held, elected only one International Vice President contains local unions having a total membership in excess of five percent but less than fifteen percent of the total membership of all local unions in the International Union, or that any Legislative District which had, at the previous International Convention at which regular elections were held, elected fewer than three International Vice Presidents contains local unions having a total membership in excess of fifteen percent of the total membership of all local unions in the International Union, announcement of the fact shall be made in the official publication of the Federation. In such a case, an additional International Vice President shall be elected from such Legislative District in accordance with the procedure for filling vacancies in the office of the International Vice President as specified in Article VIII, Section 11 of this Constitution, and the term of such International Vice President shall end upon the installation of the officers elected at the next International Convention at which regular elections are held; provided that no election shall be held if a regular International Convention is scheduled to be held within 180 days after the issuance of the certification that would otherwise require the holding of an election, and the additional International Vice President shall be elected at that Convention for a term expiring upon the installation of the officers elected at the next regular Convention at which elections are scheduled. If the certification reported to the International Executive Board in December of a year which immediately precedes an International Convention at which elections are scheduled shows that any Legislative District contains local unions having a

ARTICLE IV

total membership of less than one percent of the total membership of all local unions in the International Union, then upon receipt of such certification, the International Executive Board shall establish a hearing committee consisting of three members of the International Executive Board, and announcement of that fact shall be made in the official publication of the Federation.

Section 30. The hearing committee established pursuant to Section 29 of this Article shall meet as soon as practicable for the purpose of tentatively revising the Legislative District lines. The International Secretary-Treasurer shall furnish to the hearing committee such membership statistical information as it may request. In making such tentative revisions, the hearing committee shall be bound by the following limitations:

A. No revision shall be made which shall place local unions affiliated with the same council in different Legislative Districts.

B. No revision shall be made which shall result in the election of fewer than thirty or more than thirty-five International Vice Presidents.

Upon completion of a tentative revision, the hearing committee shall, after due notice to all locals and councils within any Legislative District directly affected by such tentative revision, hold one or more hearings within each directly affected Legislative District. At said hearings, interested parties may express their views concerning the tentative revision and may propose alternative plans for revision. Upon completion of all such hearings, the hearing committee shall report its findings and recommendations to the International Executive Board which shall then approve a final revision plan, which shall meet the limitations set

forth above in this section, and copies of such plan shall be mailed to all local unions and councils at least forty-five days prior to the opening of the International Convention. Such plan shall take effect and shall constitute an amendment to the International Constitution at the time for holding nominations at the International Convention unless, prior to such time, a resolution proposing an alternative plan shall have been properly introduced and adopted by a majority vote of the convention, in which case such alternative plan shall take effect and shall constitute an amendment to the International Constitution at the time for holding nominations at said International Convention. Any such alternative plan must meet the limitations set forth in this Section.

Section 31. If the total membership in all local unions in any Legislative District which is represented by two International Vice Presidents shall fall below five percent of the total membership of all local unions in the International Union, or if the total membership in all local unions in any Legislative District which is represented by three International Vice Presidents shall fall below fifteen percent of the total membership of all local unions in the International Union, the delegates from locals, councils, and retiree chapters in such Legislative District shall, at the next convention at which elections are to be held, elect only the number of Vice Presidents to which such District is entitled pursuant to Section 28 of this Article; provided that, if the membership in all local unions in any such Legislative District has fallen below the threshold for electing a second or third International Vice President by less than one-half percent of the total membership of all local unions in the Inter-

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national Union, the reduction in the number of Vice Presidents to be elected by such Legislative District shall be delayed until the convention to be held four years later, and such reduction shall not take effect then if the certification of membership issued in the December immediately preceding such convention shows that the membership in all local unions in such Legislative District is in excess of the percentage of the membership of all local unions in the International Union required to elect the number of International Vice Presidents previously elected by such Legislative District.

Section 32. To be eligible for election as International President or as International Secretary-Treasurer, a nominee must have been a member in the Federation for at least five years continuously at the time of the election. No member of the Judicial Panel and no person who has served as a member of the Judicial Panel during any part of the calendar year in which the convention is held shall be eligible for election at the convention.

Section 33. To be eligible for election as an International Vice President, a nominee must have been a member in a local or locals within the Legislative District the nominee seeks to represent for at least three years continuously at the time of the election, except as provided below. In any election for International Vice President in a Legislative District in which the combined total membership in the local unions in such district has increased by more than fifty percent since the last certification of membership immediately preceding a convention at which elections were held, the requirement of three years' continuous membership shall stand suspended from effect. No salaried employee of

the Federation shall serve as an International Vice President. No member of the Judicial Panel and no person who has served as a member of the Judicial Panel during any part of the calendar year in which the convention is held shall be eligible for election at the convention.

Section 34. Nominations of officers, except for International Vice Presidents, shall be conducted in open convention, and no nominating committee shall be used. Any delegate may nominate any eligible member for the office of International President or of International Secretary-Treasurer. The delegates shall be divided by Legislative District for the purpose of nominations for the office of International Vice President for their District. Any delegate may nominate any eligible member for the office of International Vice President to represent the delegate's own Legislative District. Following the nominating procedures, nominees shall be afforded the opportunity to decline, and the name of any person so declining shall not appear on the ballot. No person shall be a candidate for more than one office. Any challenge concerning the eligibility of any nominee shall be filed in writing with the International President prior to the opening of the next meeting of the convention following the meeting at which nominations are conducted. Any challenge so filed shall be referred to the Committee on Elections, which shall report on the eligibility of the nominee prior to the election.

Section 35. In any case where there is only one nominee for office, the unopposed candidate shall be declared elected. In all other instances elections shall be conducted by secret ballot. If paper ballots are used, the names of the candidates for Inter-

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national President and International Secretary-Treasurer shall not appear on the same ballot with the candidates for International Vice President. No paper ballot shall have a value of more than 5,000 votes, and any delegate entitled to cast more than 5,000 votes shall be given additional ballots to make up the total number of votes to which such delegate is entitled. In determining the values for paper ballots to be used in any election, the Committee on Elections shall use denominations that will preserve the secrecy of the identity of the voter. Any delegate representing more than one subordinate body will, upon request, be given a separate ballot for each subordinate body represented. Write-in votes shall not be valid for any purpose.

Section 36. A majority of the votes cast for any office shall be required to elect. If fewer than the number of candidates to be elected to any office receive a majority, then a new ballot shall be prepared and a run-off election shall be held. If one person is to be elected to the office, the new ballot shall contain only the names of the two candidates receiving the greatest number of votes. If more than one person is to be elected to the office, the new ballot shall be prepared as follows: (1) if any candidate receives a majority, that candidate shall be declared elected, and the ballot shall contain only the names of the number of candidates equal to twice the number remaining to be elected who received the greatest number of votes but did not attain a majority; (2) if no candidate receives a majority, the ballot shall contain only the names of the number of candidates equal to twice the number to be elected who received the greatest number of votes.

Section 37. Any delegate desiring to protest the conduct of the election shall lodge a protest imme-

diately with the Committee on Elections.

Section 38. The Committee on Elections shall report to the convention the results of the balloting, together with its recommendations on any protests which have been lodged regarding the conduct of the election.

Section 39. The convention shall review any protest regarding the conduct of the election which is not resolved by the Committee on Elections to the satisfaction of the protestant and all affected candidates. Where the convention finds violations which may have affected the outcome of the election, it shall have the power to order a re-vote, a recount of the ballots, or such other action to remedy the election violations as it deems appropriate.

Section 40. The election of International officers shall, in all matters not specifically provided for in this Article, be governed by the provisions of Appendix D of this Constitution.

Section 41. The International Executive Board may employ an independent agency which shall, subject to approval by the convention, assist in and/or supervise the conduct of the election. Any candidate whose name is to appear on the ballot shall have the right to have present an official observer of the candidate's own choosing in all places where ballots bearing such candidate's name are to be cast or counted.

Section 42. All officers elected at the convention shall take office as the last order of business prior to final adjournment or at three o'clock on the afternoon of the fifth day of the convention, whichever is earlier. Upon assuming office, each new officer shall subscribe to the Obligation of an Officer contained in Appendix B of this Constitution.

ARTICLE V

ARTICLE V

The International President

Section 1. The International President shall be the chief executive and administrative officer of the Federation, and shall conduct the affairs of the Federation in accordance with this Constitution and in accordance with policy decisions of the Convention and the International Executive Board. The International President shall, with the approval of the International Executive Board, procure suitable offices for the transaction of Federation business. The International President shall, under policies established by the International Executive Board, employ, terminate, fix the compensation and expenses, and direct the activities of such office staff, administrative assistants, technical and professional assistants, field staff, organizers and representatives as are required to carry out effectively the functions of the International President's office. The International President shall, with the approval of the International Executive Board, engage such technical and professional services, including legal counsel, as may be required. The International President shall report regularly to the International Executive Board on all official actions taken. The responsibility of the International President may not be delegated, but the International President may delegate to a person or persons the execution of such duties as the International President may deem warranted, subject to the limitations of this Constitution. The International President shall sign all checks and electronic fund transfers, authorizations for expenditures, contracts, and other official documents of this Federation. The International President may, with the approval of the International Executive Board, designate a deputy

or deputies to sign such documents instead. The International President and any authorized deputy or deputies shall be covered by surety bonds in amounts to be determined by the International Executive Board and at the expense of the Federation. The minimum bond shall be not less than ten percent of the assets handled by the Federation annually, except that no bond shall be required in an amount greater than \$500,000.

Section 2. The International President shall be elected at the 1972 regular biennial convention and at every second regular biennial convention thereafter. The International President shall receive a minimum annual salary of \$37,500 and shall receive expenses in accordance with policies established by the International Executive Board. Effective the date the International President elected at the AFSCME 40th International Convention assumes office, the salary of the International President shall be \$295,000. The salary shall be adjusted annually in accordance with the average annual increase in pay of AFSCME members as determined by the International Secretary-Treasurer for the purpose of Section 7 of Article IX of the Constitution.

Section 3. The International President shall be the presiding officer at all conventions, but may call any delegate to preside instead. The International President shall, at each convention, present a written report to the delegates, in printed or electronic format, provided that a printed copy shall be provided to any delegate who requests it, concerning the International President's activities during the period since the preceding convention. Prior to the convention, the International President shall, with the approval of the International Executive Board, appoint a Credentials Committee, a Committee

ARTICLE V

on Rules and Order of Business, a Constitution Committee, a Sergeants-at-Arms Committee, and such other committees as shall be authorized by the Executive Board, designating at least one member of each committee as the Chairperson. At the Convention, the International President shall, with the approval of the International Executive Board, appoint any additional committees required under the rules of the convention, designating at least one member of each committee as Chairperson, and any special committees and the Chairpersons thereof required by any resolution adopted by the Convention, unless such resolution provides for a different method of appointment. At each convention at which elections are to be held, the International President, with the approval of the International Executive Board, shall appoint a Committee on Elections, designating at least one member of the Committee as Chairperson. The International President shall be an ex-officio member of all convention committees, except the Credentials Committee and the Committee on Elections, and of any interim committees that may be established by the Convention.

Section 4. The International President shall preside at all meetings of the International Executive Board, but may call any other member of the International Executive Board to preside instead. The International President shall serve as Chairperson of the Executive Committee, as Chairperson of the Finance Committee, and as an ex-officio member of all other committees of the International Executive Board.

Section 5. In advance of each fiscal year, the International President shall submit to the International Executive Board a proposed budget for the

coming year, setting forth the anticipated income and the source thereof and the anticipated expenditures and their purposes. A copy of the proposed budget shall be transmitted to the International Secretary-Treasurer at least one week prior to its submission to the International Executive Board. The proposed budget shall be subject to revision and approval by the International Executive Board. Insofar as possible, the International President shall adhere to the budget adopted by the International Executive Board.

Section 6. The International President, subject to the approval of the International Executive Board, shall issue charters to subordinate bodies of the Federation and shall, subject to an appeal to the International Executive Board, determine all matters relating to the jurisdiction and proper affiliations of subordinate bodies. The International President, subject to the approval of the International Executive Board, shall have the authority to negotiate and consummate, on such terms and conditions as the International President considers appropriate, mergers or consolidations with organizations representing public employees or other appropriate groups of workers. The terms and conditions of such mergers or consolidations may include waiver of other provisions of this Constitution for such merging organizations for such periods of time as shall be set forth in the agreement of merger or consolidation.

Section 7. The International President shall have the power to direct the International Secretary-Treasurer to conduct an examination and audit of the books and accounts of subordinate bodies, whether chartered or not, including any books and accounts concerning health and welfare, pension,

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insurance or other benefit programs covering members of such subordinate bodies, at any time. The International Secretary-Treasurer, either in person or by designee, shall undertake such examination and audit as promptly as possible. In appropriate cases, the International President may direct that the authority to conduct such examination and audit be delegated to the council with which such subordinate body is affiliated, or, in the case of a subordinate body of a local union that is not affiliated with a council, to such local. When such a delegation is made, the costs of the examination and audit shall be the responsibility of the International Union, unless the audit is requested by the council or local to which the delegation is made, in which case such council or local shall be responsible for the costs. The results of the examination and audit, and any written report, shall be transmitted to the International President as promptly as possible.

Section 8. The International President shall have authority to make interpretations of this Constitution, subject to appeal to the International Executive Board.

Section 9. The International President shall be a delegate to all conventions of the American Federation of Labor and Congress of Industrial Organizations.

Section 10. The International President, with the advice and consent of the International Executive Board, may initiate, edit and manage a publication which shall be the official publication of the Federation. Title of any such publication shall be vested in the American Federation of State, County and Municipal Employees. A copy of the official publication shall be furnished to each member.

Section 11. As soon as practicable following the adoption of this language by the 1972 biennial convention, the International President shall, with the advice and consent of the International Executive Board, appoint a member of the Federation to serve as Chairperson of the Judicial Panel and eight other members of the Federation to serve as members of the Judicial Panel. As soon as practicable following final adjournment of the 2000 biennial convention, the International President shall, with the advice and consent of the International Executive Board, appoint two additional members of the Federation to serve as members of the Judicial Panel. Except as provided below, the terms of persons appointed in 1977 shall expire in 1980, and the terms of those members appointed in 1978 shall expire in 1981. Of those persons appointed to the Judicial Panel in 1980, three shall serve terms expiring in 1982 and three shall serve terms expiring in 1983. Of those persons appointed to the Judicial Panel to fill positions newly created in 2000, one shall serve a term expiring in 2002 and one shall serve a term expiring in 2003. At any general meeting of the International Executive Board during the year in which a panel member's term is scheduled to expire, the International President shall, with the advice and consent of the International Executive Board, reappoint such member or appoint a successor. No two members of the Judicial Panel shall be members of local unions in the same Legislative District, as established in Article IV, Section 27 of this Constitution. At least three members of the Judicial Panel shall be from Legislative Districts located east of the Mississippi River and at least three members of the Judicial Panel shall be from Legislative Districts located west of the Mississippi River. No member of the International Executive

ARTICLE V

Board and, except as provided in Article XI of this Constitution, no salaried employee of the International Union shall serve on the Judicial Panel.

Section 12. The International President, subject to the general direction of the International Executive Board, shall travel wherever required in the carrying out of the duties and responsibilities of the office.

Section 13. Notwithstanding any other provision of this Constitution, the International President shall have the authority to order the immediate suspension, pending full investigation, of officers and staff employees of any subordinate body who, in the opinion of the International President, are engaged in conduct imminently dangerous to the welfare of the International Union or a subordinate body. Such action shall not affect the membership rights of an officer or staff employee so suspended. In all such cases, the International President shall immediately notify the members of the International Executive Board of such action, which shall be automatically reviewed and approved or disapproved by the International Executive Board, whether or not it is formally appealed to the Board. In any such situation, the order of the International President shall be in effect for no more than thirty days, and may not be renewed unless formal charges have been filed against the officer or staff employees so suspended within the thirty-day period.

Section 14. If a vacancy occurs in the office of International Secretary-Treasurer, the International President shall designate a member of the Federation to act as International Secretary-Treasurer until such time as the vacancy in office is filled as provided in this Constitution.

Section 15. The International President shall perform such other duties as may be required by this Constitution.

Section 16. The International Executive Board shall elect, in the same manner provided for the filling of a vacancy in the office of International Secretary-Treasurer, a temporary replacement for the International President should the International President become temporarily incapacitated, except that, for the purpose of this election, the functions normally performed under Article VIII, Section 12, by the International President, shall be performed by the International Secretary-Treasurer. Such temporary replacement shall be selected if (1) the International President notifies the International Executive Board that, for reasons of health, the International President is unable to perform the duties of that office or (2) the International Executive Board so finds, by a two-thirds vote of those voting after a full hearing. If the International Secretary-Treasurer is elected as temporary replacement for the International President, a temporary replacement for the International Secretary-Treasurer shall be elected in the same manner provided for the filling of a vacancy. Upon notification by the International President that the International President is able to perform the duties of that office or upon request by any member of the International Executive Board, a hearing shall be held by the International Executive Board to determine whether the International President is capable of resuming the duties of that office. Should the International Executive Board, by a majority vote, find the International President capable of performing the duties of that office, the International President shall immediately resume such duties. If the International Secretary-Treasurer temporarily replaced the International President, the International Secretary-Treasurer shall immediately resume the duties of the office of International Secretary-Treasurer.

