**AFSCME District Council 36 Constitution**

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All AFSCME affiliated local unions, except state and university employee local unions and Locals 206, 1001, 1902, 3930 and 4034, in the following California counties; Los Angeles, Orange, Ventura, Santa Barbara, Riverside, San Bernardino, San Diego and Imperial shall be affiliated with this Council. The Bill of Rights for Union Members contained in the International Constitution shall be the Bill of Rights for members of this Council.  Section 2. The appropriate fiscal officer of each local union shall, at the end of each month, remit or cause to be remitted to the council treasurer, at the principal office of the Council a per capita tax of $17.25 per member per month, for each full-time member. Council per capita tax for members who have regular work schedules of 20 or fewer, but more than 12 hours per week shall be three quarters of the full-time Council per capita tax or $12.85 per member per month. Council per capita tax for members who have regular work schedules of 12 or fewer hours per week shall be fifty per cent of the full time Council per capita tax or $8.60 per member per month. Each January thereafter, this amount shall be adjusted in accordance with the applicable provisions of the International Constitution.  Per capita tax shall be paid on the number of individual monthly dues payments received by the local during the month. Failure of a local union to remit its per capita tax by the fifteenth (l5th) day of the following month shall result in the local being declared delinquent. Failure of a local union to remit its per capita tax within forty-five (45) days after such local is declared delinquent shall result in the suspension of the local union from the privileges and benefits afforded by the Council until all per capita tax has been paid up-to-date or the suspension has been revoked by the Council Executive Board.  All payroll deductions of local dues, with the exception of those locals which as of July 1979 are handling their own, will be transmitted directly to the Council by the employer, the Council shall deduct its per capita tax, the International per capita tax, and shall transmit the remainder to the local union as quickly as possible, but in no case later than fifteen (15) days after receipt of the money by the Council.  Section 3. The Council Treasurer shall notify the International Union President and Secretary-Treasurer of all suspensions and rein-statements occurring under the provisions of Section 2, above.  **ARTICLE IV** CONVENTION  Section 1. All powers of this Council shall be vested in the Convention, when in session.  Section 2. The Convention shall meet biennially in the odd-numbered years, at such time, date, and place as shall be determined by the Council Executive Board; provided, however, that such Convention shall begin at some time between September 15 and November 15.  Section 3. 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 Council Executive Board. One-third of the locals affiliated with the Council may also require a special convention by filing a written request with the Council President, which petition shall name the purpose or purposes of the convention and establish the time, date, and place, which date shall be not less than sixty (60) days after the date of filing the written request. A special convention may also be called by the International President or his authorized representative.  Section 4. Not less than seventy five (75) days prior to the opening of any convention, the Council Secretary shall issue a Convention Call, in the name of the 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 notice for submitting proposed resolutions and amendments to this Constitution shall be included with the Convention Call. A copy of the Call shall be sent to all affiliated local unions, together with the appropriate number of blank credential forms. Completed credential forms must be returned to the council no later than one (1) month prior to the date of the Convention for processing. Late credentials may be accepted up to the first day of business at the Convention.  Section 5. The Council 36 Executive Board shall send, or cause to be sent, a proposed Convention agenda to all locals at least two weeks prior to any Council 36 Convention. All proposed amendments/resolutions that will be discussed at the Convention shall be mailed with the agenda except as provided in Article IV, Section 15.  Section 6. The basis of local union representation in conventions shall be determined from the average per capita tax actually paid to the Council by each affiliated local union for the twelve (12) consecutive months 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 aver-age 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.  Section 7. 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 delegate for each 1,000  additional members or fraction thereof.  Section 8. Regardless of the number of delegates, locals shall be entitled to vote on the basis of one vote for each member. Locals en-titled 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. If more than one delegate is present, the number of votes to which the local is entitled 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.  Section 9. All delegates to the Convention shall be elected in accordance with Appendix D, Elections Code of the International Constitution. The names of such delegates shall be certified by the president and secretary of each local union to the Council Secretary who shall submit such certifications to the Credentials Committee.  