

Constitution
for
Delaware Public Employees Council #81

Preamble

Because improvements in the working conditions of state, county and municipal employees can best be promoted by a union, and because unity of purpose and action by all state, county and municipal employee locals of the American Federation of State, County and Municipal Employees in the state of Delaware is the basis of the strength of our movement, subject to the provisions of the International Constitution, we adopt this constitution.

Article I
Name and Headquarters

Section 1. The name of this organization shall be Delaware Public Employees Council No. 81 of the American Federation of State, County and Municipal Employees, AFL-CIO.

Section 2. The headquarters of this council shall be in New Castle County, Delaware.

Article II
Affiliations

Section 1. This council shall be affiliated with the American Federation of State, County and Municipal Employees, AFL-CIO, and the Delaware State AFL-CIO.

Article III
Objectives and Methods

Section 1. The objectives of Delaware Public Employees Council No. 81 shall be the objectives of the American Federation of State, County and Municipal Employees, AFL-CIO, and

- A. To unite the AFSCME local unions of employees of Delaware, public, semi-public, quasi-public and wholly or partially tax supported or tax exempt agencies, institutions and authorities for mutual protection, support and welfare;
- B. To promote and extend the organization of such employees into AFSCME local unions;
- C. To establish and maintain fair and adequate wages, hours and working conditions for such members;
- D. To draw up and campaign for a legislative program on behalf of the membership; and to represent it before legislative bodies;
- E. To campaign for and win the fullest measure of collective bargaining for affiliated local unions and the council; represent, negotiate written contracts and support the local unions in this endeavor;
- F. To promote and foster better understanding by the public of our members' problems; and
- G. To support the American Federation of State, County and Municipal Employees, the general labor movement and worthy civic causes.

Section 2. The methods of achieving these objectives shall be the customary and legitimate means used by the general labor movement.

Article IV Membership and Revenue

Section 1. The jurisdiction of this council shall include all state, county and municipal employees within the state of Delaware. Also, employees of charitable and quasi-charitable institutions in the state of Delaware.

Section 2. All AFSCME local unions within the jurisdiction of the council are required to affiliate with the council.

Section 3. Requests for affiliation shall be presented to the council by the executive board.

Section 4. The chief source of revenue of the council shall be a per capita tax of 25 cents per month above the minimum council per capita tax rate established in accordance with the provisions of the International Constitution, Article IX. The additional 25 cents is to be used exclusively for political action.

Section 5.

- A. Failure of a local to remit its per capita tax for any month by the 15th day of the following month, shall result in the local's being declared delinquent. Failure of a local union to remit its per capita tax for any month within sixty days after such local is declared delinquent shall result in suspension of the local.
- B. The local union will stand suspended until its per capita tax is paid up-to-date or the suspension has been revoked by the International Union President or executive board of the council. The executive director of the council shall notify the International Union President and the Secretary-Treasurer of all delinquent or suspended locals. The executive director shall notify the International Union of all reinstatements.

Article V Meetings

Section 1. Convention of the council shall meet biennially in September or October in even-numbered years.

- A. The executive board of the council shall determine the date in September or October as well as the place for each biennial convention.

Section 2. The convention call and credentials to a biennial convention shall be mailed to each affiliated local union at least sixty (60) days prior to the convention.

Section 3. A special convention of this council may be held at the call of the executive board. One-third (1/3) of the locals affiliated with the council may at any time require a special convention by filing a request therefore with the president, which petition shall name the purpose of the convention and a date which shall be no sooner than forty-five (45) days subsequent to the date of such filing, and the president shall issue the call to the locals; except that a special convention shall not be called during the period of sixty (60) days prior to the biennial convention.

- A. When deemed necessary, the International Union President may call special meetings of the council's executive board of the council delegates.

Section 4. All sovereign powers and authority of the council shall originate in the convention of the council and all matters of policy shall be determined at the convention of the council.

Section 5. Between conventions of the council, the executive board, as hereinafter provided, shall be the governing body of the council.

Section 6. A quorum for the transaction of the biennial convention business shall consist of representation from at least one-third (1/3) of the affiliated local unions.

Section 7. A quorum for the transaction of special convention business shall consist of representation from at least one-third (1/3) of the affiliated local unions.