ARTICLE VI

ARTICLE VI

The International Secretary-Treasurer

Section 1. The International Secretary-Treasurer shall be the chief financial and recording officer of the Federation. The International Secretary-Treasurer shall receive and receipt for all monies of the Federation. The International Secretary-Treasurer shall maintain properly and have custody over all documents of the Federation and all other documents and papers pertaining to the Secretary-Treasurer's office and conduct correspondence necessary in the administration thereof. The International Secretary-Treasurer shall, in the name of the American Federation of State, County and Municipal Employees, deposit in open account in a bank or banks in which deposits are guaranteed by the Federal Deposit Insurance Corporation all funds of the Federation not in certificates of deposit or invested in interest-bearing securities, and money so deposited shall be withdrawn only by check or electronic fund transfer. The International Secretary-Treasurer shall be responsible for supervising and directing the activities of the Secretary-Treasurer's office in accordance with the provisions of this Constitution and under the policies established by the International Executive Board. The International Secretary-Treasurer shall, in conjunction with the International President, prepare an annual budget and arrange for the employment of such personnel as may be required to carry out the functions of the Secretary-Treasurer's office. The International Secretary-Treasurer shall prepare checks or electronic fund transfers for the payment of all liabilities of the Federation which have been approved in writing by the International President and which

are for purposes authorized or required by this Constitution or authorized by the convention or the International Executive Board, and none other. The International Secretary-Treasurer shall countersign all checks or electronic fund transfers so prepared. The International Secretary-Treasurer may, with the approval of the International Executive Board, designate a deputy or deputies to sign instead. The International Secretary-Treasurer and any authorized deputy or deputies shall be covered by surety bonds in amounts to be determined by the International Executive Board and at the expense of the Federation. The minimum bond shall be not less than ten percent of the assets handled by the Federation annually, except that no bond shall be required in an amount greater than \$500,000.

Section 2. The International Secretary-Treasurer shall be elected at the 1972 regular biennial convention and at every second regular biennial convention thereafter. The International Secretary-Treasurer shall receive a minimum annual salary of \$32,500 and shall receive expenses in accordance with policies established by the International Executive Board. Effective the date the International Secretary-Treasurer elected at the AFSCME 40th International Convention assumes office, the salary of the International Secretary-Treasurer shall be \$250,750. The salary shall be adjusted annually in accordance with the average percentage increase in pay of AFSCME members as determined by the International Secretary-Treasurer for the purpose of Section 7 of Article IX of the Constitution.

Section 3. The International Secretary-Treasurer shall serve as Secretary at all conventions, and in such capacity shall:

A. Issue a convention call, in the name of the

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International Executive Board, not less than seventy-five days prior to the opening of any convention. Such call shall state the time, date and place of the Convention and, in the case of a special convention, the purpose or purposes. The International Secretary-Treasurer shall send a copy of the call to all subordinate bodies, together with the appropriate number of blank credential forms. The International Secretary-Treasurer shall read the call to the delegates at the opening session of the Convention.

B. Receive in advance of the Convention all credentials. Such credentials shall be stamped as to the date of receipt, attached to the envelope in which they were received, and submitted to the Credentials Committee.

C. Make available to the Credentials Committee a report on the month-by-month per capita tax payments of each local union for the twelve consecutive months ending with the fourth full month preceding the opening of a regular or special convention.

D. Receive in advance of the Convention all proposed resolutions, including proposals to amend the Constitution. The International Secretary-Treasurer shall make copies of all such resolutions available to the delegates and shall properly identify those who submitted the resolutions; except that no resolution received after the twentieth day prior to the opening of the Convention, unless postmarked on or before the twentieth day prior to the opening of the Convention, shall be considered introduced unless consent is given by a two-thirds vote of the Convention or unless it is introduced by the International President or the International Executive Board. The International Secretary-Treasurer shall distribute to all members of the International Executive Board copies of any proposals to amend the Constitution as quickly as possible after receiving any such proposals.

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E. Maintain an accurate record of the Convention proceedings and distribute copies of such record to all convention delegates and to all subordinate bodies as soon as practicable after the Convention.

Section 4. The International Secretary-Treasurer shall, at each convention, present a written report to the delegates, in printed or electronic format, provided that a printed copy shall be provided to any delegate who requests it, concerning the International Secretary-Treasurer's activities during the period since the preceding convention, which report shall include a financial report for any fiscal year or years which have ended during such period. The fiscal year shall begin on January 1 and end on the last day of December.

Section 5. The International Secretary-Treasurer shall serve as Secretary of the International Executive Board, and shall keep accurately the minutes of each meeting of the International Executive Board. Copies of the minutes shall be submitted to each member of the International Executive Board as soon as practicable after each meeting. The minutes, in summary form, shall be sent to each local union, unless, in the opinion of the International Secretary-Treasurer, the proceedings of the meeting have been adequately reported in the official publication of the Federation.

Section 6. The International Secretary-Treasurer shall serve as Secretary of the Executive Committee and of the Finance Committee, and shall submit copies of the minutes of all meetings of both committees to each member of the International Executive Board within one week of adjournment of such meetings.

Section 7. The International Secretary-Treasurer

ARTICLE VI

shall receive from the International President a copy of the proposed annual budget at least one week in advance of its submission to the International Executive Board. The International Secretary-Treasurer shall submit to the International Executive Board, in writing, any criticisms, objections or comments on the budget deemed necessary or proper at the time it is submitted to the International Executive Board. The International Secretary-Treasurer shall promptly report to the International Executive Board any major deviation from the approved budget.

Section 8. The International Secretary-Treasurer shall prepare (1) a monthly financial report, which shall be submitted to each member of the International Executive Board, and (2) a quarterly financial report, which shall be submitted to each member of the International Executive Board and to each subordinate body.

Section 9. The International Secretary-Treasurer shall make available for inspection at International Headquarters at all reasonable times, to any International officer or to the duly authorized representative of the International President or of any subordinate body, all books and records, including minutes of any meeting of the International Executive Board, which are in the International Secretary-Treasurer's custody. All financial records of the International Union shall be retained, in their original form, for a minimum of six years from the date of such records.

Section 10. All accounts of the Federation shall be audited immediately following the close of each fiscal year, or, at the direction of the International President, the International Secretary-Treasurer,

or the International Executive Board, at more frequent intervals, by a Certified Public Accountant, who shall be appointed by the International Secretary-Treasurer with the approval of the International Executive Board. The audit report shall be transmitted to the International President, the International Secretary-Treasurer, and each International Vice President, and to each subordinate body as promptly as possible after completion of the audit.

Section 11. The International Secretary-Treasurer shall be a delegate to all conventions of the American Federation of Labor and Congress of Industrial Organizations.

Section 12. The International Secretary-Treasurer is authorized, with the approval of the International Executive Board, to improve the bookkeeping system of the Federation and to prescribe minimum standards for the maintenance of financial records for subordinate bodies, including financial records concerning any health and welfare, pension, insurance or other benefit programs covering members of such subordinate bodies. Whenever any such minimum standards have been adopted and approved, subordinate bodies shall be obliged to meet such standards. The International Secretary-Treasurer shall require an annual report from each subordinate body, on forms to be supplied by the International Secretary-Treasurer's office. Such report shall be in sufficient detail as to indicate whether or not the prescribed minimum standards are being met. Each council and each local union with 2,000 or more members shall adopt an annual budget in advance of its fiscal year, which shall set forth the anticipated income and the sources

ARTICLE VI

thereof and the anticipated expenditures and their purposes. Each council and each local union with 2,000 or more members shall be required to submit a copy of its budget to the International Secretary-Treasurer within ten days after its adoption and to promptly notify the International Secretary-Treasurer of any major modifications in, or deviations from, the budget as originally submitted. Each council and each local union with 2,000 or more members shall be required to prepare quarterly financial statements which shall include a balance sheet and an operating statement, a copy of which shall be submitted to the International Secretary-Treasurer. The International Secretary-Treasurer is authorized, with the approval of the International Executive Board, to prescribe minimum standards for the form and content of such quarterly financial statements, and each council and each local union with 2,000 or more members shall be obligated to meet such standards.

The provisions of Article IX, Section 31 of this Constitution establish the parameters of AFSCME's Affiliate Audit and Review Program. The documentation required above shall not be eliminated or replaced by documentation submitted in conjunction with the annual Affiliate Audit and Review visit.

Section 13. The International Secretary-Treasurer shall have the power, either in person or by designee, to examine and audit the books and accounts of subordinate bodies, including any books and accounts concerning health and welfare, pension, insurance or other benefit programs covering members of such subordinate bodies at any time. Immediately upon the initiation of any such examination and audit, the International Secretary-

Treasurer shall notify the International President that such action has been taken. The results of any such examination and audit, and any written report, shall be transmitted to the International President as promptly as possible.

Section 14. The International Secretary-Treasurer shall be responsible for maintaining current files on all claims which have been filed with regard to any officer or employee of the Federation or any subordinate body under the Union's surety bond coverage. Whenever the International Secretary-Treasurer receives notice that surety bond claim has been paid with regard to any individual for acts or omissions committed while such person was an officer or employee of the Federation or any subordinate body, the International Secretary-Treasurer shall immediately refer the matter to the Judicial Panel for proceedings to be held in accordance with the provisions of Articles X and XI of this Constitution. In any such proceeding, the International Secretary-Treasurer shall make available to the Judicial Panel all relevant documents and information in the possession of the International Union.

Section 15. If a vacancy occurs in the office of International President, the International Secretary-Treasurer shall assume the duties and responsibilities of the International President until such time as the vacancy in office is filled as provided in this Constitution.

Section 16. The International Secretary-Treasurer shall perform such other duties as may be requested by the International President or required by the International Executive Board or by this Constitution.

ARTICLE VII

ARTICLE VII

The International Vice Presidents

Section 1. International Vice Presidents shall be elected from each Legislative District, as established in Article IV, Section 27 of this Constitution, by the convention delegates from such Legislative Districts, at the 1972 regular biennial convention and at every second regular biennial convention thereafter.

Section 2. It shall be the duty of each International Vice President:

A. To attend and participate in all conventions of the Federation held during such Vice President's term of office.

B. To attend and participate in all meetings of the International Executive Board.

Section 3. Each International Vice President shall have the authority:

A. To serve on any committees of the International Executive Board to which such Vice President may be elected or appointed.

B. To perform such other duties as may be requested by the International President or the International Executive Board.

Section 4. No International Vice President shall become a salaried employee of the Federation without first resigning as an International Vice President. No salaried employee of the Federation shall be an International Vice President.

Section 5. If vacancies exist in the office of International President and the office of International Secretary-Treasurer simultaneously, the most senior International Vice President alphabetically

shall temporarily assume the duties and responsibilities of the International President until such time as the vacancy in office is filled as provided in this Constitution and shall issue a call for a special convention to fill the vacancy in that office as provided in this Constitution.

ARTICLE VIII

The International Executive Board

Section 1. The International Executive Board shall be the highest legislative and policy-making body of this Federation except when the Convention is in session. The International Executive Board shall possess all the legislative and policy-making authority of the Convention except the power to amend the Constitution and the power to act as the final authority on administrative appeals. The International Executive Board shall have the authority to make binding interpretations of this Constitution, and the rulings and decisions of the Board shall remain in full force and effect unless reversed by the Convention. The International Executive Board shall be composed of the International President, who shall serve as Chairperson; the International Secretary-Treasurer, who shall serve as Secretary; and all International Vice Presidents. Except as otherwise provided in Section 12 of this Article, each member of the International Executive Board shall have one vote on all matters on which a vote is taken. The Chairperson of the AFSCME Retiree Council shall, by virtue of holding that position, serve as the representative of the Retiree Council to the International Executive Board, and shall be entitled to attend and participate in meetings of the

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Board, with voice, but no vote, on matters coming before the Board.

Section 2. The International Executive Board shall meet immediately following final adjournment of the Convention, and shall hold at least four general meetings in each year. During any convention year, the International Executive Board shall hold one general meeting immediately preceding the Convention. Meetings will be held on the call of the International President or on call of a majority of the members of the International Executive Board upon written notice to the International President. A majority of the members of the International Executive Board shall constitute a quorum for the transaction of business. The International Secretary-Treasurer shall give reasonable notice of the time and place of all general meetings to all subordinate bodies. Such matters as subordinate bodies desire to present to the International Executive Board at these meetings shall be communicated in writing to the International President and the International Secretary-Treasurer. In addition to the four general meetings, special meetings may be called upon reasonable notice by the International President or by a majority of the members of the International Executive Board upon written notice to the International President. All meetings of the International Executive Board shall normally be open to all members of the Federation. Meetings may be closed if the Board decides, by majority vote, that serious injury or damage might otherwise be done to the Federation or any individual.

Section 3. The International Executive Board shall create from its membership an Executive Committee. The Executive Committee shall be

composed of the International President, who shall serve as Chairperson; the International Secretary-Treasurer, who shall serve as Secretary; and three other members, who shall be elected by and from the members of the International Executive Board. The Executive Committee shall meet on the call of the International President. Except as hereafter limited, the Executive Committee shall have the power to act on all matters on which the International Executive Board is empowered to act, subject to the approval of the International Executive Board at its next meeting. The Executive Committee shall not have the power to levy special assessments or to fill vacancies in the membership of the International Executive Board.

Section 4. The International Executive Board shall create from its membership a Finance Committee. The Finance Committee shall be composed of the International President, who shall serve as Chairperson; the International Secretary-Treasurer, who shall serve as Secretary; and three other members, who shall be elected by and from the members of the International Executive Board. Except for the International President and International Secretary-Treasurer, International Executive Board members who are members of the Executive Committee shall be ineligible to serve on the Finance Committee. The Finance Committee, in the name of the American Federation of State, County and Municipal Employees, shall have authority to invest funds of the Federation in interest-bearing securities of the United States Government, or in such other securities and investments as the Finance Committee shall deem to be for the best interests of the Federation, and in accordance with sound investment principles, subject to prior approval of the

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International Executive Board. All securities and other evidence of investments shall be placed in a safe deposit box in the situs of the Federation headquarters and in the name of the American Federation of State, County and Municipal Employees in a bank selected by the Finance Committee, and access to such box shall be possessed only jointly by the International President and the International Secretary-Treasurer or by one of such officers and the authorized deputy of the other. All acts of the Finance Committee as provided herein shall be subject to the general direction and approval of the International Executive Board.

Section 5. The International Executive Board shall create from its membership a PEOPLE (Public Employees Organized to Promote Legislative Equality) Committee. The PEOPLE Committee shall consist of the International President, who shall serve as Chairperson; the International Secretary-Treasurer; and three International Vice Presidents. The PEOPLE Committee shall be authorized to make policy decisions on matters of federal legislation, subject to the approval of the International Executive Board. The PEOPLE Committee shall work with the appropriate headquarters and field staff to coordinate efforts on federal legislation and on meeting minimum standards for collective bargaining laws in the various states. The PEOPLE Committee shall, within the limitations of funds made available by the International Union, assist in promoting collective bargaining legislation and other legislative objectives of the Federation. In addition, the PEOPLE Committee shall have authority to solicit and accept voluntary financial contributions from American Federation of State, County and Municipal Employees' members to be

used in such manner as the Committee considers appropriate for the achievement of the legislative goals of the Federation. Notwithstanding any contrary provision in a subordinate body constitution regarding the submission of resolutions for consideration by such subordinate body, the International Union's PEOPLE Committee shall be authorized to submit resolutions concerning the implementation of this Section for consideration by any subordinate body, and such subordinate body shall be required to consider such resolutions as if they had been submitted in accordance with its constitution.

Section 6. The International Executive Board shall create from its membership a Committee on Organization and such other committees as it shall deem necessary. Each committee shall, from time to time, review the policies and practices of the Federation falling within the scope of the committee's assignment, and shall recommend to the International Executive Board such changes in policies and practices as the committee deems advisable. The International President shall serve as an ex-officio member of all such committees of the International Executive Board.

Section 7. The International Executive Board shall determine the time, date, and place for meetings of the regular biennial convention; provided, however, that such convention shall begin at some time between April 1 and September 30 in each evenly numbered year. For a specific purpose or purposes, which shall be clearly defined by the Board, a special convention may be called at any time by the International Executive Board.

Section 8. The International Executive Board shall elect, from among the members of the Fed-

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eration, delegates to conventions of the American Federation of Labor and Congress of Industrial Organizations and to conventions of all other organizations with which the Federation is affiliated; provided, however, that the International President and the International Secretary-Treasurer shall be delegates to all conventions of the American Federation of Labor and Congress of Industrial Organizations.

Section 9. The International Executive Board may establish an internal system for the bonding of officers and staff of local unions, subject to the provisions of applicable law, and shall have all powers necessary to carry out the purpose of this Section.

Section 10. Should a vacancy occur among the members of the International Executive Board, the vacancy shall be filled for the remainder of the unexpired term of office in the circumstances and in the manner provided in Sections 11, 12 and 13 of this Article. Any member so elected shall, upon assuming office, subscribe to the Obligation of an Officer contained in Appendix B of this Constitution.

Section 11. If the vacancy is that of International Vice President, the International Secretary-Treasurer shall, immediately after the vacancy occurs, notify all subordinate bodies in the Legislative District from which such Vice President was elected of the existence of the vacancy. Any subordinate body in such Legislative District may nominate candidates to fill such vacancy by action of such subordinate body. Such nominations must be submitted to the International President and the International Secretary-Treasurer not later than sixty days after the date on which the International Secretary-Trea-

surer sent the notice of the vacancy. In any case where there is only one eligible nominee to fill such vacancy, that nominee shall be declared elected. If there is more than one eligible nominee, the vacancy shall be filled by the calling of a special district convention of delegates from local unions, councils and retiree chapters within the Legislative District in which the vacancy occurs. Such special district convention shall be held within the geographical boundaries of the Legislative District and shall be presided over by the International President or his representative designated prior to the special district convention. The date, time and place of the special district convention shall be established by the International President; provided, however, that such special district convention shall be held not later than 180 days after the vacancy occurs. The requirements established by Article IV of this Constitution for International Conventions, except those contained in Article IV, Sections 10 and 11, concerning issuance of the convention call, bases of representation, delegate and voting strength formulae, qualification, election and certification of delegates, eligibility of subordinate bodies to participate and eligibility of nominees, shall be applied, except that only those candidates nominated as set forth above shall be candidates in the election at such convention and no further nominations shall be permitted from the floor. The special district convention call shall contain the names of all eligible persons nominated to fill such vacancy and shall establish, as a special order of business, the time for holding elections. If the vacancy occurs within 180 days of the opening of any regular biennial convention, no special district convention shall be called and the delegates to the regular biennial convention shall elect a Vice President.

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Section 12. If a vacancy occurs in the office of International Secretary-Treasurer, the International President shall call the International Executive Board into special session as quickly as possible and in no event later than the fifteenth day after the vacancy occurs. Nominations may be made by any member of the International Executive Board. To be eligible for election as International Secretary-Treasurer, a nominee must have been a member in the Federation for at least five years continuously at the time of the election. Following nominations, the members of the International Executive Board shall then proceed to vote, by secret ballot, as follows:

A. Each International Vice President shall be entitled to cast a number of votes equal to the number of votes to which all properly seated delegates from the Legislative District represented by the International Vice President were entitled at the most recent regular biennial convention. In any case where more than one International Vice President represents a single Legislative District, the votes to which such Legislative District is entitled shall be divided equally among such International Vice Presidents, with any fraction to be counted as a full vote.

