

Constitution
for
AFSCME Florida Council 79

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 their 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 an 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 the 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.

For unions, the workplace and the polling place are inseparable, and the exercise of the awesome rights and responsibilities of citizenship are 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, delegates assembled in an official convention of AFSCME Florida Council 79 of the American Federation of State, County and Municipal Employees, hereby adopt this constitution and this Bill of Rights.

Bill of Rights

The Bill of Rights for Union Members contained in the constitution of the International Union shall be fully applicable to this council:

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, ethnicity, sex, age, sexual orientation, gender identity or expression, disability, immigration status, 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 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 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 fair trial with strict adherence to due process. The accused shall be considered innocent until proven guilty.

Article I Name and Offices

Section 1. The name of this organization shall be AFSCME Florida Council 79 of the American Federation of State, County and Municipal Employees, AFL-CIO.

Section 2. The council shall maintain an office in the City of Tallahassee, Florida, and in such other locations as the Council Executive Board may determine to be necessary and appropriate.

Article II Affiliation

This council is chartered by and shall be affiliated with the American Federation of State, County and Municipal Employees, AFL-CIO.

Article III Objectives

The purpose of this council shall be to carry out the objectives of the American Federation of State, County and Municipal Employees, AFL-CIO and to:

- a. Promote and extend the organization of employees and improve the welfare of workers in general;
- b. Conduct negotiations and bargain collectively for wages, hours, and working conditions for all local unions within the jurisdiction of the council;
- c. Promote legislation and political action through a united effort of all AFSCME locals in the State of Florida;
- d. Foster cooperation among affiliated locals;
- e. Provide research, educational and organizational services and activities designated to assist members and affiliates;

- f. Work cooperatively with local unions: (1) on grievances which reach the highest level; (2) before legislative and administrative bodies, councils, commissions and committees; and (3) in any other matter to carry out the objectives of the council and the International Union; and
- g. Cooperate with other labor organizations in particular and other segments of our society in general toward the end that the material riches of American society be more justly distributed and the moral promise of American life be realized.

Article IV Membership and Revenue

Section 1. The membership of this council shall consist of all AFSCME local unions in the State of Florida and they shall become and remain affiliated with this council.

Section 2. Per capita tax shall be paid to this council by each affiliated local union on the number of individual monthly dues payments received by the local during each month. Effective January 1, 2019, the per capita rate shall be \$22.63 per month. Each January, thereafter, this rate shall be adjusted in accordance with the provisions of the International Constitution. Monthly per capita tax payments shall be made to the council on the same number of members as are reported in the local's report to the International Union.

Section 3. The per capita tax for members who have regular work schedules of twenty (20) or fewer, but more than twelve, hours per week shall be 75 percent of the per capita tax established in Section 2 of this Article. The per capita tax for members who have regular work schedules of twelve or fewer hours per week shall be 50 percent of the per capita tax established by Section 2 of this Article.

Section 4. In accordance with International Constitution, dues deductions of an affiliated local shall be transmitted directly by the employer to this council. The Council Treasurer shall then deduct the constitutionally established per capita tax for the council and shall deduct and pay, on behalf of the local union, its constitutionally established per capita tax to the International Union not later than the 15th day of the month following the month in which such dues are received by the council. The Council Treasurer also shall deduct and pay such other amounts as may be requested by the local union. After the foregoing deductions have been made, the remaining amount shall be transmitted to the local union, together with an accounting of all amounts received and all payments made on behalf of each local union.

Section 5. Failure of a local union to remit its council 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 to remit its council per capita tax for any month within thirty (30) days after such local has been declared delinquent shall result in the local's automatic suspension from the privileges and benefits of this council. Suspension shall remain in effect until all overdue per capita tax has been paid.

Section 6. The Council Treasurer shall notify the International Union President and Secretary-Treasurer of all delinquent or suspended locals and of all reinstatements.

Article V The Convention

Section 1. All sovereign power of this council shall be vested in the Council Convention when in session.

Section 2. Regular conventions shall be held once every two years commencing in 2021. The time and place for the holding of the convention shall be set by the Council Executive Board; provided, however, that the convention shall begin at some time between the first day of September and the last day of December. However, during the off year, specialized education or other training may be offered.

Section 3. Special conventions may be called at any time and upon at least thirty (30) days' notice by a two-thirds vote of the Council Executive Board, or by the Council President with the approval of a majority of the Council Executive Board. One-third of the affiliated locals, by resolution properly adopted and forwarded to the Council Secretary, can compel the calling of a special convention for the purpose or purposes set forth in the resolution. A special convention can also be called by the International President or by an authorized representative of the International President.

Section 4. The basis of local union representation in council conventions shall be determined from the average number of members on which per capita tax was actually paid to the council by each affiliated local union for the twelfth consecutive month period ending with the fourth full month prior to 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 only be entitled to a fraternal delegate who shall be entitled to all of the rights and privileges of a delegate, except the right to vote.