Article VI Representation

Section 1. Local unions shall be entitled to representation at conventions of the council as follows:

- A. Locals with up to 25 members -- 1 delegate.
- B. Locals with 26 members to and including 50 members -- 2 delegates.
- C. Locals with 51 members to and including 75 members -- 3 delegates.
- D. Locals with 76 members to and including 100 members -- 4 delegates.
- E. Thereafter, local unions shall be entitled to 1 delegate for each additional 100 members.
- F. Regardless of the number of delegates, local 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 chairman of the delegation as designated by the local. No fractional votes shall be permitted.
- G. The basis of representation in council conventions shall be determined from the average per capita tax paid to the council by each affiliated local union thereof for the year from the first day of June to the last day of May, inclusive, preceding the biennial convention in September or October or for such period as per capita tax has been paid in the case of local unions chartered and affiliated with the council less than this period. In the case of special conventions, representation shall be based on the average per capita tax paid to the council for the twelve months immediately preceding the call of any special convention.
- H. Duly elected officers and members of the council executive board, who are not elected as delegates representing their local unions, shall nevertheless be entitled to all the rights and privileges of a delegate, except the right to vote.

Section 2. No local union shall be entitled to representation in any meeting of the council unless all of its per capita tax and other just obligations to the International Union and the council have been paid in full by or on the day credentials are presented at the meeting. The retiree chapter of the council shall be entitled to representation at the council conventions as follows:

- A. The retiree chapter shall be entitled to one (1) delegate and one (1) vote.

Section 3. To be accredited, delegates must be on the floor when the vote is taken, and voting by proxy shall not be permitted. All issues except amendments to this constitution shall be decided by a majority vote of the accredited delegates; except as otherwise specifically provided in this constitution.

Section 4. All delegates to the conventions of the council shall be in good standing, and the names of such delegates shall be certified by the proper officers of the locals to the

secretary of the council at least ten days prior to the time of the convention.

Section 5. Expenses of delegates attending these conventions shall be the responsibility of their local unions.

Article VII Officers & Committees

Section 1. The officers of this council shall be a president, a vice-president, an executive director, a treasurer, a secretary and six additional board members, and these eleven officers shall constitute the executive board of the council. No more than two officers and/or board members shall be from the same local union.

Section 2. Beginning in 1988, at the expiration of their present terms of office, three trustees shall be elected for four-year terms.

Section 3. Nomination of officers shall be made in convention from the floor.

Section 4. Beginning in 1988, officers shall be elected for a period of four years by secret ballot. Officers shall be considered elected when they receive a majority of the convention votes cast for the office. When more than two candidates are nominated for one office and a majority vote is not obtained, a run-off election will be held between the two nominees receiving the highest number of votes in the first balloting.

Section 5. All elections within this council shall be conducted in accordance with Appendix D, titled "Election Code" of the International Union Constitution.

Section 6. No member shall be eligible to hold office unless all accounts and per capita tax due the council and the American, Federation of State, County and Municipal Employees, AFL-CIO, are paid in full by the local union of which the individual is a member.

Section 7. Unexcused absence of an officer from three consecutive meetings of the executive board shall automatically cause his/her removal from office.

Section 8. Vacancies in office shall be filled for the remainder of the unexpired term by a majority vote of the executive board.

Section 9. The president, with the approval of the executive board, shall appoint such standing committees as are required by this constitution. The president shall appoint such special committees as may be authorized to do so by the executive board of the council.

Section 10. The executive board shall meet at least six (6) times annually. Notices of board meetings shall be mailed to each local president to inquire if they have any matters to bring before the board. The executive board shall report to the membership following each meeting.

Article VIII Duties of Officers & Committees

Section 1. The president shall preside at all meetings of the council and at all meetings of the executive board, and shall be a member ex-officio of all committees. The president shall be the alternate delegate to the International Union Convention and the Delaware State AFL-CIO Convention. The president shall sign all authorized orders on the treasury and countersign all checks drawn against the funds of the council. At the conclusion of the term, the president shall submit a report to the council regarding the progress and standing of the council, and regarding the official acts of the president during the term of office.

Section 2. The vice-president shall assist the president in the discharge of the official duties and in the absence of the president or the president's inability to serve, the vice-

president shall preside at all meetings and perform all duties otherwise performed by the president.

Section 3. The secretary shall keep a record of the proceedings of the executive board meetings and of the conventions of the council, and shall perform such other duties as may be required by the officers of the council.

Section 4. The treasurer shall:

- A. act as custodian of all money and property of the council;
- B. cause to be deposited all money of the council in a bank or banks selected by the executive board and insured by the FDIC or FSLIC, and money so deposited shall be withdrawn only by checks signed in accordance with this constitution.
- C. sign checks for such purposes as are required by this constitution or authorized by the convention or the executive board; provided, that the vice-president may, with the approval of the executive board, act as an alternative signatory to the president or treasurer;
- D. cause to be kept an accurate record of receipts and disbursements and render a report thereon at each meeting of the executive board;
- E. report fully on the financial standing of the council to each affiliated local union at least quarterly and to each regular convention of the council;
- F. submit monthly membership reports on, and International per capita tax payments for, each affiliated local union to the International Secretary-Treasurer; and
- G. at the expense of the council and through the International Union, give a surety bond in an amount to be fixed by the executive board of the council, which shall be not less than the minimum amount required by the International Constitution.