Section 10. A delegate representing a local union must be a member in good standing of the local he/she represents except that no salaried employee of the Council shall serve as a delegate from any local.  Section 11. No member of the Council Executive Board shall serve as a delegate from any local except the local of which he is a member. Any member of the 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 12. No local union which is under suspension by the International Union or by this Council under the provisions of Article III, Section 2, shall be entitled to representation in the Convention.  Section 13. Prior to each Convention, the Council President shall, with the approval of the Executive Board, appoint a Credentials Committee, a Committee on Rules and Order of Business, and Sergeant-at-Arms Committee designating one member of each Committee as Chairman. At the Convention, the president shall, with the approval of the Executive Board, appoint a Committee on Elections and any additional committees required under the rules of the Convention, designating one member of each committee as chairman, and special committees and the chairmen thereof required by any resolution adopted by the Convention, unless such resolution provides for a different method of appointment. The president shall be an ex-officio member of all Convention committees, except the Credentials Committee and the Committee on Elections.  Section 14. Each member of the Credentials Committee and of the Committee on Elections shall, upon accepting appointment of such committee, be disqualified from becoming a candidate for elective office at the Convention.  Section 15. Resolutions by local unions, including proposals to amend this Constitution to be introduced at any Convention shall be signed by the President and Secretary of the local or by one or more certified delegates, and sent to the Council secretary at the principal office of the Council and postmarked at least three weeks prior to the opening of the Convention. The secretary shall make copies of all such resolutions available to the delegates not less than two weeks prior to Convention and shall properly identify those who submitted the resolutions. No resolution may be introduced thereafter unless consent is given by a two-thirds vote of the Convention; provided, however, that the President or the Executive Board may introduce a resolution for consideration by the Convention at any time prior to 5:00 p.m., of the opening day of the Convention.  Section 16. The Council President shall be the presiding officer at all conventions, but may call any delegate to preside in his/her stead. The Council Secretary shall serve as secretary at all conventions.  Section 17. At each regular Convention, held in an odd-numbered year, there shall be elected a president, a secretary and a treasurer, to be elected by the Convention at-large, and additional vice-presidents to be elected by the delegates representing locals in each of the districts hereinafter established. In any case, where the membership in a district equals less than 20% of the total membership of all locals affiliated with this Council, the delegates representing locals in such district shall elect one vice-president. In any case, where the membership in a district equals 20% or more of the total membership of all locals affiliated with this Council, the delegates representing locals in such district shall elect three vice-presidents. In any case where the membership in a district equals 60% or more of the total membership of all the locals affiliated with this Council, the delegates representing locals in such district shall elect four vice-presidents. In any case where the membership in a district equals 70% or more of the total membership of all the locals affiliated with this Council, the delegates representing locals in such district shall elect five vice-presidents. These officers will make up the Executive Board. If the total membership in any district grows to such an extent that the district is eligible to elect an additional vice-president, the membership of the locals in the district in which the growth has taken place will be so notified by the Council President within 30 days of said growth. Such notice shall also contain a date, time and place of a meeting to be held for purposes of electing the proper number of additional vice-presidents to fill such growth vacancies. Such meetings shall be held within sixty (60) days after such notification is given. All nominees shall be afforded an opportunity to decline the nomination. If the total membership in any district which is represented by three or more vice-presidents falls below the number required to be eligible for three or more vice-presidents, the delegates from locals in such districts shall, at the next convention at which elections are to be held, elect the proper number of vice-presidents.  Section 18. There are hereby established, for the purpose of electing vice-presidents, five districts except as provided in Section 19 of this article. A delegate shall vote only for the vice-president(s) from the district in which the local the delegate represents is located. In any case where the membership of a local union is employed in more than one district, the votes of the local shall be cast in the district in which the largest number of members is employed except as provided in Section 19 of this article. The First District shall consist of Santa Barbara and Ventura Counties. The Second District shall consist of Los Angeles County, North of Freeway 105. The Third District shall consist of San Bernardino and Riverside Counties. The Fourth District shall consist of Los Angeles County, South of Freeway 105. The Fifth District shall consist of San Diego and Imperial Counties. The Sixth District shall consist of Orange County. The Seventh District shall consist of private non-profit.  