Section 5. Representation will be based on the number of members in each local. The formula used for ascertaining the number of delegates for each local shall be as follows:

One hundred members 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 but not exceeding 500, five delegates
More than 500, one additional delegate for each 500 additional members or fraction thereof.

Local unions may elect one alternate for each delegate.

Section 6. 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 7. Each delegate must be a member in good standing of the local such delegate represents. Any member of the Council Executive Board who is not elected as a delegate representing a local union shall nevertheless be entitled to all the rights and privileges of a delegate, except the right to vote.

Section 8. At least sixty (60) days prior to each regular convention, the Council Secretary shall send to each local a convention call, accompanied by the appropriate number of credential forms. In the case of a convention at which the election of officers is to take place, this shall be indicated in the convention call.

Section 9. No local union shall be entitled to representation in any convention 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 convention.

Section 10. To vote, delegates must be on the floor when a vote is taken. Voting by proxy shall not be permitted. All issues shall be decided by a majority vote of the accredited delegates voting, except as otherwise specifically provided in this constitution.

Section 11. Any resolution to be introduced to the convention shall be submitted, in writing, to the Council Secretary not later than twenty (20) days prior to the opening of the convention. Therefore, no resolution can be introduced except by permission of two-thirds of the convention; provided, however, that the Council President or the Council Executive Board may introduce a resolution for consideration by the convention at any time the convention is in session.

Section 12. All delegates and alternatives to the convention of the council shall be elected in accordance with the provisions of Appendix D, Elections Code, of the International Union Constitution. The names of such delegates shall be certified by the appropriate officers of the locals to the Council Secretary at least twenty (20) days prior to the opening of the convention. Delegate credentials submitted late but prior to the close of the convention registration will be irregular delegates who may only be seated by majority vote of the convention.

Section 13. No delegate may represent more than one local union. Proxy voting between locals shall not be permitted.

Section 14. Expenses of delegates attending council conventions shall be the responsibility of the delegates or their respective local unions.

Section 15. A quorum for the transaction of business shall consist of delegates representing not less than one-third of the affiliated locals which are entitled to representation at a council convention.

Section 16. Local union presidents shall be automatic delegates to all special conventions of this council, unless the local union constitution provides for a different automatic delegate.

Article VI Officers and Elections

Section 1. The officers of this council shall be a president, an executive vice-president, a secretary and a treasurer. These officers, together with the sector vice-presidents and regional vice-presidents shall constitute the executive board of the council. In addition, there shall be elected two (2) sergeant-at-arms and three (3) trustees who shall not be members of the executive board. The chairperson of the AFSCME Florida Council 79 Retiree Chapter shall be the retiree representative and hold a non-voting position on the executive board.

Section 2. The president, executive vice-president, secretary and treasurer shall be elected at-large; provided, however, no more than one (1) of these shall be elected from the same local union. Two (2) sergeant-at-arms shall be elected at-large; provided, however, no more than one (1) of these shall be elected from the same local union. Three

(3) trustees shall be elected at-large; provided, however, that no more than one (1) of these shall be elected from the same local union.

Section 3. At the 2019 Convention, one sector vice-president from each of the following sectors shall be nominated and elected by delegates in the following sectors:

- a. State – local unions representing employees of the State of Florida, excluding those in the College/University Sector.
- b. City/County – local unions representing employees providing services for cities and counties within the State of Florida.
- c. Schools – local unions representing employees providing services for school boards or charter schools within the State of Florida.
- d. Hospitals – local unions representing employees providing services for hospitals, behavioral health care facilities, long term care facilities, and rehabilitation facilities in the State of Florida.
- e. College/University – local unions representing employees providing services for colleges or universities within the State of Florida.

If the council organizes members in a sector not listed above, the executive board shall decide whether to expand the jurisdiction of an existing sector or create a new sector provided the membership in the new sector is equal to or greater than 550 members at the time it is established. Such action by the executive board shall be subject to the approval of the next convention.

If membership in any sector falls below 200 members for more than six (6) consecutive months, the sector shall be combined with another sector, as deemed appropriate by the delegates at the next regular convention. Any sector vice-presidents who have not completed their term in office at the time sectors are combined shall be eligible to remain in office until the end of their term.

Starting in 2021, if on the 120th day prior to a regular convention, the membership within any sector is more than 5,000 members, the sector shall be entitled to one (1) sector vice-president for the first 5,000 members and one (1) additional sector vice-president for each 2,500 members thereafter. Each sector shall always be entitled to at least one (1) sector vice-president.

Section 4. For the purpose of electing regional vice-presidents, the State of Florida shall be divided into three (3) regions. For each region, three (3) regional vice-presidents shall be elected by the delegates representing local unions within that region. No more than one (1) regional vice-president shall be elected from the same local union.