Section 5. The executive director shall be the full-time chief executive and administrative officer of the council. Subject to this constitution and to council policies as adopted by the convention or the executive board, the executive director shall:

- A. execute the decisions of the council and the executive board and the provisions of this constitution and be responsible for their being carried out by the council staff;
- B. be the council's official spokesperson;
- C. direct negotiations with employers;
- D. direct organizing activities in the council's jurisdiction;
- E. be responsible for the contents of the council's publications;
- F. engage available qualified personnel to perform such functions as are found to be necessary by the executive board, and assign, supervise, terminate or otherwise discipline and set the compensation and expenses of such employees in accordance with fair and equitable personnel policies which shall be established by the executive board;
- G. report to the council, the executive board and the president on all official activities of the council and submit plans and proposals to meet the current and future needs of the council;

- H. be the council's delegate to the International Union Convention and the Delaware State AFL-CIO Convention;
- I. with the prior approval of the executive board:
 - (1) retain such professional services, including attorneys and accountants, as may be necessary to carry out the functions of the council; and
 - (2) designate a member of the council staff to serve as assistant director and to carry out the functions of the executive director during the executive director's temporary absence or incapacity;
- J. in advance of each fiscal year, submit to the executive board a proposed budget for the coming fiscal year, setting forth the anticipated income and the sources hereof, and the anticipated expenditures and their purposes. The proposed budget shall be subject to the revision and adoption by the executive board, and the executive director shall adhere to the provisions of the budget as adopted by the executive board. When there is a need for substantial modification in the budget, the executive director shall report such fact to the executive board. The board may, in its discretion, make such modifications in the budget from time to time as it deems necessary

Section 6.

- A. All staff personnel, whether members of AFSCME or not, are subject to the constitution and policies of the International Union and of the council.
- B. Subject to the constitution of the council and the local affected, staff personnel otherwise qualified may become or continue as officers of affiliated locals, except no more than one council staff member may be a delegate to the council from any one local.
- C. The executive director, all staff members and office employees shall be covered by the AFSCME retirement and insurance plans.

Section 7.

- A. The executive board is the governing body of the council between meetings of the council. At least six regular meetings must be held in the calendar year. Special meetings may be called by the president, on their own motion, or at the request of a majority of board members. A majority of members shall constitute a quorum.
- B. All matters not provided for by this constitution or by the delegate meetings of the council shall be decided by the executive board.
- C. The executive board shall act at all times to maintain and build the council. In case of urgency it may be required to take any and all necessary action, subject only to this constitution.
- D. The executive board shall report to the membership.

Section 8. The Council 81 Executive Board shall create from its membership such special and standing committees as are deemed necessary. Each committee shall, from time to time, review the policies and practices of the council falling within the scope of the committee's assignment, and shall recommend to the Council 81 Executive Board such changes in policies and practices as the committee deems advisable. The council president shall serve as an ex-officio member of all such committees of the council. Chairpersons of these committees shall make a report to the membership at the biennial convention.

Section 9. The trustees shall make or cause to be made, at least semi-annually, an audit of the council's finances and shall report to the locals on the results of such audits.

**Article IX
Amendments**

Section 1. Proposed amendments to this constitution shall be submitted in writing to the executive board at least thirty (30) days prior to the regular or special convention of the council at which a vote is to be taken. The proposed amendments and the recommendation of the executive board shall be submitted to the next convention of the council. A two-thirds vote of the delegates voting on the amendment shall be necessary for adoption.


Section 2. Except to the extent specified in this constitution, no officer of this council shall have the power to act as agent or otherwise bind this council in any way whatsoever. No member, group of members, local union or groups of local unions shall have the power to act on behalf of or otherwise bind the council except to the extent specifically authorized in writing by the president, the convention or the executive board of the council.

Section 3. This constitution and all amendments thereto shall be subject to approval by the President of the American Federation of State, County and Municipal Employees, AFL-CIO.

**Article X
Rules of Order**

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

Approved by:

A handwritten signature in black ink that reads "Lee Saunders". The signature is written in a cursive, flowing style.

LEE SAUNDERS
President

Approval date: July 10, 2015