Section 19. The Council Executive Board in order to provide for newly organized or affiliated agencies and jurisdictions that do not easily fit into the county and municipal jurisdictions for which districts one through five were created, may at its discretion create one or more new districts, or assign new affiliates to existing districts. At the time of the creation of such new districts, which may or may not cross the geographical boundaries of the existing districts, the Council Executive Board will appoint the appropriate number of Vice-Presidents, according to the numerical formula provided in Section 17 of this article. Such Vice-Presidents will serve until the next regular convention of the Council, when the delegates from newly created districts will elect Vice-Presidents in accordance with the provisions of Section 17 of this article.  Section 20. There shall also be elected four trustees, who shall serve a term of four years, except that, in the initial election held pursuant to this provision, two trustees shall be elected for a two-year term. At each regular convention, held in an odd-numbered year, thereafter, two trustees shall be elected for a term of four years.  Section 21. To be eligible for election as President, Vice-President(s), Secretary, Treasurer, or Trustee, a nominee must have been a member in a local or locals affiliated with this Council for at least one year immediately preceding his/her nomination.  Section 22. Nominations of officers shall be conducted in open convention, and no nominating committee shall be used. Any delegate may nominate any eligible member for the Office of President, Secretary, Treasurer or Trustee. Any delegate may nominate any eligible member for Office of Vice-President(s) to represent the delegate’s own district. Following the nomination procedures, nominees shall be afforded the opportunity to decline or accept, 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.  Section 23. In any matter concerning the conduct of elections not specifically provided for in this Constitution, the provisions of Appendix D (Elections Code of the International Constitution) shall govern.  Section 24. Vacancies in office shall be filled for the remainder of the unexpired term by a majority vote of the Executive Board.  Section 25 Every officer shall, upon assuming office, subscribe to the Obligation of an Officer contained in Appendix B of the International Constitution.  **ARTICLE V** THE PRESIDENT  The President shall:  a. Preside at all Council Conventions and at all meetings of the Executive Board.  b. Be an ex-officio member of all committees, except the Credentials Committee and Election Committee.  c. Countersign all checks drawn against the funds of the Council.  d. Report quarterly to the membership regarding the progress and standing of the Council and regarding his/her official acts.  e. Appoint all committees of the Council, subject to the approval of the Executive Board.  f. Carry out such other duties as may be required by this Constitution, the Council Convention or the Executive Board.  **ARTICLE VI** THE VICE-PRESIDENTS  Section 1. Vice-Presidents shall be elected from each district, as established in Article IV, Sections 17, 18 and 19 of this Constitution, by the convention delegates from such districts, at the 1979 Constitutional Convention and at every regular biennial convention thereafter.  Section 2. It shall be the duty of each Vice-President:  a. To attend and participate in all conventions of the Council held during such Vice- President’s term of office.  b. To attend and participate in all meetings of the Executive Board.  c. To keep in regular contact in person, electronically or by telephone with each of the locals assigned to him/her at the beginning of his/her term by the Council 36 President and approved by the Executive Board. d. To be responsible for reporting to the Council 36 Executive Board about each of the locals in his/her assignment, particularly about activities, servicing, and matters of special concern or importance to a local. Such reports shall be made regularly throughout the vice-presidents’ term of office, but not less than on a quarterly basis.  e. To keep the Presidents or his/her assigned locals informed of important decisions made by, or issues pending before, the Council 36 Executive Board. Such reports shall be made regularly in person, electronically or by telephone throughout the Vice-Presidents’ term of office, but not less than on a quarterly basis.  Section 3. Each Vice-President shall have the authority:  a. To serve on any committees of the Executive Board to which such Vice-President may be elected or appointed.  b. To perform such other duties as may be requested by the President.  Section 4. No Vice-President shall become a salaried employee of the Council without first resigning as a Vice-President. No salaried employee of the Council shall be a Vice-President.  **ARTICLE VII** THE SECRETARY  The Secretary shall:  a. Keep a record of the proceedings of all meetings of the Council Conventions and of the Executive Board.  b. Carry on the official correspondence of the Council except as the Executive Board may direct otherwise.  