The regions are as follows:

- a. Region 1: The counties of Alachua, Baker, Bay, Bradford, Calhoun, Clay, Columbia, Dixie, Duval, Escambia, Flagler, Franklin, Gadsden, Gilchrist, Gulf, Hamilton, Holmes, Jackson, Jefferson, Lafayette, Leon, Levy, Liberty, Madison, Marion, Nassau, Okaloosa, Putnam, Santa Rosa, St. Johns, Suwannee, Taylor, Union, Wakulla, Walton and Washington.
- b. Region 2: The counties of Brevard, Charlotte, Citrus, Collier, DeSoto, Glades, Hardee, Hendry, Hernando, Highlands, Hillsborough, Indian River, Lake, Lee, Manatee, Martin, Okeechobee, Orange, Osceola, Pasco, Pinellas, Polk, Sarasota, Seminole, St. Lucie, Sumter and Volusia.
- c. Region 3: The counties of Broward, Miami-Dade, Monroe and Palm Beach.

Section 5. The terms of office of the Council President, Executive Vice-President, Secretary, Treasurer, Sector Vice-Presidents and Regional Vice-Presidents elected at the 2019 Convention shall run until the 2021 Convention; thereafter, the terms of such offices shall be four (4) years. The terms of office of the sergeant-at-arms and trustees elected at the 2019 Convention shall run until the 2021 Convention; thereafter the terms of such offices shall be four (4) years, except that in the election at the convention in 2021, one trustee shall be elected for a two year-term, and two trustees shall be elected for a four-year term. To be eligible to run for any office or executive board position in Council 79, a candidate must be in good standing with an affiliated local or locals for one year at the time of the election.

Section 6. Nominations and elections shall take place at the convention. The pre-convention incumbents shall remain in office until the election is completed and the report of the Election Committee is adopted by the convention. At that time, the newly-elected officers shall be installed.

Section 7. All matters concerning nominations and elections in this council shall be subject to the provisions of Appendix D, Elections Code, of the International Union Constitution.

Section 8. Every officer upon assuming office, shall subscribe to the Obligation of an Officer contained in Appendix B, Elections Code, of the International Union Constitution.

Section 9. Vacancies in office shall be filled on a temporary basis by vote of the executive board. At the next convention of the council, a replacement shall be elected by the delegates to serve the remainder of the unexpired term.

Section 10. Should any officer be absent from three consecutive executive board meetings without excuse acceptable to the board, that office shall be declared vacant and filled in accordance with this constitution.

Section 11. No member shall be eligible to seek office unless all accounts and per capita tax due the council and the International Union are paid in full by the local union of which the member holds membership. No retired member shall be eligible to hold any office except the retiree representative.

Section 12. No regular full-time salaried staff employee of this council may seek office in this council.

Article VII Duties of Officers and Executive Board

Section 1. The Council President shall:

- a. be a full-time chief executive and administrative officer of the council and conduct the affairs of the council in accordance with this constitution and in accordance with the policy decisions of the convention and the executive board;
- b. serve as the presiding officer at all meetings of the convention, the executive board, and as an ex-officio member of all committees, except election committees, and appoint all standing and special committees of the council and all convention committees, subject to the approval of the executive board;
- c. with the approval of the executive board, procure suitable office space for the transaction of council business;

- d. under policies established by the executive board, employ, terminate, fix the compensation and expenses of, and direct the activity of staff as required to carry out effectively the functions of the council;
- e. with the approval of the executive board, engage such technical and professional services, including legal counsel, as may be required;
- f. in advance of each fiscal year, submit to the executive board a proposed budget for the coming year, setting forth the anticipated income and sources thereof and the anticipated expenditures and their purposes. The proposed budget shall be subject to revision and approval by the executive board.
- g. sign all contracts and other official documents of the council; but may, instead, with the approval of the executive board, designate a deputy to so sign;
- h. countersign all checks drawn on the funds of the council, but may, instead, with the approval of the executive board, designate a deputy to so sign; provided the check is countersigned by an officer of this council.
- i. report regularly to the executive board and to the convention of official activities and on the progress of the council.
- j. serve as a delegate to all conventions at which the council is entitled to representation; and
- k. perform such other duties as may be required by the constitution, the convention, or the executive board.

Section 2. The Council Executive Vice-President shall in the absence of the president or in the president's inability to serve, preside at all meetings and perform all duties otherwise performed by the president. Upon approval of the executive board be authorized to act as co-signer of checks drawn on the council funds in place of either the president or the treasurer if so designated and they are unavailable.