B. The International President shall be entitled to cast a number of votes equal to the highest number which any International Vice President is entitled to cast.

A majority of the total votes cast shall be required to fill the vacancy. If no candidate receives a majority, a second ballot shall be prepared which shall contain only the names of the two candidates receiving the highest number of votes on the first ballot and a run-off election shall be held. If the vacancy occurs within fifteen days prior to the opening of a regular biennial convention, the Inter-

national Executive Board shall leave the vacancy unfilled. An International Secretary-Treasurer elected to fill a vacancy pursuant to this Section shall serve only until the installation of a successor at the conclusion of the next regular biennial convention following the occurrence of the vacancy. The delegates to the next regular biennial convention following the occurrence of the vacancy shall elect the International Secretary-Treasurer for the remainder of the unexpired term, or for the full term pursuant to Article IV, Section 26.

Section 13. If a vacancy occurs in the office of International President, a special convention, to fill the vacancy for the remainder of the unexpired term, shall be held within ninety days after the vacancy occurs. The requirements established by Article IV of this Constitution for International Conventions, concerning issuance of the convention call, basis of representation, delegate and voting strength formulae, qualification, election and certification of delegates, eligibility of subordinate bodies to participate and eligibility of nominees, shall be applied for such special convention, except that the certification required under Article IV, Section 9, may be made up to ten days prior to the convention. The special convention call shall contain an agenda limited to the call to order, adoption of rules, nominations and acceptance thereof, voting and report thereon and the installation of the newly elected International President. No other matter shall be in order at such special convention. If the vacancy occurs within 180 days of the opening of any regular biennial convention, no special convention shall be called and the delegates to the regular biennial convention shall elect the International President for the remainder of the unexpired term, or for the full term pursuant to Article IV, Section 26.

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Section 14. The International Executive Board shall receive from the International President, in advance of each fiscal year, a proposed budget for the coming year. The International Executive Board shall receive from the International Secretary-Treasurer, at the same time and in writing, any criticisms, objections, or comments on the budget which the Secretary-Treasurer deems necessary or proper. The proposed budget shall be subject to revision and approval by the International Executive Board. The International Executive Board shall, at the time of approval of the budget, establish annual salaries for the International President and the International Secretary-Treasurer, which salaries shall be not less than the minimum salaries established elsewhere in this Constitution.

Section 15. The International Executive Board shall determine the respective amounts of the surety bonds to cover the International President, the International Secretary-Treasurer, the authorized deputy or deputies of each, and such other employees of the Federation as the Board shall deem necessary. The minimum bond for the International President, the International Secretary-Treasurer, and their authorized deputy or deputies shall be not less than ten percent of the assets handled by the Federation annually, except that no bond shall be required in an amount greater than \$500,000.

Section 16. The International Executive Board shall approve the appointment by the International Secretary-Treasurer of a Certified Public Accountant, who shall audit all accounts of the Federation immediately following the close of each fiscal year, or, at the discretion of the International President or the International Executive Board, at

more frequent intervals.

Section 17. The International Executive Board may authorize the International President and the International Secretary-Treasurer to borrow, on behalf of the American Federation of State, County and Municipal Employees, such funds as may be required from time to time to carry on the work of the Federation; provided, that no funds shall be borrowed nor credit pledged in the name of the Federation without advance authorization by the Board.

Section 18. Special assessments may be levied by order of the International Executive Board when in its judgment such special assessments are necessary; but in no circumstances shall such special assessments exceed the sum of twenty-five cents per member in one month, nor shall there be more than two such special assessments in any calendar year. Revenue derived from special assessments shall be expended only for the purposes for which such special assessments were levied, except that any excess shall revert to the general fund of the Federation.

Section 19. In any matter coming before the International Executive Board for review or on appeal, the Board may, by majority vote, authorize any person or persons of its own choosing to conduct, in the name of the International Executive Board, an investigation or hearing on the matter and to make a report of findings and recommendations to the Board for decision by the Board; and any decision made by the Board under such procedure shall have the same force and effect as if the investigation or hearing had been conducted by the International Executive Board as a body. In making such authorizations, the International Executive Board may act on individual appeals or may make general autho-

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rizations covering specific types of appeals and for specific periods of time.

Section 20. Notwithstanding any other provision of this Constitution, the International Executive Board shall have the authority to order the immediate suspension, pending full investigation, of officers or staff employees of the International Union who in its opinion are engaging in conduct imminently dangerous to the welfare of the International Union. Such action shall not affect the membership rights of an officer or staff employee so suspended. In any such situation, the order of the International Executive Board shall be in effect for no more than thirty days, and may not be renewed unless formal charges have been filed against the officer or staff employee so suspended within the thirty-day period.

Section 21. The International Executive Board shall, at each regular biennial convention, present a written report to the delegates, in printed or electronic format, provided that a printed copy shall be provided to any delegate who requests it, concerning the Board's activities since the preceding regular biennial convention. It shall be the responsibility of the International Secretary-Treasurer to prepare the report. The International Executive Board shall review and make a recommendation to the Convention on any proposal to amend the Constitution.

Section 22. The International Executive Board shall carry out such other duties and exercise such other authorities as may be set forth in any other portion of this Constitution.

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Subordinate Bodies

Section 1. The American Federation of State, County and Municipal Employees may charter such subordinate bodies as are provided for in this Article. The charter of each subordinate body shall conform to the Constitution, laws, rules, and regulations of the Federation, and in default thereof such charter may be suspended or revoked in accordance with procedures provided by this Constitution. It shall further provide that should such subordinate body be suspended, expelled, or forfeit such charter, then the persons to whom such charter was granted and their successors bind themselves to surrender the same and also promptly to surrender, deliver and assign to the American Federation of State, County and Municipal Employees all funds, books, records, collective bargaining agreements and any other memoranda of understanding or other agreements concerning the wages, hours, or terms and conditions of employment of members of such subordinate body, and other properties of whatever nature or description of such subordinate body. The name and number of each subordinate body are the property of the American Federation of State, County and Municipal Employees. Upon disaffiliation, suspension or revocation of its charter the name and number of such subordinate body shall revert to the American Federation of State, County and Municipal Employees, and such subordinate body shall thereupon cease and desist from using such name and number for any purpose whatsoever. The American Federation of State, County and Municipal Employees shall afford such subordinate bodies all their rights and privileges as chartered unions of the American Federation of

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State, County and Municipal Employees under the constitution, laws, rules and regulations of this Federation. Charters shall be signed by the International President, the International Secretary-Treasurer, and the members of the International Executive Board.

Section 2. The American Federation of State, County and Municipal Employees may charter local unions in any appropriate jurisdiction, as determined by the International Executive Board or by the International President, subject to the approval of the International Executive Board. Each local union charter shall establish the name, the number, and the jurisdiction of such local union.

Section 3. An application for a local union charter shall contain the names and addresses of not fewer than ten persons eligible for membership in the local.

Section 4. Upon organization of a local union, the secretary of the local union shall submit to the International Secretary-Treasurer a complete list of the names and addresses of all officers and members. The terms of office shall also be included, in the case of officers. The appropriate officer of each local union shall thereafter see that the names of all members and the address of each and any changes in such names and or addresses are reported to the International Secretary-Treasurer. The names, addresses and terms of office of newly elected officers shall also be reported to the International Secretary-Treasurer as soon as such officers are elected.

Section 5. The minimum dues of any local, exclusive of any amounts which may be allocated for any form of group insurance or welfare programs, beginning with the month of January 1979,

shall be not less than eight dollars per month, allocated as follows: one dollar to the local, four dollars and ten cents as per capita tax to any AFSCME council or councils with which the local is affiliated, and two dollars and ninety cents as per capita tax to the International Union. In the case of any local union which is not affiliated with an AFSCME council or which is affiliated only with an AFSCME council which does not have as a primary purpose the providing of staff assistance for organizing, servicing and negotiations at the local union level, the allocation shall be as follows: five dollars and ten cents to the local, and two dollars and ninety cents as per capita tax to the International Union. Effective January 1, 1999, the minimum dues rate and the rate of International per capita tax established pursuant to this Section and Section 6 of this Article shall be increased by fifty cents; the minimum dues rate and the rate of International per capita tax for members who have regular work schedules of twenty or fewer, but more than twelve, hours per week shall be increased by forty cents; and the minimum dues rate and the rate of International per capita tax for members who have regular work schedules of twelve or fewer hours per week shall be increased by twenty-five cents. Effective January 1, 2000, the minimum dues rate and the rate of International per capita tax established pursuant to this Section and Section 6 of this Article shall be increased by an additional fifty cents; the minimum dues rate and the rate of International per capita tax for members who have regular work schedules of twenty or fewer, but more than twelve, hours per week shall be increased by an additional thirty-five cents; and the minimum dues rate and the rate of International per capita tax for members who have regular work schedules of twelve or fewer hours

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per week shall be increased by an additional twenty-five cents. Effective January 1, 2005, and continuing through June 30, 2006, the minimum dues rate and the rate of International per capita tax established pursuant to this Section and Section 6 of this Article shall be increased by an additional fifty cents; the minimum dues rate and the rate of International per capita tax for members who have regular work schedules of twenty or fewer, but more than twelve, hours per week shall be increased by an additional thirty-five cents; and the minimum dues rate and the rate of International per capita tax for members who have regular work schedules of twelve or fewer hours per week shall be increased by an additional twenty-five cents.

Effective July 1, 2006, and continuing thereafter, the increases in the minimum dues rates that expired on June 30, 2006 shall be restored. Effective January 1, 2007, and continuing thereafter, the increases in the International per capita tax rates that expired on June 30 shall be restored.

Effective January 1, 2007, the minimum dues rate and the rate of International per capita tax shall be increased by an additional one dollar and twenty-five cents; the minimum dues rate and the rate of International per capita tax for members who have regular work schedules of twenty or fewer, but more than twelve, hours per week shall be increased by an additional ninety-five cents; and the minimum dues rate and the rate of International per capita tax for members who have regular work schedules of twelve or fewer hours per week shall be increased by an additional sixty-five cents.

Effective January 1, 2008, the minimum dues rate and the rate of International per capita tax shall be increased by an additional seventy-five cents; the minimum dues rate and the rate of International

per capita tax for members who have regular work schedules of twenty or fewer, but more than twelve, hours per week shall be increased by an additional fifty-five cents; and the minimum dues rate and the rate of International per capita tax for members who have regular work schedules of twelve or fewer hours per week shall be increased by an additional forty cents.

Effective January 1, 2009, the minimum dues rate and the rate of International per capita tax shall be increased by an additional fifty cents; the minimum dues rate and the rate of International per capita tax for members who have regular work schedules of twenty or fewer, but more than twelve, hours per week shall be increased by an additional thirty-five cents; and the minimum dues rate and the rate of International per capita tax for members who have regular work schedules of twelve or fewer hours per week shall be increased by an additional twenty-five cents.

Section 6. The dues of each local union shall be adjusted annually in accordance with the average percentage increase in pay of AFSCME members and persons making service or similar payments to a local union in lieu of dues under agency shop or similar provisions as determined in accordance with Section 7 of this Article (“average percentage increase”). For purposes of this section, the term “increase in pay” shall have the meaning provided in Article XII, Section 6 of this Constitution. That percentage increase shall be applied to the existing minimum dues amount in order to determine the amount of increase in dues and thereby establish a new minimum dues rate. The increase shall be allocated as follows: ten percent to the local union, sixty percent to the AFSCME council or councils with which the local is affili-

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ated, and thirty percent to the International Union, except that the portion of such increase that would otherwise be allocated to the International Union in the years 2007, 2008 and 2009 shall, instead, be allocated to the council; provided that in the case of any local union which is not affiliated with an AFSCME council or which is affiliated only with an AFSCME council which does not have as a primary purpose the providing of staff assistance for organizing, servicing and negotiations at the local union level, the increase shall be allocated seventy percent to the local union and thirty percent to the International Union, except that the portion of such increase that would otherwise be allocated to the International Union in the years 2007, 2008 and 2009 shall, instead, be allocated to such local; and provided further that in the case of a local union which is affiliated both with an AFSCME council which has as a primary purpose the providing of staff assistance for organizing, servicing and negotiations at the local level and with an AFSCME council that does not have such a primary purpose, the council portion of the increase shall be allocated entirely to the council that has the described purpose, and in all cases the amounts to be allocated shall be rounded to the nearest five cents. The International Secretary-Treasurer shall each year notify each subordinate body of the increased amount of dues as soon as possible after the certified calculation pursuant to Section 7 of this Article has been completed, and the increased dues shall be effective beginning with the month of January of the following year.

Effective January 1, 2015, and annually thereafter, the dues of each local union shall be adjusted by applying the average percentage increase to its established dues rate: provided, however, that the

increase in the local union dues rates shall be no less than the minimum dues rate increase established above by the International Union and allocated to local unions. The established per capita tax of councils shall be adjusted by applying the average percentage increase to its established per capita tax rates; provided, however, that the increase in the council per capita rate shall be no less than the Council's share of the minimum dues increase established above by the International Union and allocated to councils.

Any local union that has increased its dues within the preceding calendar year by an amount greater than that required by the formula herein shall be credited with that excess amount as an offset against any increase that may be required hereunder. Further, for any local union which has a progressive or percentage dues structure which continues to remain in effect, the local union shall receive, on an accrual basis, credit for all dues increases since June 30, 1976, that put its dues above the minimum established in Section 5 above, and said credit shall be used as an offset, to the extent required, for all increases in or after January 1980, that would otherwise be required under the dues structure set forth herein, except that the International Union per capita taxes as adjusted must in any event be paid and that the local and council shares are no lower than the minimum.

Any future dues increases of any local union which exceed in amount any dues increases required hereunder in or after January 1980 shall accrue to the credit of said local union on a cumulative basis and may, to the extent of such accrued amount or any portion thereof, and to the extent required, be used as an offset to any dues increase that may be required hereunder, except that the International

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Union per capita tax as adjusted must in any event be paid and that the local and council shares are no lower than the minimum.

By January 31 of each year, each subordinate body shall notify the International Secretary-Treasurer of any credits which it claims and the steps that it has taken to make the adjusted dues effective. The schedule of local union dues shall be specified in the local union constitution.

Under special circumstances, which shall be clearly described in the request, the International Executive Board or the International President, subject to the approval of the International Executive Board, may at the request of a subordinate body, approve for limited and specifically defined periods of time the establishment of a different dues or per capita rate for a subordinate body, except that in no case may the International Union per capita tax rate be diminished. The International Executive Board, or the International President, subject to the approval of the International Executive Board, shall also have the authority, except as limited by the provisions of Section 12 of this Article, at the request of a subordinate body and where necessary to prevent injustice, to issue rulings with respect to the levying of agency shop or similar service fees.

Any local union or portion thereof that, prior to January 1, 2000, had received an exemption from an otherwise required increase in dues on the basis of hardship, shall, no later than January 1, 2000, increase its dues rate, and the rates of per capita tax it pays to the International Union and to the council, if any, with which such local is affiliated, to the minimum rates then in effect pursuant to this Section. Under special circumstances, which shall be clearly described in the request, the International Executive Board or the International President, subject to the

approval of the International Executive Board, may, at the request of a local union, grant such local union additional time, not to exceed four years, to increase its dues rate, and the rates of per capita tax it pays to the International Union and to the council, if any, with which such local union is affiliated, to the minimum rates then in effect pursuant to this Section.

Section 7. Each subordinate body shall submit a copy of any collective bargaining agreements, memoranda of understanding or other agreements affecting the wages of its members to the International Secretary-Treasurer within thirty days after their ratification. In any case in which wage adjustments are made through interest arbitration, fact-finding, or any similar process, the award or report resulting from such process shall be submitted to the International Secretary-Treasurer within thirty days after its issuance. In any case in which wage rates are established by law, ordinance, regulation, or similar public enactment, a copy of such law, ordinance, regulation or similar public enactment shall be submitted to the International Secretary-Treasurer within thirty days after its enactment. With the documents referred to above, each subordinate body shall also submit, on a form prescribed by the International Secretary-Treasurer, such information regarding any wage adjustments received by its members as may be required by the International Secretary-Treasurer.

From the above document and reports, the International Secretary-Treasurer shall determine, by September 30 of each year, the average percentage increase in pay received by AFSCME's members and persons making service or similar payments to a local union in lieu of dues under agency shop or similar provisions over the twelve-

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month period ending with the preceding July 31; provided, that the International Secretary-Treasurer shall not make such determination unless it is based on wage data covering at least 75 percent of AFSCME's membership, including persons making service or similar payments to a local union in lieu of dues under agency shop or similar provisions, as of the preceding July 31. Upon completion of this calculation, the International Secretary-Treasurer shall cause it to be audited by an independent certified public accountant not otherwise connected with AFSCME, who shall be appointed by the International President, subject to the approval of the International Executive Board. Such audit shall certify the accuracy of the International Secretary-Treasurer's calculation and advise the International Secretary-Treasurer of any errors in the calculation which may have affected the resulting figure. Upon receipt of such certification, the International Secretary-Treasurer shall notify the International Executive Board and each subordinate body of the resulting adjustment in dues and per capita tax required to be implemented the following year.

Section 8. The minimum dues for members who have regular work schedules of twenty or fewer, but more than twelve, hours per week shall be three-quarters of the minimum dues established in Section 5 of this Article, with the same proportionate allocation, and this three-quarters rate shall also apply to the annually adjusted dues amount established in Section 6. The minimum dues for members who have regular work schedules of twelve or fewer hours per week shall be 50 percent of the minimum dues established in Section 5 of this Article, with the same proportionate allocation, and this 50 percent rate shall also apply to the annually adjusted dues

amount established in Section 6. The International Secretary-Treasurer is authorized to establish such rules and procedures as deemed necessary to carry out effectively the provisions of this Section.