Section 3. The Council Treasurer shall receive and take charge of all money and property of the council. The Council Treasurer shall deposit all money in a bank which is insured by the Federal Deposit Insurance Corporation in the name of the council, and money deposited shall be withdrawn only by check signed in accordance with this constitution. The Council Treasurer shall draw and sign checks for such purposes as are authorized by this constitution or are authorized by the Council Convention or the executive board. The Council Treasurer, with the approval of the executive board, may authorize a deputy to countersign checks instead; provided the checks are countersigned by an officer of this council, and assist with carrying out the responsibilities of this office. The Council Treasurer shall keep an accurate record of receipts and disbursements and shall render a report thereon at each meeting of the Council Executive Board. The Council Treasurer shall report fully on the financial standing of the council to each affiliated local union not less often than semi-annually.

Section 4. The Council Secretary shall keep a record of the proceedings of the convention and of meetings of the executive board, recording faithfully each motion that is made and the disposition of such motion. The Council Secretary, with the approval of the executive board, may authorize a deputy to assist with carrying out the responsibilities of this office. The Council Secretary shall perform such other duties as may be required by this constitution, the convention, or the executive board.

Section 5. Sector vice-presidents shall represent members within their sector on the executive board concerning all matters affecting the policies, aims, and means of accomplishing the purposes of the council. Sector vice-presidents shall hold quarterly informational telephonic conference calls with the leadership of the locals within their

sectors and shall meet with sector delegates at conventions. The objective of these meetings shall be to discuss labor management matters within the sector, establish bargaining goals, develop standard contract provisions, exchange information regarding the settlement of grievances, and identify organizing opportunities for new and existing bargaining units within the sector.

Section 6. Regional vice-presidents shall represent members within their regions on the executive board concerning all matters affecting the policies, aims, and means of accomplishing the purposes of the council. Regional vice-presidents shall promote the council's objectives and programs within their region. They shall hold quarterly informational telephonic conference calls with the leadership of the locals within their regions. The objectives of these meetings shall be to share and discuss the council's programs and priorities with local unions and identify organizing opportunities for new and existing public and private sector bargaining units within the region.

Section 7. The executive board of the council shall be the governing body of the council between conventions. All matters affecting the policies, aims, and means of accomplishing the purposes of the council not specifically provided for in this constitution, or by action of the Council Convention, shall be decided by the executive board. The executive board shall meet not less often than quarterly. Special meetings may be called by the Council President or by a majority of the members of the executive board. Special meetings also may be called by the International President. A report on all actions of the executive board shall be made at each Council Convention. A majority of the members of the executive board shall be required for a quorum.

Section 8. The executive board shall establish an appropriate salary for the president and expense allowances for the officers and members of the executive board. Council officers and board members shall receive a stipend per meeting at a daily rate to be decided by a majority of the executive board. The stipend shall never be at a daily rate higher than the federal per diem rate established by the GSA for meals and incidentals for Tallahassee, Florida.

Section 9. The trustees shall make or cause to be made at least annually an audit of the finances of the council and shall report to each Council Convention and to each affiliated local union the results of such audit.

Section 10. The two (2) sergeant-at-arms shall be responsible for maintaining order and decorum at all council meetings and conventions, for arranging suitable accommodations for official visitors to council conventions, and for performing such incidental duties as Council President may assign.

Article VIII Judicial Procedures

All charges, trials and appeals shall be handled in accordance with the provisions of Article X of the International Constitution of the American Federation of State, County and Municipal Employees.

Article IX Miscellaneous Provisions

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

Section 2. Except to the extent specified in this constitution, no officer of this council shall have the power to act as agent for or otherwise bind the council 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 council except to the extent specifically authorized in writing by the Council President or the Council Executive Board.

Section 3. 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 any special rules of this council, or the constitution of the American Federation of State, County and Municipal Employees.

Article X Amendments

Section 1. This constitution may be amended by proposals properly introduced at the Council Convention and approved by a two-thirds vote of the Council Convention. Such proposals shall be submitted, in writing, to the Council Secretary not later than twenty (20) days prior to the opening of the Council Convention. Thereafter, no proposal to amend the constitution can be introduced except by permission of two-thirds vote of the Council Convention; provided, however, that the Council President or the Council Executive Board may introduce an amendment for the consideration by the convention at any time the convention is in session.

Section 2. Any proposed amendment which is submitted to the Council Secretary at least ninety (90) days prior to the opening of the Council Convention shall be reproduced in full and mailed to each affiliated local union not later than sixty (60) days prior to the opening of the Council Convention, and any proposed amendment which is so introduced and distributed may be approved by a majority vote of the Council Convention.

Section 3. The Council Executive Board shall review and make a recommendation to the Council Convention on any proposal to amend the constitution.

Section 4. Any amendment approved by the Council Convention shall be immediately submitted to the International President and such amendment shall take effect only upon written approval of the International President.

Approved by:



LEE SAUNDERS
President

Approval date: March 29, 2019