Section 9. Local unions may, by appropriate constitutional provision, establish initiation fees and/or reinstatement fees, which fees shall not exceed twenty-five dollars.

Section 10. The appropriate fiscal officer of each local union shall, at the end of each month, remit to the International Secretary-Treasurer one-half of any amounts collected by the local as initiation fees and/or reinstatement fees and the per capita tax pursuant to Section 5 and Section 6 of this Article, except as provided in Section 15 of this Article. Per capita tax shall be paid on the number of individual monthly dues payments received by the local during the month, and an amount equal to the basic minimum per capita tax shall be paid by the local union in the same manner for each person making service or other similar payments to the local union in lieu of dues under agency shop or similar provisions. The appropriate fiscal officer shall certify on the report form that the report is accurate. The appropriate local union officer shall read at a regular local union meeting any communication from the office of the International Secretary-Treasurer regarding the failure of the local to remit its per capita tax or failure to do so promptly and in accordance with the Constitution. Failure of a local union to remit its International per capita tax for any month by the 15th day of the following month shall result in the local being declared delinquent. Failure of a local union to remit its International per capita tax for any month within sixty days after

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such local is declared delinquent shall result in the suspension of the local, and the International Secretary-Treasurer shall notify the local of its suspension. The International President may order any local union which remains suspended under this Section for more than thirty days disbanded, and all funds and properties of the disbanded local shall be transmitted to the International Secretary-Treasurer in accordance with the provisions of Section 36 of this Article. Any such disbandments shall be reported by the International President to the International Executive Board. In the case of a local union or other subordinate body whose dues are paid to the council with which such local or subordinate body is affiliated, as provided in Section 11 of this Article, the obligations to pay International Union per capita tax and submit reports established by this Section shall be carried out by the appropriate fiscal officer of such council.

Section 11. Effective January 1, 2017, the dues of all members of a local union that is newly chartered and affiliated with a council shall be collected through a system of central collection. If the dues of members of a local union are collected by the council with which such local is affiliated through a system of central collection on or after July 1, 2000, the dues of members of that local shall continue to be collected in the same manner thereafter. In the case of any subordinate body that is affiliated with a council, whether such subordinate body is chartered or not, which does not pay its per capita tax to the International Union or to such council, as provided in this Constitution, for three consecutive months, the International President shall require that, thereafter, the dues of the members of such subordinate body shall be received directly by such council through central collection. Additionally, a

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council may request that the International President require, with the approval of the International Executive Board, that the dues of the members of a subordinate body affiliated with such council be received directly by such council through central collection. Under central collection, when dues are collected by payroll deduction, the full amount of such dues shall be transmitted directly by the employer of such members to the appropriate fiscal officer of such council, or, in the case of any such subordinate body that cannot cause the dues of its members to be paid directly to the council with which it is affiliated or does not collect dues by payroll deduction, the full amount of all dues collected by such subordinate body shall be transmitted to the appropriate fiscal officer of such council within thirty days after the receipt of such dues. As used in this Section, the term "council" shall be deemed to include any organizing committee and any local union that is not affiliated with a council or organizing committee. The term "subordinate body" shall be deemed to include any local union, chapter or similar organization that is affiliated with a council, as defined in this Section, whether such subordinate body is chartered or not. All dues received by a council shall, immediately upon receipt, be deposited in a dues trust account. The term "dues trust account" shall have the meaning provided in Section 12 of this Article. Within forty-five days after the receipt of dues paid by members of its affiliated subordinate bodies as provided in this Section, a council shall deduct and remit to the International Secretary-Treasurer all amounts due as International Union per capita tax and shall distribute the remainder of such dues as provided in the constitution of such council; provided, that a council shall be deemed to be in

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compliance with the requirements of this sentence if it remits the full amount of International Union per capita tax and then distributes the remainder of such dues for any month no later than the fifteenth day after the council has received all dues for such month that are paid by payroll deduction or transmitted in full to the council by its affiliated subordinate bodies. The appropriate fiscal officer of each council shall be responsible for preparing and submitting, on behalf of its affiliated subordinate bodies for which it centrally collects dues, all reports required by this Constitution regarding receipt of dues and the payment of International Union per capita tax. For purposes of this Section, the term “dues” shall be deemed to include all amounts paid as service or other similar payments in lieu of dues under agency shop or similar provisions.

Section 12. The term “dues trust account” shall mean an account of a subordinate body into which all dues, including payments in lieu of dues made pursuant to agency shop or similar provisions, and all per capita taxes or similar payments, are deposited upon their receipt by such subordinate body. A dues trust account shall be separate from the subordinate body’s general treasury, operating or other accounts. Prior to transferring any funds from its dues trust account to its general treasury or other accounts, all per capita taxes payable to the International Union, to any AFSCME council or to any other affiliated organization, any rebates payable to affiliated subordinate bodies and any funds included in, or deducted and paid to the union with, such dues that are required to be paid to any benefit fund or trust or insurance company shall be paid from the dues trust account.

Section 13. In any case in which a council

or local union received funds from its affiliated local union or other subordinate bodies, or from employers of their members, pursuant to Section 11 of this Article or otherwise, the amounts so received shall be deposited immediately in a dues trust account and the amounts so deposited shall not be withdrawn or otherwise transferred or paid except as provided in this Constitution. In the event that any subordinate body does not maintain or operate its dues trust account as required by this Constitution or fails to make payments from such account in a timely manner as required by this Constitution, the International President shall have the authority to require that a cooperative dues trust be established for such subordinate body, either in addition to or in place of its regular dues trust account. When a cooperative dues trust is established, all funds that would otherwise be required to be deposited in the subordinate body's dues trust account shall first be deposited in the cooperative dues trust account. A cooperative dues trust shall be maintained in an account that requires the signatures of an authorized representative of the subordinate body and a representative of the International Union designated by the International President to transact business on such account. When a cooperative dues trust has been established, no funds may be withdrawn, transferred or paid from such account without the consent of the subordinate body and the International Union. The subordinate body shall be required to continue using a cooperative dues trust until the International President determines that its use is no longer necessary. A subordinate body may appeal to the International Executive Board for termination of the requirement that it use a cooperative dues trust on the ground that it has been continued longer than is necessary;

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provided, that no such appeal may be made within six months of a prior decision by the International Executive Board regarding the continuation of a cooperative dues trust.

Section 14. Any member, except those who are members pursuant to a union shop or similar provision, who objects to the expenditure of any portion of dues for partisan political or ideological purposes shall have the right to dissent from such expenditures. The amount of the Union's expenditures for such purposes shall be determined annually in the following manner. For the International Union, the International Secretary-Treasurer shall by April 1 each year ascertain the total expenditures of the described kind during the preceding fiscal year, and shall determine therefrom mathematically the portion of per capita payment or its equivalent which is subject to rebate. For each council and local union which has made expenditures of the described kind, its chief fiscal officer shall make like calculations by April 1 or, if some other date is more appropriate to the council or local fiscal year, then by such other date. An objector shall file written notice of an objection by registered or certified mail with both the International Secretary-Treasurer and the appropriate subordinate body between April 1 and April 16 of each year, stating those subordinate bodies to which dues payments have been made. An objection may be renewed from year to year by written notification by registered or certified mail to the International Secretary-Treasurer during the stated period each year. Each year, during February, the International Union shall set forth in its regular publication a description of this system including the dates within which notice of objection must be filed. An application for partisan political or ideological rebate shall be forwarded to the

objector to be completed and returned in accordance with procedures that shall be established by the International President, subject to the approval of the International Executive Board. Such application shall require the objector to identify the partisan political or ideological activities to which objection is being made.

The International Secretary-Treasurer shall transmit each approved application to the chief fiscal officer of each subordinate body that received a portion of the objector's dues. Each subordinate body and the International Union shall provide a rebate to each objector who has filed a timely objection and an approved application for a rebate; provided that such rebate may be limited to the objector's pro rata share of those partisan political and ideological activities of the Union that have been identified in the application filed by the objector.

If an objector is dissatisfied with the proportional allocation that has been established on the ground that assertedly it does not accurately reflect the expenditures of the International Union or subordinate body in the defined areas, an appeal may be taken to the Judicial Panel. Any such appeal must be filed in writing within fifteen days of receipt of the rebate check from which appeal is made. If an appeal has been timely filed, the Judicial Panel shall schedule a hearing under the rules of procedure of the Judicial Panel. The decision of the Judicial Panel on such appeal shall be issued within a reasonable time. If an objector is dissatisfied with the decision of the Judicial Panel, a further and final appeal may be taken to the next International Convention.

Section 15. The International Executive Board shall establish procedures to protect the constitu-

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tional and statutory rights of persons who are members pursuant to a union shop or similar provision, and other persons making service or similar payments to a local union in lieu of dues under agency shop or similar provisions, to object to the expenditures of any portion of their dues or fees for partisan political or ideological purposes not germane to collective bargaining or for such other purposes as to which they may have a right to object under applicable law. The procedure shall be established and operated so as to insure compliance with applicable law, and its requirements shall include:

A. Notice to all persons of the portions of dues or fees that have been determined to be chargeable to them, and of those portions which may be subject to their objection, including appropriate financial information which will allow them to evaluate that determination;

B. An opportunity for such persons to challenge such determination and receive a prompt decision by an impartial decision-maker; and

C. An independently verified escrow of all portions reasonably in dispute of the dues or fees of those who challenge such determination, pending completion of the challenge procedure.

The procedure required by this Section shall establish the criteria to be used in determining whether expenditures are chargeable or subject to objection, which criteria shall be applied unless different criteria are required to be used under applicable law.

For any person who is permitted to pay a reduced service fee or dues, or who receives an advance rebate, pursuant to the procedure established under this Section, the per capita taxes otherwise payable to the International Union and the council shall be reduced to that percentage of the per capita

tax which is determined by or on behalf of each of those bodies, respectively, to be chargeable to objectors. For any person paying a reduced service fee pursuant to a law limiting such fees to a stated percentage of dues, the per capita tax otherwise payable to the International Union shall be limited by the same percentage. If a challenge to the International Union's determination of its chargeable expenditures results in a decision requiring a reduction in the dues or fees received by a local union, or an increase in the amount of its advance rebates, the International Union shall, promptly after receipt of any per capita tax payment from such local union, rebate to such local union an amount equal to the reduction in dues or fees, or the increase in advance rebates, incurred by such local union in connection with the dues or fees on which such per capita tax payment was made.

Section 16. Any local union which, at the time of the adoption of this provision, is governed by a local union constitution which has been approved in writing by the International President may continue to be governed by such constitution, subject to the further provisions of this Constitution. Any local union which, at the time of the adoption of this provision, is not governed by a local union constitution which has been approved in writing by the International President, and any local union which shall be chartered after the adoption of this provision, shall be governed by the provisions of the Constitution for Local Unions contained in Appendix C of this Constitution.

Section 17. The constitution of each local union shall contain a provision establishing a quorum for local union meetings. In the case of any local union whose constitution does not contain a provision

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establishing a quorum, the quorum for meetings of such local union shall be ten percent of the membership in good standing in such local union.

Section 18. The constitution of each local union shall provide for the election of local union officers. No officer may be elected for a term of office to exceed three years. The constitution of a local union may prescribe reasonable eligibility requirements, including a requirement regarding length of membership, for candidates for local union offices, which requirement shall in no case be greater than the length of the term of the office sought. The appropriate officer of each local union shall report the names, addresses and terms of office of each newly elected officer to the International Secretary-Treasurer as soon as such officers are elected. The International Secretary-Treasurer shall then issue credential cards to each officer. Such cards shall contain the name and term of office of the officer and shall be in force only during said term of office. They shall not be issued until the International Secretary-Treasurer is notified in writing of the name, address, and term of office of the newly elected officer and, once issued, they shall constitute valid evidence of the incumbency of the local union officer holding such card.

Section 19. Any local union wishing to amend, revise, replace or otherwise change its constitution may do so by a two-thirds vote of the members voting, providing proper and adequate notice has been given to all members of the proposal to amend, revise, replace or otherwise change such local constitution and subject to the provisions of Section 49 of this Article. A local union may amend its constitution to provide that said constitution may be amended, revised, replaced, or otherwise

changed by a majority vote of the members voting subject to the following procedure: Proposed amendments must be read at a regular or special meeting of the local union and read and voted on at a subsequent meeting of the local union or voted upon by mail ballot referendum. Adequate and proper notice must have been given to the membership prior to the date on which the vote is taken or the mail ballots are to be returned. A written copy of the proposed amendment shall be furnished to each eligible voter at the meeting at which the vote is taken or in the mail ballot materials.

Section 20. Local unions shall affiliate with and actively participate in the affairs of central, area and state bodies of the AFL-CIO in their respective localities, except when a local union applies for permission to abstain from such affiliation and permission is granted by the International Executive Board or by the International President, subject to the approval of the International Executive Board. Beginning with the month of January 2007, councils, as defined in Section 11 of this Article, that receive dues for their affiliated local unions, shall be authorized to deduct from such dues and pay on behalf of each local the amounts owed by such local as per capita tax to the appropriate AFL-CIO central body or area labor federation, and any council that exercises this authority shall be required to promptly report to each local all such deductions and payments made on its behalf. Beginning with the month of January 1989, and each month thereafter, the International Union shall pay to the AFL-CIO, on behalf of each local union, such amounts as per capita tax as may be required to insure that each local union is fully affiliated, and maintained

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in good standing, with the appropriate state body of the AFL-CIO.

Section 21. Any local union having, for three consecutive months, a paid membership of fewer than ten members or having, for any three consecutive months, an average of fewer than ten members, shall be considered to have disbanded, and all funds and properties of the disbanded local shall be transmitted to the International Secretary-Treasurer in accordance with the provisions of Section 36 of this Article. This Section, however, shall not apply where membership fluctuates because of seasonal employment; provided, however, the International President may, under special circumstances permit exceptions to the provisions of this Section.

Section 22. To extend the membership, to coordinate the activities of local unions, and to render greater service to the membership, the American Federation of State, County and Municipal Employees may charter councils composed of local unions in any appropriate jurisdiction, as determined by the International Executive Board or by the International President, subject to the approval of the International Executive Board. Each council charter shall establish the name, the number, and the jurisdiction of such council.

Section 23. The council constitution shall clearly define the purpose and functions to be fulfilled by the council, and shall establish the rate of per capita tax to be paid by the affiliated locals, which rate shall also be paid by the affiliated locals in the same manner for each person making service or other similar payments to the local union in lieu of dues under agency shop or similar provisions, unless the council constitution provides

otherwise. The constitution of a council may prescribe reasonable eligibility requirements, including a requirement regarding length of membership, for candidates for council offices, which requirement shall in no case be greater than the length of the term of the office sought. The appropriate officer of each council shall report the names, addresses and terms of office of each newly elected officer to the International Secretary-Treasurer as soon as such officers are elected. The International Secretary-Treasurer shall then issue credential cards to each officer. Such cards shall contain the name and term of office of the officers and shall be in force only during said term of office. They shall not be issued until the International Secretary-Treasurer is notified in writing of the name, address and term of office of the newly elected officer and, once issued, they shall constitute valid evidence of the incumbency of the council officer holding such card.

Section 24. Any council wishing to amend, revise, replace, or otherwise change its constitution may do so by a two-thirds vote or by majority vote, as provided in the council constitution. In the case of any council which has regular meetings more frequently than once a year, or in any case where an amendment is to be adopted by a majority vote, notice must be given to all locals of the proposal to amend, revise, replace or otherwise change such council constitution at least thirty days prior to the meeting at which the proposed amendments are to be considered. All amendments shall be subject to the provisions of Section 49 of this Article.

Section 25. Local unions shall affiliate and maintain affiliation with the proper council or councils unless, on application to the International Executive Board, permission is granted the local union

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not to affiliate with a council or to discontinue affiliation with a council. As used in this Section, the term "council" shall be deemed to include any organizing committee. The appropriate fiscal officer of each local union shall, at the end of each month, remit to the appropriate council financial officer the constitutionally established amounts required for the payment of per capita tax to the council with which the local is affiliated, except as provided in Section 15 of this Article. Per capita tax shall be paid on the number of individual monthly dues payments received by the local during the month, and an amount equal to the basic minimum per capita tax shall be paid by the local union in the same manner for each person making service or other similar payments to the local union in lieu of dues under agency shop or similar provisions. The obligation of a local union to pay per capita tax to the council with which such local is affiliated shall be deemed to have been met if the dues of members of such local, including any payments by persons making service or other similar payments in lieu of dues under agency shop or similar provisions, are paid to such council as provided in Section 11 of this Article.

Section 26. Each council shall pay an annual affiliation fee of five dollars, to be remitted to the International Secretary-Treasurer.

Section 27. In any case where the International President determines that an organizational opportunity requires the establishment of a structure to conduct organizational and related activities in a jurisdiction because there is no existing affiliate in such jurisdiction or because the existing affiliate does not have the capacity to successfully conduct such activities, the International President, subject

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to the advice and consent of the International Executive Board, may establish an organizing committee covering such jurisdiction. The International President shall promptly notify each subordinate body in the affected jurisdiction of the decision to establish an organizing committee, which shall not be effective until at least sixty days after the date of notice to the subordinate bodies in the affected jurisdiction. Any such subordinate body may, by action of such subordinate body, appeal the International President's decision to the International Executive Board by filing such appeal with the International Secretary-Treasurer within forty-five days after the date of notice of the International President's decision. The International President's decision may, upon the request of any subordinate body appealing from such decision, be stayed pending the International Executive Board's consideration of such appeal. If such a stay is requested, the International President may grant the stay or refer the request to the Executive Committee of the International Executive Board for consideration, in which case the decision of the Executive Committee on the request for a stay shall be final. If no stay is granted, the decision of the International President shall be effective on the date specified in the initial notice issued by the International President. Upon the establishment of an organizing committee in a jurisdiction where there is an existing council, and when practicable, such council shall be dissolved and the property of such council, including its right to receive per capita tax from its affiliated local unions, shall transfer to the organizing committee to be used in connection with such organizing activities. Upon the establishment of an organizing committee in a jurisdiction where there is no existing council, the organizing

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committee shall be entitled to the payment of per capita tax from the local unions in its jurisdiction as if it were a council, as provided in Section 25 of this Article, at a rate equal to the minimum council rate as determined in accordance with Sections 5 and 6 of this Article, to be used in connection with such organizing activities. The International President shall, in consultation with the subordinate bodies in the affected jurisdiction, appoint the members of any organizing committee established pursuant to this Section, who shall serve in an advisory capacity, and such staff as may be needed to conduct the affairs of such organizing committee, who shall serve under the direction of the International President and such representatives as may be designated by the International President. Upon the completion of the activities of the organizing committee, the International Union shall charter such subordinate body or bodies as it deems appropriate for the affected jurisdiction as otherwise provided in this Article, and any remaining property of any council that was dissolved in the course of establishing the organizing committee shall be assigned by the International Union to such subordinate body or bodies as determined by the International President.

Section 28. In any case where a multi-state employer conducts operations within the jurisdiction of more than one council or unaffiliated local and more than one council or unaffiliated local has a collective bargaining relationship with such employer, the International President, subject to the approval of the International Executive Board, may, if it is determined that the interests of the affected employees will be served by such action, establish a national bargaining committee covering all affiliates having a collective bargaining relationship

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with such employer. In determining whether the interests of the employees will be served by the establishment of a national bargaining committee, the factors to be considered shall include the number of jurisdictions in which such employer operates facilities; the number of AFSCME affiliates that have or are seeking a collective bargaining relationship with such employer; and the number of AFSCME members and employees that are covered and potentially may be covered by such collective bargaining relationships. When a national bargaining committee has been established, all affiliates having or seeking a collective bargaining relationship with such employer shall be required to participate in the national bargaining committee. All collective bargaining certificates, recognitions and agreements shall, as soon as practicable after the formation of the national bargaining committee, be assigned to and held in the name of the International Union, and any requests for recognition or petitions for certification as the representative of employees of such employer shall be made in the name of, and filed only with the authorization of, the International Union. In order to maintain employment standards thereafter, no collective bargaining agreement with such employer, including any local supplements to such agreement, shall be effective without the signature of an authorized representative of the International Union. The activities of each national bargaining committee shall be directed by the International President or an authorized representative of the International President. The establishment of a national bargaining committee with respect to any employer shall not affect the charter jurisdictions of the participating affiliates or their right to receive dues, fees or per capita taxes from the employees of such employer who

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are employed within their jurisdiction or the rights of the participating affiliates or their members to participate in decisions affecting their wages, hours or other terms and conditions of employment as otherwise provided in this Constitution.

Section 29. The American Federation of State, County and Municipal Employees may charter and name retired employee chapters and sub-chapters in any appropriate jurisdiction as determined by the International President, subject to the approval of the International Executive Board. Retired employee chapters and sub-chapters shall consist of retired persons who, prior to such retirement, were eligible for membership in AFSCME, and of the spouses of such persons. Councils and/or local unions not affiliated with councils, acting singly or in joint action with other such subordinate bodies in the same state, may sponsor organizations of retired persons who, prior to retirement, were eligible for membership in AFSCME and the spouses of such persons to carry on programs of interest to the sponsoring subordinate body or bodies and/or of special interest to retired persons. The sponsoring of such organizations shall be subject to the approval of the International Executive Board, or of the International President, subject to approval of the International Executive Board, and upon the granting of such approval the International Union shall issue a retired employee chapter or sub-chapter charter to such organization.

In appropriate circumstances the International Executive Board or the International President, subject to the approval of the International Executive Board, may establish more than one retired employee chapter or sub-chapter in which a retired person may become a member, and, under such cir-

cumstances, may require a retired person to hold a membership in more than one chapter or sub-chapter as a condition of membership in any one chapter or sub-chapter. Under such circumstances, the International Executive Board or the International President, subject to the approval of the International Executive Board, may make special provision for the dues which must be paid by a retired person who shall be eligible for membership in the relevant retired employee chapters or sub-chapters or who shall be required to be a member of more than one retired employee chapter or sub-chapter and for the per capita tax, if any, which must be paid upon the retired person's chapter or sub-chapter memberships.

The factors to be considered in determining the appropriateness of any charter for a retired employee chapter or sub-chapter shall include, but not be limited to, the concentration of eligible retirees in a given area, the prior work location of the relevant retirees and the source or sources of the relevant retirees' retirement income or retirement related benefits. All retired employee chapters and sub-chapters shall function under rules adopted by the International Executive Board. Such rules may recognize the special circumstances or needs of a given retired employee chapter or sub-chapter but shall not be inconsistent with the provisions of this Constitution, including the Bill of Rights for Union Members, and shall, among other things, establish:

A. The rules and procedures to govern elections and election protests in retired employee chapters and sub-chapters;

B. The rules and procedures to govern the filing and processing of charges in retired employee chapters and sub-chapters;

C. Such other rules and regulations as it may

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deem desirable and appropriate for the proper functioning of retired employee chapters and sub-chapters.

Section 30. Officers and employees of all subordinate bodies of the Federation shall be bonded at the expense of the subordinate bodies through the International Union office for amounts to be determined by the executive boards of the respective subordinate bodies, subject to the approval of the International Executive Board. The minimum bond shall be not less than ten percent of the assets handled by a subordinate body annually, except that no bond shall be required in an amount greater than \$500,000. Each subordinate body must, by March 1 of each year, submit to the International Secretary-Treasurer a statement of assets handled during the previous calendar year for the purpose of computing the amount of the bond. Such reports shall be on forms supplied by the International Secretary-Treasurer. The bonds shall be retained in the files of the International Union office. In the event a subordinate body suffers a monetary loss as a result of the dishonest or otherwise unlawful conduct of one or more of its officers or employees and such loss is not fully compensated under the subordinate body's bond, the International Union shall be authorized to initiate legal action on behalf of and in the name of such subordinate body for the recovery of such amounts as were not recovered under the bond unless the subordinate body initiates such action on its own within a reasonable time after the subordinate body is informed by the International Union that the loss will not be fully compensated under the bond; provided that the International Union shall be required to notify such subordinate body of the International Union's intent to initiate

such legal action at least thirty days prior to taking such action.

Section 31. The financial books and other records of subordinate bodies, including financial books and other records concerning any health and welfare, pension, insurance or other benefit programs covering members of such subordinate bodies, shall be open to inspection at any time by representatives accredited for the purpose by the International President or the International Secretary-Treasurer. Such inspection may be made at reasonable places and times designated by the accredited representatives for the purpose and the books and records may be taken into possession by the representative upon giving receipt therefor. The principal financial officer of each subordinate body shall see that any financial reports required by this Constitution to be submitted to the International Union are submitted in accordance with this Constitution. At least once each year, the International Union shall review and, where appropriate, audit the financial books and other records of each council and each local having 2,000 or more members. Such review or audit shall be conducted in accordance with the AFSCME Financial Standards Code and generally accepted accounting, administrative and management principles. Prior to or during such review or audit, the International Union may require that the council or local provide such financial reports and other information as may be needed to properly conduct the review or audit. Upon the completion of the review or audit, the International Union shall issue a report to the subordinate body containing the findings of the review or audit. Such report shall advise the subordinate body of any deficiencies or improprieties found, any actions required to remedy such deficiencies or improprieties and any recom-

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mended actions to improve the financial practices of the subordinate body. An audit conducted pursuant to this provision shall not be in lieu of the audit that would otherwise be required under the subordinate body's constitution unless the International Union specifically notifies the subordinate body that the audit satisfies the requirements of the subordinate body's constitution. Each council and unaffiliated local shall be authorized to review and, where appropriate, audit the financial books and records of any of its affiliated subordinate bodies, whether chartered or not, having less than 2,000 members and, in exercising this authority, shall apply the same standards and procedures as are applicable to the International Union in conducting reviews or audits pursuant to this Section. Meetings of subordinate bodies shall be open to accredited representatives of the International Union. Meetings of subordinate bodies, whether chartered or not, that are affiliated with a council or unaffiliated local shall be open to accredited representatives of such council or local. Shall any officer or officers of any subordinate body refuse or fail to permit any accredited representative to carry out the duties set forth in this Section, the International Union, or, where appropriate, the council or local with which such subordinate body is affiliated, may take appropriate legal or disciplinary action. All financial records of subordinate bodies of the Federation, including financial records concerning any health and welfare, pension, insurance or other benefit programs covering members of such subordinate bodies, shall be retained, in their original form, for a minimum of six years from the date of such records. The International President, upon reasonable notice, may call a special meeting of a subordinate body, its executive board or any other governing body to transact

such business as the International President or an accredited representative of the President shall bring before it.

Section 32. No subordinate body shall incorporate under the laws of any state, commonwealth, or territory, or function as an incorporated organization without the permission of the International Executive Board.

Section 33. No subordinate body shall issue or sponsor any publication of any kind which is financed in whole or in part from revenues received through the sale of advertising without advance approval of the International Executive Board.

Section 34. No subordinate body shall expend its funds or other resources directly or indirectly for the purpose of influencing or attempting to influence any public election, legislation or referendum which is being held in a governmental entity outside the geographic area of its jurisdiction if the position supported by such subordinate body is inconsistent with the established policy of the International Union or of any subordinate body whose jurisdiction is within or includes such governmental entity; provided, that nothing in this Section shall prohibit any expenditure by a subordinate body in connection with any public election, legislation or referendum the outcome of which may directly affect the membership of such subordinate body or the employees it represents.

Section 35. The International President, subject to the approval of the International Executive Board, may require that any existing subordinate bodies of the Federation, whether presently or hereafter chartered, merge or consolidate with one or more other subordinate bodies in the same area, such consolidat-

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ed or merged subordinate bodies to function thereafter as a single subordinate body under an existing or newly granted charter. Any subordinate bodies so directed to merge or consolidate shall, at their request, be granted a hearing before the International Executive Board prior to the effective date of the required merger or consolidation, and shall, in any case, be given a reasonable period of time in which to accomplish such merger or consolidation.

Section 36. The funds or property of a subordinate body, whether chartered or not, shall not be divided among the members, but shall remain intact for the use of such subordinate body for its legitimate purposes while such subordinate body exists. When any such subordinate body secedes or discontinues its affiliation, all monies, books, collective bargaining agreements and any other memoranda of understanding or other agreements concerning wages, hours, or terms and conditions of employment of members of such subordinate body and other properties shall be transmitted to the International Secretary-Treasurer and assigned to the International Union. If such subordinate body is reorganized within a period of two years following transmission of its assets to the International Secretary-Treasurer, then an amount of funds equal to the value of such assets shall be provided to such reorganized body by the International Union. No property of any subordinate body and no property in the possession, custody or control of any such subordinate body or any of its officers or employees, and no property held in trust, express or implied, which was created or established by any such subordinate body and whose primary purpose is to provide benefits for the members of such subordinate body or their beneficiaries, shall be given, contributed, assigned,

donated or result to, or be given to the control of, either directly or indirectly, any seceding, dual or antagonistic labor organization or group or to any subordinate body which is in violation of the International Constitution, but any such property shall remain in the custody or control of the subordinate body as indicated above, regardless of whether a majority of the membership may have seceded or disaffiliated.

Section 37. If the International President shall find (1) that a subordinate body has seceded or purported to secede, or (2) that dissolution or secession of a subordinate body is threatened, or (3) that dissipation or loss of the funds or assets of a subordinate body is threatened, or (4) that the subordinate body has deliberately filed false per capita tax or other financial or audit reports with the International Union, or (5) that a subordinate body interferes publicly with the organizing campaign of another subordinate body, or (6) that a subordinate body is acting in violation of this Constitution or of any lawful order of the Convention, the International Executive Board, or the International President, so that in the opinion of the International President an emergency situation exists, the International President is empowered to place such subordinate body under administratorship pending notice and hearing. For purposes of this Section and Section 38 of this Article, a subordinate body shall not be deemed to be interfering with the organizing campaign of another subordinate body if it asserts a good-faith claim of jurisdiction over the workers involved. The International President shall immediately refer the matter to the Judicial Panel for hearing in the manner hereinafter provided, shall notify the subordinate body, and shall promptly submit a written report to all members of the Inter-

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national Executive Board notifying them of such action and the reasons therefor.

Section 38. If the International President shall have reasonable cause to believe that a subordinate body or the officers, employees, or members thereof are (1) engaged in financial malpractice or corruption, or (2) violating the obligations of a collective bargaining agreement, or (3) acting in violation of this Constitution or of any lawful order of the Convention, the International Executive Board, or the International President, or (4) threatening secession or dissolution, or (5) conducting the affairs of the subordinate body in such a manner as directly and seriously to jeopardize the fundamental rights and interests of the membership of the subordinate body or the International Union, or (6) interfering with the organizing campaign of another subordinate body, or (7) conducting the affairs of the subordinate body in such a manner as to deprive members of the subordinate body of the rights guaranteed in the Bill of Rights for Union Members contained in this Constitution, or potential members of the right to become members of appropriate subordinate bodies, and that such conduct cannot or will not be immediately remedied by the subordinate body, the International President shall refer the matter to the Judicial Panel for hearing and/or investigation in the manner hereinafter provided and shall notify the subordinate body.

Section 39. Immediately upon the International President's taking any action under Section 37 above, the Chairperson of the Judicial Panel shall appoint from among the members of the Panel an Administratorship Hearing Board. If the affected subordinate body is a local union, not more than three members shall be appointed. If the affected subordinate body is a council, three members

shall be appointed. If the Administratorship Hearing Board consists of more than one member, the Chairperson of the Judicial Panel shall designate one of the members to serve as Chairperson. The Chairperson of the Administratorship Hearing Board shall be responsible for making all hearing arrangements and for giving adequate notice.

Section 40. A hearing shall be held before the Administratorship Hearing Board as soon as is consistent with due process, but with not less than seven days' notice, and not later than twenty-one days after the imposition of any administratorship pursuant to Section 37 herein. All interested parties shall be given a fair opportunity to present their views on the matter.

Section 41. The Administratorship Hearing Board shall as expeditiously as possible decide whether the subordinate body has committed any of the acts enumerated in Section 37 above.

Section 42. Should a majority of the Administratorship Hearing Board decide that the subordinate body has not committed any of the acts enumerated in Section 37, the appointment of the administrator shall be vacated and the International President shall not have power to appoint an administrator over the subordinate body involved or to declare the subordinate body expelled; provided, however, that the International President may appeal such action to the International Executive Board. Should a majority of the Administratorship Hearing Board decide that the subordinate body has committed any of the acts enumerated in Section 37, the International President shall take such action as the International President considers appropriate; provided, however, that the subordinate body may appeal such action to the International Executive Board.

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Section 43. In case of an expulsion of a subordinate body, all funds, properties, books, and other assets of the subordinate body or of the International Union in the possession of such expelled subordinate body shall vest in the International Union and shall be delivered to a duly authorized representative of the International Union.

Section 44. When the International President refers a matter to the Judicial Panel for hearing and/or investigation under the provisions of Section 38 above, the Chairperson of the Judicial Panel shall appoint an Investigating Committee in the same manner as is provided for the appointment of an Administratorship Hearing Board. If the Investigating Committee determines to hold a hearing, or any directly interested party requests a hearing, the Investigating Committee shall hold a hearing within thirty days thereafter and with not less than seven days' notice to the subordinate body. The Investigating Committee shall use such other investigative procedures as it deems appropriate under the circumstances. The Investigating Committee shall, as expeditiously as possible, make a written report and recommendations to the International President. Should the Investigating Committee or a majority thereof recommend that the subordinate body be expelled or that an administratorship is appropriate, the International President may, if the International President considers such action appropriate, expel the subordinate body or place the subordinate body in administratorship. The subordinate body may appeal such action to the International Executive Board. Should the Investigating Committee or a majority thereof fail to recommend that the subordinate body be expelled or that an administratorship is appropriate and should

the International President nevertheless take either of such actions, the International President shall immediately refer the matter to the Judicial Panel under the provisions of Section 37 above.

Section 45. In all cases where a subordinate body has been placed under administratorship, the International President shall assume charge of the affairs and business of such subordinate body and may appoint an administrator for such purpose. All actions of the administrator shall be subject to the direction, instructions and approval of the International President. Such administrator shall have the right, upon demand, to take possession of all the funds, properties, books and other assets of such subordinate body for the period that the administrator is in charge, such assets to be held in trust for the benefit of the subordinate body and to be expended only to the extent necessary for the proper conduct of the affairs of the subordinate body. The administrator shall institute all necessary action to recover money or other property of the subordinate body. The administrator shall be adequately bonded to safeguard the subordinate body's assets and for the faithful performance of the administrator's duties. The administrator shall be authorized and empowered to suspend from office any or all the officers and appoint temporary officers, from among the members in good standing of such subordinate body, for the duration of the administratorship; to remove or replace representatives or other employees of such subordinate body; and to take such other actions as in the administrator's judgment are necessary for the preservation of the rights and interests of the members of the subordinate body and of the International Union. The administrator shall be empowered to conduct and

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manage the affairs of the subordinate body with the assistance of the officers or temporary officers herein provided for until the administratorship is terminated. The administrator shall submit complete monthly reports of the administrator's actions and of the affairs of the subordinate body to the International Executive Board and to the membership of the subordinate body under administratorship. Expenses of the administrator shall be paid out of the funds of the subordinate body if they are available; otherwise they shall be borne by the International Union. Such administratorship shall be continued no longer than is necessary to remove the causes of its establishment. The subordinate body shall have the right to appeal to the International Executive Board for removal of the administratorship on the ground that such administratorship has been continued longer than is necessary; provided, that no such appeal may be made within six months after a prior decision by the International Executive Board.

Section 46. When an administratorship is to be terminated, the administrator shall conduct elections of officers of the subordinate body except for those elected officers whose terms shall not have expired and who have not been expelled, suspended or otherwise barred from office during the period of administratorship and shall install such officers on the day the administratorship is terminated. The administrator shall return all funds, books, property and other assets of the subordinate body to its appropriate officers who shall give appropriate receipt for same. The administrator shall make a final accounting of the administratorship and submit it to the International Executive Board and to the subordinate body.

Section 47. No financial obligation or liability of the subordinate body which may exist at the time the administratorship is instituted or which may have been incurred before that time shall be assumed by, or become an obligation of, the American Federation of State, County and Municipal Employees.

Section 48. Notwithstanding any other provision of this Constitution or of the constitution of any subordinate body, the executive board of any subordinate body shall have the authority to order the immediate suspension, pending full investigation, of officers or staff employees of such subordinate body who in its opinion are engaging in conduct imminently dangerous to the welfare of such subordinate body or of the International Union. Such action shall not affect the membership rights of any officer or staff employee so suspended. In any such case, the executive board shall immediately notify in writing the suspended officer or staff employee, as well as the International President of its action and of the reasons therefore. In any such situation, the order of the executive board shall be in effect for no more than thirty days, and may not be renewed unless formal charges have been filed against the officer or staff employee so suspended within the thirty-day period. Upon receipt of notice of the imposition of such a suspension, the International President shall immediately designate a representative to conduct an investigation. The findings of the investigation shall be reported to the International President not later than fifteen days after such representative was designated, and the International President shall determine whether the subordinate body executive board had a reasonable basis for imposing the

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suspension. If the International President finds that the subordinate body executive board lacked a reasonable basis for imposing the suspension, the International President shall order the immediate reinstatement of the suspended officer or employee. Notice of the International President's determination shall be sent to the suspended officer or staff employee and to the subordinate body executive board which imposed the suspension. Decisions of the International President pursuant to this Section shall not be subject to appeal. Such decisions shall not affect the processing of any charges which may be filed against the suspended officer or staff employee and shall not constitute a determination of the merits of such charges.

Section 49. The constitution of every subordinate body and any change of any nature in the constitution of any subordinate body shall conform to the provisions of the International Constitution including the provisions of the Bill of Rights. The adoption of a new constitution by any subordinate body and any change of any nature in the constitution of any subordinate body shall be subject to the approval of the International President, and shall become effective only upon the granting of such approval by the International President in writing. Regardless of such written approval, if a conflict between such subordinate body constitution or amended constitution and the International Constitution including the provisions of the Bill of Rights is found, the provisions of the International Constitution shall prevail. Unreasonable refusal or delay in granting approval by the International President shall be reviewable by the International Executive Board at the request of the subordinate body.

Section 50. The constitution of every subordinate body of the Federation shall contain the following provisions:

A. “This local union [or council or retired employee chapter or sub-chapter] shall at all times be subject to the provisions of the Constitution of the American Federation of State, County and Municipal Employees.”

B. “Except to the extent specified in this constitution, no officer of the local union [or council or retired employee chapter or sub-chapter] shall have the power to act as agent for or otherwise bind the local union [or council or retired employee chapter or sub-chapter] in any way whatsoever. No member or group of members or other person or persons shall have the power to act on behalf of or otherwise bind the local union [or council or retired employee chapter or sub-chapter] except to the extent specifically authorized in writing by the president of the local union [or council or retired employee chapter or sub-chapter], or by the executive board of the local union [or council or retired employee chapter or sub-chapter].”

Section 51. Any subordinate body may convene its regular or special meetings of officers, executive board, or membership in person and/or by audio and/or video teleconference provided that, before a subordinate body may convene such a virtual meeting, its executive board shall adopt and adhere to the written policy contained in Appendix E of this Constitution. Audio and/or video teleconference meetings shall not be permitted for conventions or elections.

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Section 52. All elections of officers and delegates in subordinate bodies shall be subject to the provisions of Appendix D of this Constitution.

Section 53. Each elected officer of each subordinate body shall, upon assuming office, subscribe to the Obligation of an Officer contained in Appendix B of this Constitution.

Section 54. This Constitution shall constitute a contract between the American Federation of State, County and Municipal Employees and each of its subordinate bodies individually. All subordinate bodies shall at all times be subject to the provisions of the International Constitution.

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Judicial Procedure

Section 1. Except as hereafter provided in this Article, any member of the Federation may file charges against any individual for actions taken while a member of the Federation or while a staff employee of the Federation or a subordinate body.

Section 2. The following and no other shall constitute the basis for the filing of charges:

A. Violation of any provision of this Constitution or of any officially adopted and approved constitution of a subordinate body to which the member being accused is subject.

B. Misappropriation, embezzlement, or improper or illegal use of union funds.

C. Any action by any officer or employee of any council which results in the expenditure by said council of money which is the property of any other subordinate body or of the International Union without proper written authorization from the body

which is the owner of such funds.

D. Acting in collusion with management to the detriment of the welfare of the union or its membership.

E. Any activity which assists or is intended to assist a competing organization within the jurisdiction of the union.

F. Refusal or deliberate failure to carry out legally authorized decisions of the International Convention, the International President, the International Executive Board, the Judicial Panel, or of the convention or executive board of a subordinate body of which the accused is a part.

G. Willful violation of a legally negotiated and approved collective bargaining agreement.

H. Using the name of the Federation or of a subordinate body in an unauthorized manner or for an unauthorized purpose.

I. Obtaining membership through fraud or misrepresentation.

J. Deliberately interfering with any official of the Federation or of a subordinate body in the discharge of such official's lawful duties.

K. The solicitation or acceptance of a bribe or the acceptance of any gift of more than nominal value from any employer, member, group of members or employee of the union, or from any person or firm which has or is seeking to establish a business relationship with the Federation or any subordinate body.

L. Conviction of a crime, the nature of which is such as to bring the union as an organization into disrepute.

M. Knowingly submitting a false per capita tax or other financial or audit report to the International Union or any subordinate body or knowingly and intentionally making any false financial report or

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statement to any lawfully constituted body at any level of the union.

Section 3. Charges against an individual for actions taken in such individual's capacity as a member, a local union officer, or a local union staff employee shall be filed with and heard by the local union trial body in the local of which the accused was a member at the time of the alleged actions, with the exceptions provided below. Charges against an individual for actions taken in such individual's capacity as a council officer, a council delegate or a council staff employee shall be filed with and heard by the council trial body in which the accused was an officer, delegate or staff employee at the time of the alleged actions, with the exceptions provided below. Charges against an International officer or International staff employee shall be filed with and heard by the Judicial Panel, as hereinafter provided. Charges against an officer or staff employee of a subordinate body, who, at the time such charges are filed, is under suspension by the International President under the provisions of Article V, Section 13 of this Constitution, and charges against a member who has been removed as an officer or staff employee during an administratorship of said subordinate body, which administratorship is in effect at the time such charges are filed, shall be filed with and heard by the Judicial Panel in the same manner as appeals to the Judicial Panel.

Section 4. Any charges filed against the International President, the International Secretary-Treasurer, or the Chairperson of the Judicial Panel must be filed by vote of the membership of ten local unions, or a council representing at least ten local unions, or by any member of the International Executive Board.

Section 5. Any charge filed against an International Vice President in the capacity of an International Vice President must be filed by vote of the membership of five local unions in the Legislative District which the International Vice President represents or of one-third of the total number of locals in said District when such District includes fewer than fifteen local unions or by a council made up of at least five local unions in said District, or by any member of the International Executive Board.

Section 6. Charges shall be in writing and shall be signed by the member or members bringing the charges. The charges shall be specific, citing in detail the nature, the date, and the circumstances of the alleged offense and, where a violation of a constitutional provision is alleged, the specific Section shall be cited, along with the specific act or failure to act which constitutes the alleged violation. The charges shall be filed with the secretary of the trial body or, if the secretary of such trial body is a directly interested party, with the presiding officer of the trial body.

Section 7. The trial body at the local union level shall consist of the local executive board, unless the local constitution provides otherwise. Any directly interested party shall be disqualified, and the presiding officer of the trial body shall then appoint a disinterested member to serve instead.

Section 8. The trial body at the council level shall consist of the council executive board, unless the council constitution provides otherwise, subject to the qualifications herein provided. Any directly interested party shall be disqualified, and the presiding officer of the trial body shall then appoint a

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disinterested member to serve instead. Any council trial body of any council having jurisdiction over a state-wide area may, by majority vote of the council trial body, appoint a subcommittee to conduct the trial. In such cases, however, the subcommittee shall report in writing to the full membership of the trial body who shall then make the decision and assess the penalty, if any.

Section 9. Charges originating at the Judicial Panel level or charges reaching the Judicial Panel as a result of the exercise of the appeal rights set forth in this Article shall be filed with the Chairperson of the Judicial Panel, unless a member of the Judicial Panel is either the person bringing the charge or the accused person, in which case they shall be filed with the International President.

Section 10. Within fifteen days following the receipt of the charges, the person with whom the charges have been filed shall send by registered mail, return receipt requested, an exact and full copy of the charge to the accused party, together with a copy of Article X of this Constitution and an explanation of the trial procedure to be followed.

Section 11. The trial body shall fix the date, time, and place for the trial, in such manner as to afford the maximum convenience to both the accused and the accuser practical under all the circumstances. Except as otherwise specifically provided in this Constitution, it shall not be necessary to maintain a verbatim record of the trial unless request for such record is made by a directly interested party to the proceedings. If such request is made, the party making it shall be responsible for the cost of such record and of three copies of the transcript, one of which shall be furnished to the trial body and one

to the opposing party. The reporter shall attach an affidavit to each copy of the transcript stating that it is a true and accurate record of the evidence taken at the trial.

Section 12. The accused person shall be guaranteed the following rights:

A. The right to be served personally with, or to have forwarded by registered mail to the accused person's current address of record with the local union, return receipt requested, a full copy of the charges within fifteen days after they are filed and to receive a copy at least thirty days before the trial date.

B. The right to file a written answer to the charges.

C. The right to be tried within sixty days after having been personally served, or sixty-three calendar days after having been forwarded, a copy of the charge(s) as provided in Subsection A of Section 12 of this Article.

D. The right to have at least fifteen days' advance notice of the date, time, and place of the trial.

E. The right to confront the accuser.

F. The right to cross-examine the accuser and any witnesses.

G. The right to present witnesses in the accused person's behalf.

H. The right to compel the production of union records pertinent to the case.

I. The right to choose a person to act as the accused person's counsel in the case.

J. The right to be presumed innocent unless proven guilty.

K. The right to refuse to testify; provided, however, that this right shall not include the right to refuse to produce at the trial any papers, books, or financial or other records which are the property of

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the union and which are pertinent to the case.

L. The right to appeal, in the manner hereafter provided.

M. The right to choose either an open or closed hearing.

Section 13. The person bringing the charge shall be guaranteed the following rights:

A. The right to receive a copy of any written answer to the charge which may be filed by the accused at the time such answer is filed.

B. The right to have the initial trial body convened no later than seventy-eight calendar days after the charge(s) have been filed.

C. The right to have at least fifteen days' advance notice of the date, time, and place of the trial.

D. The right to give personal testimony.

E. The right to present the testimony of others and to cross-examine witnesses presented by the accused.

F. The right to compel the production of union records pertinent to the case.

G. The right to choose a person to act as the charging party's counsel in the case.

H. The right to appeal, in the manner hereafter provided.

Section 14. The person bringing the charge shall be under the following obligations:

A. To file the original charge in sufficient detail as to afford the accused person full opportunity to prepare a defense.

B. To appear in person at the trial.

C. To assume the burden of proof.

Section 15. A trial body may, if it finds the accused person guilty, assess any one or more of the following penalties:

A. A formal reprimand, accompanied by a formal warning against any repetition of the act or acts of which the accused is found guilty.

B. A fine in an amount not to exceed one year's dues, to be paid to the union at the level at which the charges originate.

C. Full or partial restitution, where the consequences of the offense can be measured in material terms.

D. Removal from office in the union at the level at which the charges originate.

E. Suspension from the right to hold any elected position at the level at which the charges originate for a period not to exceed four years.

F. Suspension from the right to hold or seek any elected position at any level of the union for a period not to exceed four years.

G. Suspension from membership for a specified period of time, not to exceed two years.

H. Expulsion from membership.

I. Suspension from employment by the Federation or its subordinate bodies.

J. Removal from employment by the Federation or its subordinate bodies.

Any individual who has been suspended, expelled or removed as provided in paragraphs E, F, G, H, I, or J, above, may not, during the period of such penalty, be employed in any capacity by the International Union or any subordinate body.

Section 16. If the charges are not sustained, and the trial body or the appellate body is convinced that the charges were not brought in good faith or were actuated by malice, the trial body or the appellate body may impose such penalty on the charging party as in its judgment is deemed proper under the circumstances. In any case, the

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party against whom the penalty is imposed shall have the right to appeal the imposition of the penalty in the manner provided for other appeals, beginning at the level immediately above the trial or appellate level at which the penalty was imposed, and no such penalty shall take effect while an appeal of such penalty is pending.

Section 17. The decision of a local union trial body may be appealed by either party to the council trial body, if the local is affiliated with a council. In any case where a local union is not affiliated with a council, the decision of the local union trial body may be appealed to the Judicial Panel. Decisions of a council trial body, whether sitting as an original trial body or as an appellate trial body, may be appealed to the Judicial Panel.

Section 18. All decisions must be rendered by the trial body within thirty days following completion of the trial, except by mutual consent of the accuser and the accused; provided, however, in cases where a council trial body subcommittee has been authorized to conduct the trial in accordance with Article X, Section 8 of this Constitution, decisions must be rendered by the council trial body within fifteen days following the report of the council trial body subcommittee to the council executive board; and provided further, that such council trial body subcommittee shall issue its report to the council executive board not later than the next meeting of the council executive board following completion of the trial. Such decision shall be in writing and shall be transmitted by registered mail, return receipt requested, to the person bringing the charge and to the accused simultaneously.

Section 19. Either party may, within thirty days following receipt of the decision, file an appeal to

the next higher trial body in the same manner as is provided for the filing of original charges with such trial body. The appeal shall be in writing, and shall be accompanied by a copy of the original charge and of the decision which is being appealed. The appeal shall set forth in substance the appellant's reasons for believing the trial body was in error and the nature of the error.

Section 20. Where the appeal is to a council trial body, the council trial body shall proceed, in the manner described for the hearing of original charges, to hear such appeal; provided, however, that the council trial body may, in its discretion, hear the appeal on the record established at the local union level or as a new case.

Section 21. In any case where a local union trial body or a council trial body fails or refuses to carry out its responsibilities under this Article or, except by mutual consent, expressed in writing, of the accuser and the accused, to adhere to the time limits set forth in this Article, either party shall have the right to appeal to the next higher trial body; provided, however, that under unusual circumstances, which shall be clearly set forth and made a part of the trial record, a trial body may, by majority vote of all its members, extend the time limits for the holding of a trial not to exceed thirty days.

Section 22. Decisions of trial bodies at all levels shall be in full force and effect from the date of the decision until and unless reversed or modified by an appellate body at a higher level; provided, however, that except in matters subject to Section 16 of this Article, any appellate body, upon receiving a notice of appeal, may order a delay in the carrying out of any penalty which has been assessed, pending its hearing and disposition of the appeal.

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The Judicial Panel

Section 1. As soon as practicable following the adoption of this language by the 1972 biennial convention, the International President shall, with the advice and consent of the International Executive Board, appoint a member of the Federation to serve as Chairperson of the Judicial Panel and eight other members of the Federation to serve as members of the Judicial Panel. As soon as practicable following final adjournment of the 2000 biennial convention, the International President shall, with the advice and consent of the International Executive Board, appoint two additional members of the Federation to serve as members of the Judicial Panel. Except as provided below, the terms of persons appointed to the Judicial Panel after the 1980 biennial convention shall be for three years. The terms of those members appointed in 1977 shall expire in 1980, and the terms of those members appointed in 1978 shall expire in 1981. Of those persons appointed to the Judicial Panel in 1980, three shall serve terms expiring in 1982 and three shall serve terms expiring in 1983. Of those persons appointed to the Judicial Panel to fill positions newly created in 2000, one shall serve a term expiring in 2002 and one shall serve a term expiring in 2003. At any general meeting of the International Executive Board during the year in which a Panel member's term is scheduled to expire, the International President shall, with the advice and consent of the International Executive Board, reappoint such member or appoint a successor. No two members of the Judicial Panel shall be members of local unions in the same Legislative District, as established in Article IV, Section 27 of this Constitution. At least three mem-

bers of the Judicial Panel shall be from Legislative Districts located east of the Mississippi River and at least three members of the Judicial Panel shall be from Legislative Districts located west of the Mississippi River. No member of the International Executive Board and, except as provided below, no salaried employee of the International Union shall serve on the Judicial Panel.

Section 2. To be eligible to be appointed to the Judicial Panel, a person must have been a member in the Federation for at least three years continuously at the time of appointment. The Chairperson and other members of the Judicial Panel shall receive compensation and/or expenses in accordance with the policies established by the International Executive Board.

Section 3. The term of appointment of each member of the Judicial Panel shall expire when a successor is qualified; provided, however, that no appointment may be extended beyond December 31 of the year in which the term was due to expire unless the member has been reappointed by the International President with the advice and consent of the International Executive Board.

Section 4. Any vacancy which occurs on the Judicial Panel shall be filled in the manner provided for original appointments, and such vacancies shall be filled for the remainder of the term of the vacant position.

Section 5. The Judicial Panel shall establish rules of procedure, which rules shall not be inconsistent with the provisions of this Constitution. The rules and any changes in such rules shall be subject to the approval of the International Executive Board, and shall become effective only upon the

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granting of such approval. A copy of such rules shall be filed with the International Secretary-Treasurer and shall be made available to any member of the Federation upon request. A copy of the rules shall be sent to all locals and councils.

Section 6. The rules shall provide, among other things, that no member of the Judicial Panel shall participate in any manner in the decision in any case arising in a local of which the Judicial Panel member is or was a member or, in cases originating at the council level, of the council with which such local is affiliated and, further, that no Judicial Panel member shall discuss such a case with any other member of the Panel unless it be as a witness under oath. The Chairperson of the Judicial Panel shall recuse him/her self from any cases relating to a local or council in which they are or were members. In such cases, the International President shall appoint an acting Chairperson of the Judicial Panel to deal with all aspects of the case. The rules shall also provide a method for distributing among the members of the Judicial Panel cases and other matters reaching the Judicial Panel. The rules may provide for the assumption, in unusual circumstances and upon request of a directly interested party, of original jurisdiction in cases filed at the local or council level and/or of appeals directly to the Judicial Panel from local union trial bodies when the Judicial Panel or its Chairperson is convinced that the interests of justice are served by such action; and any such rule shall be effective despite the language of Article X of this Constitution. Further, the rules may also provide that in lieu of assuming original jurisdiction over a case arising at the local level, the Judicial Panel or its Chairperson may direct that a case first be heard at the council level.

Section 7. Whenever the Judicial Panel receives notice from the International Secretary-Treasurer that a surety bond claim has been paid with regard to an individual for actions or omissions arising out of any position held by such person as an officer or staff employee of the International Union or any subordinate body, the Judicial Panel shall conduct an investigation for the purpose of determining whether disciplinary action should be taken against such person. If the Judicial Panel finds that charges were filed and prosecuted against such individual based upon such actions or omissions pursuant to Article X of this Constitution, the Judicial Panel shall report that fact to the International Secretary-Treasurer and shall close its investigation. If there were no such charges filed and prosecuted against the individual in question, then the Judicial Panel shall conduct an inquiry for the purpose of determining whether the extent and nature of the acts or omissions on which the payment of the surety bond claim was based were such that penalties should be imposed against such individual. If the Judicial Panel finds that penalties should be imposed, it may assess any one or more of the penalties provided in Article X, Section 15 of this Constitution. Any such proceeding shall be conducted in accordance with the rules of the Judicial Panel and shall be conducted in such a manner as to provide the individual who is the subject of the investigation all protections afforded an accused under Article X of this Constitution except to the extent that such protections may not be applicable.

Section 8. In any case coming before the Judicial Panel, other than cases in which the accused is an International officer, the Judicial Panel Chairperson shall send a list of the names of the members of the Judicial Panel to the accuser and the accused.

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Within fifteen days thereafter, each party shall be afforded the opportunity to delete not more than two names from the list of Judicial Panel members, by written notification to the Judicial Panel Chairperson. From the names remaining, the Chairperson shall appoint one member of the Judicial Panel to serve as the trial officer.

Section 9. In any case coming before the Judicial Panel in which the accused is an International Vice President, the Judicial Panel Chairperson shall appoint three members of the Judicial Panel to serve as the trial body. The method of selection shall be the same as that set forth in Section 8 of this Article. The Chairperson shall designate one of the three to serve as Chairperson of the trial body. If the accused is either the International President or the International Secretary-Treasurer, the entire Judicial Panel shall serve as the trial body.

Section 10. The Judicial Panel shall have no jurisdiction in any case in which a member of the Judicial Panel is either the person bringing the charge or the accused person. Such cases shall be filed with the International President who shall carry out the functions normally performed by the Judicial Panel Chairperson. The International Executive Board in such cases shall carry out the functions normally performed by the Judicial Panel.

Section 11. Any trial held at the Judicial Panel level, whether the charges originated at that level or reached the Judicial Panel through the appeals procedure, shall be conducted as a new trial. In cases reaching the Judicial Panel on appeal, the Panel member or members may, in their discretion, also consider any written record which has been made before any lower trial body. If in the opinion of

such Panel member or members, after reviewing the written record which was made before a lower trial body, a full and fair hearing was provided to all parties before such trial body, such Panel member or members shall have discretion to limit the parties to supplementing that record by submission of oral argument, written memoranda and new evidence. Any written record from a lower trial body which is considered in a trial at the Judicial Panel level shall be made a part of the record of the trial at the Judicial Panel level. A verbatim record shall be made, either through the use of a court reporter or through mechanical means, and such record shall be retained by the International Secretary-Treasurer, or by the International President if the International Secretary-Treasurer is a directly interested party, for at least five years following final disposition of the case.

Section 12. Decisions of the Judicial Panel shall be in writing, and shall include at least the following separate items:

- A. A statement of charges.
- B. A summary of the evidence in support of the charges.
- C. A summary of the evidence in refutation of the charges.
- D. A finding of fact.
- E. A conclusion of law.
- F. The assessment of a penalty, if any; or an order setting aside or modifying a previously imposed penalty, if any; or an order upholding the decision of the lower trial body, if any.

Section 13. A copy of the decision of the Judicial Panel shall be transmitted to the accuser and the accuser's counsel of record, the accused and the accused's counsel of record, each member of the

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Judicial Panel, the International Secretary-Treasurer, and, in the case of trials conducted by the Judicial Panel as a result of an appeal from a lower trial body, to the secretary of the lower trial body or bodies which have previously heard the case.

Section 14. Any decision at the Judicial Panel level made by a single trial officer or a three-member trial body may, within thirty days after the receipt of such decision by the accused and the accuser, be appealed by either party to the full Judicial Panel. Notice of such appeal shall be filed with the Judicial Panel Chairperson, who shall immediately notify the other party. Within 120 days thereafter, the Judicial Panel shall meet, at the call of the Chairperson, to consider the appeal. The Panel member or members whose decision is being appealed shall not participate in the Judicial Panel's consideration of the appeal. The Judicial Panel shall consider such appeals on the record previously established, supplemented by any written memoranda submitted by either party, and subject to the rules of procedure adopted by the Judicial Panel. The decision of the Judicial Panel on such appeals shall be issued within thirty days following the adjournment of the meeting at which the appeal is considered.

Section 15. Any case heard by the full Judicial Panel can be appealed only to the next International Convention.

Section 16. The Judicial Panel shall carry out such functions in connection with administratorships as are described in Article IX of this Constitution as functions of the Judicial Panel.

Section 17. The Judicial Panel shall carry out such functions in connection with election chal-

lenges, protests, and appeals as are described in Appendix D of this Constitution as functions of the Judicial Panel.

Section 18. In any case or matter arising under this Constitution which requires the giving of notice to, or filing a written communication with the Judicial Panel, its Chairperson or any member thereof, it may be accomplished by sending such notice or written communication to the Judicial Panel at the International Headquarters.

Section 19. The Chairperson of the Judicial Panel may perform other duties at the request of the International President, provided that such performance, in the opinion of the Chairperson, does not represent a conflict or potential conflict of interest on the Chairperson's part.

Section 20. The Chairperson of the Judicial Panel shall notify the International President and the International Secretary-Treasurer of all cases filed with or referred to the Judicial Panel upon receipt of such cases and shall report periodically to the International Executive Board on the status and disposition of all cases coming before the Judicial Panel.

Section 21. The Judicial Panel shall submit a written summary of its actions to each regular International Convention. Such a summary shall include a listing of all cases referred to it, a description of the major issues involved, and the judgments of the Panel or its members, where action was taken by less than the full Panel. Where constitutional omissions or ambiguities have been involved, the Panel report shall call particular attention to these and may offer recommendations. It shall be the responsibility of the Chairperson of the Panel to

ARTICLE XII

prepare such report. It shall be the responsibility of the International Secretary-Treasurer to distribute such report, in printed or electronic format to the convention delegates, provided that a printed copy shall be provided to any delegate who requests it.

Section 22. The International President shall provide the Judicial Panel with such staff assistance and facilities as are necessary and appropriate to the proper functioning of the Judicial Panel in accordance with policies established by the International Executive Board.

ARTICLE XII

Miscellaneous Provisions

Section 1. No local union or other subordinate body affiliated with the International Union, or any officer or member thereof, or any other person or group of persons shall have the power to act as an agent for the International Union or otherwise bind the International Union except insofar as specifically authorized in writing by the International President or the International Executive Board or by this Constitution.

Section 2. Unless the context clearly indicates otherwise, the terms “International Union” and “Federation” and the initials “AFSCME” are used interchangeably in this Constitution to mean the American Federation of State, County and Municipal Employees.

Section 3. Unless the context clearly indicates otherwise, the terms “International Executive Board,” “Executive Board” and “Board” are used

interchangeably in this Constitution to mean the elected officers of the Federation acting jointly as an official body.

Section 4. Unless the context clearly indicates otherwise, the term “subordinate body” is used in this Constitution to mean any local union or any council, or any retired employee chapter or subchapter.

Section 5. Unless the context clearly indicates otherwise, the terms “local” and “local union” are used interchangeably in this Constitution to mean a basic individual membership organization chartered by the Federation, other than a retired employee chapter.

Section 6. For purposes of Sections 6 and 7 of Article IX of this Constitution, the term “increase in pay” shall mean any increase in wages or salaries, whether payable hourly, weekly, bi-weekly, semi-monthly, monthly, annually, or on some other basis, which is generally applicable to the members of a bargaining unit, or other clearly identified group of employees, and any lump sum bonus or similar payment which is paid to any such group of employees; but shall not include step increases, longevity pay, merit increases or bonuses, or similar increases or bonuses, which are paid on an individual basis.

Section 7. The rules contained in the current edition of *Robert’s Rules of Order Newly Revised* shall govern the Federation in all cases to which they are applicable and in which they are not inconsistent with this Constitution or with any legally adopted special rules of the Federation.

Section 8. For purposes of applying the Legislative District lines established in Article IV, Section 27, where such districts are defined in terms of

ARTICLE XII

locals or councils, they shall be deemed to include any retiree chapter which is sponsored by or affiliated with such locals or councils or whose jurisdiction is based upon or otherwise relates to the jurisdiction of such locals or councils.

Section 9. A Preamble, including a Bill of Rights for Union Members, is attached at the beginning of this Constitution and is, by this reference, made a part of this Constitution.

Section 10. No member or subordinate body shall institute any civil action, suit or other proceeding in any court or other tribunal outside of the Federation against the Federation, any subordinate body, or any officer of the Federation or of any subordinate body on account of any controversy or dispute for which a remedy is provided in this Constitution or the constitution of any subordinate body without first exhausting all such remedies, including all available appeals; provided that the foregoing shall not apply where the action was instituted to prevent the loss of rights under an applicable statute of limitations and the member has diligently pursued available internal remedies; and provided further that violation of this provision shall not be a basis for the filing of charges pursuant to Article X of this Constitution.

Section 11. Appendix A, entitled "Membership Obligation," and Appendix B, entitled "Obligation of an Officer," and Appendix C, entitled "Constitution for Local Unions," and Appendix D, entitled "Elections Code," and Appendix E, entitled "Policy for Conducting Audio and/or Video Teleconference Meetings of a Subordinate Body," are attached to this Constitution and are, by this reference, made a part of this Constitution.

ARTICLE XIII

Section 12. The application of the provisions of this Constitution shall, at all times, be subject to the provisions of any applicable laws. If any article, section, subsection, sentence, clause, or phrase of this Constitution is found, by any court of final and competent jurisdiction, to be illegal or invalid, for any reason whatsoever, such finding shall not affect the validity of the remaining portions of this Constitution. The delegates to the Constitutional Convention hereby declare that they would have adopted this Constitution, and each article, section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more of the same shall be declared illegal or invalid.

Section 13. The language of this Constitution, including the Bill of Rights for Union Members, shall be liberally construed, and shall be interpreted in a manner designed to fully protect the fundamental rights of members.

ARTICLE XIII

Amendments

Section 1. This Constitution may be amended by proposals properly introduced at the Convention and approved by a two-thirds vote of the Convention. In the case of a regular biennial convention, any amendment which is submitted to the International Secretary-Treasurer not later than 120 days prior to the opening of the Convention, a copy of which shall be mailed by the International Secretary-Treasurer to each subordinate body not less than 90 days prior to the opening of the Convention, may be approved by majority vote of the

ARTICLE XIII

Convention. In the case of a special convention, called by the International Executive Board, such amendments as the Board has proposed for action by the special convention shall be included with the convention call, which shall be mailed at least 75 days prior to the opening of the special convention, and such amendments may be approved by majority vote of the special convention.

Section 2. The International Executive Board shall review and make a recommendation to the Convention on any proposal to amend the Constitution.

Section 3. Any amendment to this Constitution, unless otherwise provided in the amendment, shall become effective upon final adjournment of the Convention at which the amendment is adopted.

Section 4. The International Secretary-Treasurer shall be responsible for printing and distributing copies of the Constitution as amended, and shall have authority, in connection with such printing, to renumber any article, section, subsection, or paragraph as may be necessary, and to correct any references in other portions of the Constitution to such renumbered article, section, subsection, or paragraph.

APPENDIX A

Membership Obligation

I, _____, promise to abide by the Constitution of the American Federation of State, County and Municipal Employees and Local Union _____. I further promise to carry out all duties assigned to me and to do my best to uphold and promote the principles of trade union democracy.

APPENDIX B

Obligation of an Officer

I, _____, promise and pledge that I will perform faithfully and with honor the duties of the office which I now assume in the American Federation of State, County and Municipal Employees. I pledge to fight for a society where all workers can seek economic and social justice through participation in their union and our democracy. I will work for these goals by organizing unorganized workers, mobilizing workers to participate in the political process, and fighting to gain and defend the best possible working standards through contracts and legislation. I acknowledge that it is a privilege to serve in this office and I promise that I will deliver to my successor in office all books, papers and other property of this union which are in my possession at the close of my official term.

APPENDIX C

Constitution for Local Unions

(This Constitution shall be binding on any local union which has not adopted a local constitution of its own which is in conformity with the provisions of the International Constitution and which

APPENDIX C

has been approved in writing by the International President.)

ARTICLE I

Name

The name of this organization shall be _____, Local Number _____ of the American Federation of State, County and Municipal Employees, AFL-CIO.

ARTICLE II

Affiliations

This local union shall be affiliated with _____ Council(s) Number _____ of the American Federation of State, County and Municipal Employees [omit where inapplicable]; the _____ state organization of the AFL-CIO; and the _____ central body of the AFL-CIO.

ARTICLE III

Objectives

The objectives of this local union shall be to carry out on a local basis the objectives of the American Federation of State, County and Municipal Employees.

ARTICLE IV

Membership and Dues

Section 1. All persons regularly employed by or in _____ are eligible for membership in this local union, subject to the requirements of the Constitution of the International Union.

Section 2. Application for membership shall be made on a standard application form. Unless such form includes a valid authorization for payroll deduction of dues, the application shall be accompanied by the current month's dues.

Section 3. The monthly membership dues of the local shall be _____ per member.

Section 4. Membership dues shall be payable monthly in advance to the local secretary-treasurer and in any event shall be paid not later than the 15th day of the month in which they become due. Any member who fails to pay dues by the 15th day of the month in which they become due shall be considered delinquent, and upon failure to pay dues for two consecutive months shall stand suspended. Provided, however, that any person who is paying dues through a system of regular payroll deduction shall, for so long as such person continues to pay through such deduction method, be considered in good standing.

Section 5. A member suspended under the above Section may be reinstated to membership in the local on payment of all arrearages or upon payment of a reinstatement fee of _____ plus the current month's dues.

ARTICLE V
Meetings

Section 1. Regular meetings of this local shall be held once each month, at a time and place to be fixed by the membership or the local Executive Board.

Section 2. Special meetings may be called by the local President, the local Executive Board, or by petition filed with the President and signed by _____ members of the local. Special meetings may also be called by the International President or by an authorized representative of the International President.

Section 3. The quorum for meetings of this local shall be _____.

APPENDIX C

ARTICLE VI

Officers, Nominations, and Elections

Section 1. The officers of this local shall be a President, a Vice President, a Recording Secretary, a Secretary-Treasurer, and three executive board members, and these seven shall constitute the local union Executive Board. In addition, there shall be elected three members who shall serve as trustees. The trustees shall be elected to three-year terms of office, except that in the initial election, one shall be elected for a one-year term, one for a two-year term, and one for a three-year term. All other officers shall be elected for a term of one year.

Section 2. Nominations shall be made at a regular or special meeting of the local. At least fifteen days' advance notice shall be given the membership prior to the nomination meeting. A nominating committee may be appointed or elected to make nominations, but whether or not such nominating committee is used, nominations shall be permitted from the floor at the nomination meeting. All regular elections shall be held in the month of

Section 3. To be eligible for office, a member must be in good standing for one year immediately preceding the election, except in the initial election held in this local; provided, however, that no retired member shall be a candidate for office. For a member who is transferred or promoted into this local from another AFSCME local, this requirement shall be satisfied if such member's combined membership in good standing in both locals is one year at the time of the election.

Section 4. Officers shall be elected by secret ballot vote, and the balloting shall be conducted so as

to afford to all members a reasonable opportunity to vote. At least fifteen days' advance notice shall be given the membership prior to the holding of the election.

Section 5. All matters concerning nominations and elections in this local union shall be subject to the provisions of Appendix D, entitled Elections Code, of the International Union Constitution.

Section 6. Vacancies in office shall be filled for the remainder of the unexpired term by vote of the executive board.

Section 7. Every officer shall, upon assuming office, subscribe to the Obligation of an Officer contained in Appendix B of the International Union Constitution.

ARTICLE VII

Duties of Officers and Executive Board

Section 1. The President shall:

A. Preside at all meetings of the local union and of the Executive Board.

B. Be a member of all committees except election committees.

C. Countersign all checks drawn against the funds of the local.

D. Appoint all standing committees and all special committees of the local, subject to the approval of the Executive Board.

E. Report periodically to the membership regarding the progress and standing of the local and regarding the President's official acts.

Section 2. The Vice President shall:

A. Assist the President in the work of the President's office.

B. In the absence of the President or in the

APPENDIX C

President's inability to serve, preside at all meetings and perform all duties otherwise performed by the President.

C. Upon approval by the local executive board, be authorized to act as co-signer of checks drawn on the local funds in place of either the President or the Secretary-Treasurer.

Section 3. The Recording Secretary shall:

A. Keep a record of the proceedings of all membership meetings and of all Executive Board meetings.

B. Carry on the official correspondence of the local, except as the Executive Board may direct otherwise.

C. Perform such other duties as the Executive Board may require.

Section 4. The Secretary-Treasurer shall:

A. Receive and receipt for all monies of the local union.

B. Deposit all money so received in the name of the local union in a bank or banks selected by the Executive Board, and money so deposited shall be withdrawn only by check signed by the President and the Secretary-Treasurer.

C. Prepare and sign checks for such purposes as are required by the constitution or are authorized by the membership or the Executive Board.

D. Prepare and submit the monthly membership report to the International Union office and see that a check is drawn in payment of the local's per capita tax each month and sent to the International Secretary-Treasurer.

E. Keep an accurate record of receipts and disbursements and shall, once each month, submit to the membership a monthly operating statement of

the financial transactions of the local for the previous month.

F. Act as custodian of all properties of the local union.

G. Give a surety bond for an amount to be fixed by the Executive Board of the local union, at the expense of the local union and through the International Union.

H. See that any financial reports required by the International Union Constitution to be submitted to the International Union are submitted in accordance with the International Union Constitution.

Section 5. The trustees shall make or cause to be made at least semi-annually an audit of the finances of the local, including the finances concerning any health and welfare, pension, insurance or other benefit programs covering members of such local, and shall report to the membership on the results of such audit.

Section 6. The Executive Board shall be the governing body of the local union except when meetings of the local union are in session. All matters affecting the policies, aims and means of accomplishing the purposes of the local not specifically provided for in this Constitution or by action of the membership at a regular or special meeting shall be decided by the Executive Board. The board shall meet at the call of the President or of a majority of the members of the board. A report on all actions taken by the Executive Board shall be made to the membership at the next following meeting. A majority of the members of the Executive Board shall be required for a quorum.

APPENDIX C

ARTICLE VIII

Miscellaneous Provisions

Section 1. This local union shall at all times be subject to the provisions of the Constitution of the American Federation of State, County and Municipal Employees.

Section 2. Except to the extent specified in this Constitution, no officer of the local union shall have the power to act as agent for or otherwise bind the local union in any way whatsoever. No member or group of members or other person or persons shall have the power to act on behalf of or otherwise bind the local union except to the extent specifically authorized in writing by the President of the local union or by the Executive Board of the local union.

Section 3. The rules contained in the current edition of *Robert's Rules of Order Newly Revised* shall govern this local union in all cases to which they are applicable and in which they are not inconsistent with this Constitution and special rules of this local union or of the American Federation of State, County and Municipal Employees.

ARTICLE IX

Amendments

This Constitution may be amended, revised, or otherwise changed by a majority vote of the members voting on such proposed change and such change shall take effect only upon written approval of the International President. Proposed amendments to this Constitution must be made at a regular or special meeting of the local union and read and voted on at a subsequent meeting of the local union, adequate and proper notice having been

given to the membership prior to the date on which the vote is taken. A written copy of the proposed amendment shall be furnished to every eligible voter at the meeting at which the vote is taken.

APPENDIX D

Elections Code

Section 1. General provisions.

A. No funds or other resources of the Federation or of any subordinate body, and no funds or resources of any employer, shall be used to support the candidacy of any member for any elective office within the Federation or any subordinate body.

B. No publication sponsored by or supported by the Federation or any subordinate body shall endorse or support any candidate for elective office within the Federation or any subordinate body.

C. Any nominee or announced candidate for elective office shall have the right once prior to the election to have mailed, through the union office but at private expense, campaign literature. In a local union election, such literature may be mailed to each member in good standing. In an International Union or council election, such literature may be mailed to each affiliated subordinate body and/or to each member in good standing.

D. No member whose eligibility for membership is based upon employment in a position for which another organization is the exclusive representative with regard to wages, hours, or other terms and conditions of employment shall be eligible to seek or hold office at any level of the union; provided, that any member now serving a term of office shall not be barred by this Section from completing the remainder of such term of office.

APPENDIX D

Section 2. Election of subordinate body officers.

A. To be eligible for election, a nominee must be a member in good standing of the local union in which the nominee seeks office or of a local affiliated with the council in which the nominee seeks office, and must meet such other conditions as are stipulated in the constitution of the subordinate body.

B. An Election Committee shall be established and shall have general responsibility for the conduct of the election in accordance with this Constitution and the constitution of the subordinate body. Any challenge concerning the eligibility of any nominee shall be referred to the Election Committee for decision and the decision shall be reported to the subordinate body prior to the election. The Election Committee shall also report, as expeditiously as possible, the results of the balloting, together with recommendations regarding any protests which have been lodged regarding the conduct of the election. No member of the Election Committee may be a candidate for office.

C. The terms of office for officers of subordinate bodies shall be set forth in the constitution of each subordinate body, but may not exceed three years in the case of local union officers or four years in the case of council officers.

D. Not less than fifteen days prior to the holding of nominations for local union officers, a notice of the nominations and elections shall be mailed to each member at the member's last known home address. Notice of nominations and elections for council officers shall be sent to each affiliated local not less than fifty days prior to the election or notice may be given as required by the council's approved constitution.

E. Nominations may be made at a regular or special meeting by a local union member or by a council delegate. Nominations may also be made by a nominating committee, unless prohibited by the constitution of the subordinate body. Those nominated shall be afforded the opportunity to decline, and the name of any nominee who declines shall not appear on the ballot. Write-in votes shall not be valid for any purpose.

F. In any case where there is only one nominee for office, such nominee shall be declared elected. In all other cases, election shall be by secret ballot. All local union members or council delegates shall be afforded a reasonable opportunity to vote.

G. In all cases in which election of officers is occurring simultaneously for both at-large and district seats, distinct ballots shall be issued, separating the at-large from the district contests. Ballots from at-large contests shall be indistinguishable as to district or constituency, and such ballots shall be cast in such a manner that they cannot be identified as coming from a particular district or constituency.

H. Local union elections may be conducted at the same meeting as nominations or at the following meeting or by referendum, as provided in the local union constitution. Council elections shall be held in accordance with the constitution of the council.

I. Any candidate whose name is to appear on the ballot shall have the right to have present an official observer of the candidate's own choosing, who must be a member of the Federation, in all places where ballots bearing the candidate's name are to be cast or counted.

J. Upon completion of the voting, the ballots shall be tabulated and the candidate for each office receiving a majority of the votes cast for that office

APPENDIX D

shall be declared elected. Any remaining unfilled offices shall be filled through a run-off election in which there shall be a ballot bearing two names for each office to be filled, such names being those nominees who received the greatest number of votes in the first balloting and the candidates receiving the highest number of votes shall be declared elected. Those elected shall be installed in office immediately but in no event later than 10 days after the tabulation of the election ballots, and regardless of any election related protests that are filed. Upon installation of the new officers, the names, addresses and terms of office of the newly elected officers shall be submitted to the International Secretary-Treasurer so that credential cards may be issued in accordance with the provisions of Article IX, Sections 18 and 23 of this Constitution. The preelection incumbents shall remain in office until new officers are installed. The Election Committee will inform the subordinate body of the results of the tabulation of ballots.

K. Vacancies in office shall be filled in accordance with provisions of the constitution of the subordinate body. If no constitutional provision exists, vacancies shall be filled by vote of the executive board of the subordinate body.

L. All election records, including ballots, shall be retained by the subordinate body for at least one year after the election.

Section 3. Election of convention delegates.

A. Local unions shall elect council delegates in the manner prescribed for the election of local union officers, subject to the provisions of paragraph C, below.

B. Locals and councils shall elect delegates to conventions of the International Union in the man-

ner prescribed for the election of local and council officers, subject to the provisions of paragraph C, below, and of Article IV of this Constitution.

C. The election by local unions of council delegates and of delegates to conventions of the International Union shall not require a majority of the votes cast unless such requirement is specifically contained in the local union constitution.

Section 4. Challenges and protests.

A. Any member of a local union or any council delegate may challenge the eligibility of any nominee by filing such challenge with the Election Committee prior to the holding of the election. The Election Committee shall make a determination regarding the challenge, and shall report its ruling to the subordinate body. The subordinate body shall either accept or reject the ruling of the Election Committee prior to the election.

B. Any protest concerning the conduct of the election may be lodged at the meeting at which the election is conducted or by filing such protest in writing with the subordinate body or the Election Committee within ten days following the election. All interested parties shall be afforded an opportunity to be heard. The membership of the subordinate body shall either accept or reject the recommended decision of the Election Committee not later than thirty days after the filing of the protest.

C. If the subordinate body determines that there were violations which may have affected the outcome of the election, it may order such election or any part thereof set aside, and a new election held. Any officers who have been installed prior to such determination shall remain in office pending the outcome of any new election or of a future appeal.

APPENDIX D

D. Any protestant or nominee adversely affected by a decision on a challenge or a protest may file a written appeal with the Judicial Panel within ten days of the subordinate body's decision, or, if no decision has been rendered, within forty days after filing the original protest with the subordinate body. Upon receipt of such an appeal, the Chairperson of the Judicial Panel shall designate one or more members of the Judicial Panel to conduct an investigation, affording all interested parties an opportunity to be heard, and such member or members shall issue a decision within forty days after the filing of the protest. If the investigation shows that there were violations which may have affected the outcome of the election, the election or any part thereof may be set aside and a new election held. In such circumstances, the new election may be conducted under the supervision of a representative designated by the Panel member or members who conducted the investigation.

E. Decisions made by a Panel member or members may be appealed to the full Judicial Panel by filing written notice of such appeal within ten days after the decision is issued. Should a decision not be issued within the time limit set forth above, an appeal to the full Judicial Panel may be filed within ten days after the expiration of such time limit. The Judicial Panel shall hear and decide such appeal at its next meeting. The Judicial Panel shall provide an opportunity for all interested parties to be heard, and shall consider all other information obtained in the investigation conducted by a member or members of the Judicial Panel.

F. Decisions of the Judicial Panel under this Section may be appealed to the International Convention. Notice of such appeal shall be filed in writing

with the International Secretary-Treasurer within thirty days after the decision of the Judicial Panel. Pending the decision of the Convention, the decision of the Judicial Panel will be in effect.

G. No subordinate body funds shall be used to institute legal action outside the union to challenge election rulings.

H. Challenges and protests regarding the election of council delegates shall be handled in the manner prescribed for challenges and protests regarding the election of officers of subordinate bodies.

Section 5. Challenges and protests regarding election of delegates to International Union Conventions.

A. A challenge or protest regarding the election of delegates to a convention of the International Union must be filed with and decided by a subordinate body by or on the date of the meeting at which the report of the Elections Committee is voted on. A written appeal from the decision of the subordinate body may be filed with the Judicial Panel not later than the fifth day following the subordinate body's action on the challenge or protest; provided that the Judicial Panel shall not have jurisdiction to hear appeals filed within twenty (20) days of the opening day of the Convention. The Chairperson of the Judicial Panel shall designate one or more members of the Judicial Panel to conduct an investigation and decide the appeal in the manner provided in Section 4(D) as expeditiously as possible. An appeal from the decision may be made in the manner provided in Section 4(E).

B. If the right of a delegate from any subordinate body to be seated at the Convention is challenged, the Credentials Committee shall review the report and decisions, if any, of any prior appeals before

APPENDIX E

making a decision concerning the validity of the delegate's credential.

Section 6. The provisions of this Elections Code shall conform with applicable law

APPENDIX E

Policy for Conducting Audio and/or Video Teleconference Meetings of a Subordinate Body

1. Regular and special meetings of the (name of subordinate body), including its Executive Board, may be conducted through the use of audio and/or video teleconferencing (referred to as a "virtual meeting").
2. All equipment required to conduct the virtual meeting must be readily accessible, or made available, to all participating members.
3. The method of virtual meeting selected must provide members with the opportunity to hear and speak to each other simultaneously and shall allow for the accurate recording of meeting minutes.
4. Notice of any meeting conducted virtually shall include instructions on how each member is to participate in the meeting.
5. All members present and participating via audio and/or video teleconferencing shall be included in determining a quorum. Prior to each vote on

a motion, the presiding officer shall inquire as to the continued presence of those participating through audio and/or video teleconferencing. If members are no longer participating for any reason, including but not limited to because of equipment malfunction or voluntary discontinuance of the electronic connection, they shall no longer be considered as present or counted as part of the quorum.

6. All members participating in virtual meetings may raise points of order, seek recognition to speak and submit motions for consideration.
7. If the subordinate body enters into Executive Session, at the outset the presiding officer shall require each person participating through audio and/or video teleconferencing to give assurance that no other person is present or able to hear the conversation.
8. If the subordinate body wants to include additional standards, they shall be consistent with the current edition of *Robert's Rules of Order Newly Revised*.

ADOPTED this _____ day of _____, 20__.

The material on the next nine pages is not a part of the Constitution. It is included for the information and guidance of the officers of locals and councils.

SUGGESTED RITUAL AND ORDER OF BUSINESS FOR LOCAL AND COUNCIL MEETINGS

The President (or Chairperson of the meeting) calls the meeting to order.

1. Roll call of officers.

(The President asks the Recording Secretary to call the roll of the officers.)

2. Reading of minutes of the last meeting.

(The President asks the Recording Secretary to read the minutes of the preceding meeting.) The President then asks if there are corrections to be made in the minutes; corrections should be noted. If no objections are made, the President may declare the minutes accepted.

3. Initiation of new members.

(The President asks the Recording Secretary to read the names of the new applicants for membership, and as the names are read, these applicants step forward to be initiated. After all applicants' names have been read, the President asks all members to stand. The President then gives the Membership Obligation to the new members, during which time all members remain standing.)

4. Reading of correspondence.

(The President asks the Recording Secretary to read the important correspondence.)

5. Reports of Officers. (As may be necessary.)

6. Reports of Committees.

7. Unfinished Business.

8. New Business.

9. Good and Welfare.

10. Adjournment.

(A motion to adjourn must be made, seconded, and voted upon.)

RECOMMENDED FORM FOR LOCAL MINUTES

Minutes of the Meeting of September 15, 2006.

The meeting of Local #_____ was called to order by President John Buck at _____ p.m.

1. Roll call of officers was taken by Recording Secretary Bernice Watson. All officers were present.
2. The minutes of the previous meeting were read and approved.
3. The Recording Secretary read the names of the following applicants for membership: Al Boyle, Joe Jones, Sally Brown. The new applicants were obligated as members.
4. The President asked the Recording Secretary to read the important correspondence. Letters were read from the Central Labor Council asking for participation in the Voter Registration Drive and from the International President concerning the Local Union Training Program.
5. Reports of the Officers.
 - A. The President reported on the last Executive Board meeting. It was moved by Albert Ellis, seconded, and carried that the report be accepted.
 - B. Secretary-Treasurer Alex Pruitt made the following report for August:

Balance in bank as of July 31 \$5,250.00

Income:

Dues received during August
(504 units @ \$32.00) \$16,128.00

Total Income \$16,128.00

Expenditures:

Per capita tax to International Union
(504 units @ \$9.00) \$4,536.00

Per capita tax to Council #100
(504 units @ \$15.50) \$7,812.00

Per capita to Central Labor Council
(504 units @ \$.20) \$100.80

Bills approved at July meeting and paid:
J. Saylee Co. (Stationery)..... \$40.00

R. Sampson (rental for office and
meeting hall) \$250.00

U.S. Postal Service (newsletter)..... \$196.56

AFSCME (membership buttons and
other supplies)..... \$32.00

Total Expenditures \$12,967.36

Balance in bank as of August 31 ... \$8,410.64

The Secretary-Treasurer recommended the
payment of the following bills:

\$170.00 -- Sam Jones Office Supply

\$78.00 -- Thompson Printing Co.

\$250.00 -- R. Sampson (rental for office and
meeting hall)

It was moved by William Locke, seconded, and
carried that the Secretary-Treasurer's report be
accepted and the bills approved for payment.

6. Reports of Committees.
 - A. Negotiating Committee. Chairperson Steve Savkovich recommended on behalf of the Committee that the contract negotiated with the city be approved. It was moved by Maria Bonner, seconded, and carried that the contract be approved.
 - B. Education Committee. Chairperson Finettie Johnson recommended on behalf of the Committee that the local union send two members to participate in the Local Union Training Program to be conducted by the International Union. The matter was referred to New Business.
7. Unfinished Business.

The pending request of the county employees to join the local was taken up again. It was moved by Ernie Madison, seconded, and carried that a letter be sent to the International President asking for a recommendation on the matter.
8. New Business.

Tom Aubuchon moved that the recommendation of the Education Committee be accepted and that the local send the Chairperson of the Committee and Local Vice President Roy Howard to take part in the program with the local union to pay the actual expenses of the participants up to a maximum of \$400. The motion was seconded and carried.
9. Good and Welfare.

John Small, representing the Community Chest, spoke to the meeting about the need for raising enough money in the annual campaign for the City Adoption Center to get back on solid

financial ground. He appealed to the members present to work hard in their respective shops to help in the drive.

George Peters informed those present that Joe Day was still confined to the City Hospital, but he could now receive visitors.

10. There being no further business, it was moved, seconded, and carried that the meeting be adjourned.

Meeting adjourned at _____ p.m.

Fraternally submitted,
Recording Secretary

KEY PARLIAMENTARY RULES

Motion	Debatable	Amendable	Requires a Second	Vote Required
Adjourn	No	No	Yes	Majority
Recess	No	Yes	Yes	Majority
Question of Privilege (treat as Main Motion)	Yes	Yes	Yes	Majority
Appeal	No	No	Yes	Majority
Point of Order	No	No	No	None, unless appeal; then majority
Suspension of Rules	No	No	Yes	2/3
Lay on the Table	No	No	Yes	Majority
Previous Question (close debate)	No	No	Yes	2/3
Limit or Extended Limits of Debate	No	Yes	Yes	2/3
Postpone to a Definite Time	Yes	Yes	Yes	Majority
Refer or Commit	Yes	Yes	Yes	Majority
Amend	Yes	Yes	Yes	Majority
Main Motion	Yes	Yes	Yes	Majority
Reconsideration (main motion)	Yes, if motion to which it applies is debatable	No	Yes	Majority
Rescind (main motion)	Yes	Yes	Yes	2/3 of members present; majority when notice to rescind was given at previous meeting

In Order When Another Is Speaking	Can Be Reconsidered	Motions to Which It Applies	Motions Which Apply to It
No	No	None	None
No	No	None	None
Yes	Yes	None	All
Yes	Yes	Any decision of the chair	Lay on table, close debate or reconsider
Yes	No	Any motion or act	None
No	No	Any motion where needed	None
No	No	Main questions, appeals, question of privilege, reconsider	None
No	Yes	Any debatable motion	Reconsider
No	Yes	Any debatable motion	Reconsider
No	Yes	Main motion, question of privilege	Amend, reconsider, limit or close debate
No	Yes	Main motion, question of privilege	Amend, reconsider, limit or close debate
No	Yes	Main motion, limit debate, refer, postpone, fix time of next meeting	Amend, reconsider, or close debate
No	Yes	None	All
Yes	No	Any motion except adjourn, suspend rules, lay on table	Lay on table, postpone, or limit debate
No	Yes	Main motion, appeals, question of privilege	All

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