c. In the absence of the President or in his/her inability to serve, the Secretary shall preside at all meetings and perform all duties otherwise performed by the President.  d. Perform such other duties as may be provided in this Constitution or by action of the Convention or the Executive Board.  e. Forward a copy of the minutes of all Executive Board proceedings at the earliest possible time after the conclusion of the meeting to the President of each affiliated local.  f. In the absence of the President or Treasurer act as a co-signer on checks drawn against the funds of the Council.  **ARTICLE VIII** THE TREASURER  The Treasurer shall:  a. Ensure that money deposited in the Council’s accounts shall be withdrawn only by check properly signed by any two of the following: President, Treasurer, Secretary and Executive Director of the District Council.  b. Sign checks for such purposes as are required by the Constitution or are authorized by the Convention or the Executive Board.  c. Ensure that the monthly membership report is submitted on behalf of each of its affiliated local unions to the International Union office and see that a check is drawn in payment of the Council’s per capita tax on behalf of each of its affiliated local unions each month and sent to the International Secretary-Treasurer.  d. Once each month submit to the membership a monthly operating statement of the financial transactions of the Council for the previous month.  e. Act as custodian of all properties of the District Council.  f. Give a surety bond for an amount to be fixed by the Executive Board of the Council, at the expense of the Council and through the International Union, which amount shall be not less than required by the International Constitution and applicable law.  g. 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.  h. Act as overseer of all checks authorized by the Executive Board.  i. Be responsible for transferring to a successor in office all financial records in their original form, retention of which is required for a total period of six years by Article IX, of the International Constitution. In the absence of the President and Secretary, or in their inability to serve, the Treasurer shall preside at all meetings and perform all duties otherwise performed by the President and Secretary.  **ARTICLE IX** THE EXECUTIVE BOARD  Section 1. The Council Executive Board shall be the highest legislative and policy-making body of this Council, except when the Convention is in session. The 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 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 Executive Board shall be composed of the President, who shall serve as the Chairperson; the Secretary, who shall serve as Secretary; the Treasurer, who shall serve as Treasurer; and all Vice-Presidents are members of the Executive Board. Each member of the Executive Board shall have one vote on all matters on which a vote is taken, except the Chairperson or Acting Chairperson, who will only vote in case of a tie.  No more than one officer shall be elected from any one local. In order to serve and hold office on the District Council Executive Board an individual must work within the jurisdiction of Council 36. Upon leaving the jurisdiction of Council 36 that Executive Board member must immediately resign from the Board.  Section 2. The Executive Board shall meet immediately following final adjournment of the Convention, and shall conduct monthly general meetings. During any convention year, the Executive Board shall hold one general meeting immediately preceding the Convention. Meetings will be held on the call of the President or on call of a majority of the members of the Executive Board upon written notice to the President. A majority of the members of the Executive Board shall constitute a quorum for the transaction of business. The Secretary 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 Executive Board at these meetings shall be communicated in writing to the President. All meetings of the Executive Board shall normally be open to all members of the Council. Meetings may be closed if the Board decides,  by majority vote, that serious injury or damage might otherwise be done to the Council or any individual. Failure to attend three (3) consecutive regularly scheduled Board meetings without excuse shall be deemed as a resignation from office. Excused absences shall be determined by a majority vote of the Executive Board. **ARTICLE X** THE EXECUTIVE DIRECTOR  The Executive Director shall be employed by the Executive Board and shall serve at the pleasure of the Board. The Council 36/AFSCME Executive Board may negotiate an employee contract with the Executive Director. He/she shall be the Council's administrative and executive officer, and shall devote his/her full time to the Council. He/she shall, under policies established by the Executive Board, employ, terminate, fix the compensation and expenses, and direct the activities of such staff as are required to carry out effectively the functions of his/her office. Sixty (60) days prior to the end of the fiscal year, or as soon as possible after receipt of the amounts of annual per capita adjustment from the International Secretary-Treasurer, if this date is later, the Executive Director shall submit to the Executive Board a pro-posed budget for the coming year, setting forth the anticipated expenditures and their purposes. The proposed budget shall be subject to revision and approval by the Executive Board. The Executive Director shall serve as a non-voting member of the Executive Board.  **ARTICLE XI** AUDIT OF COUNCIL ACCOUNTS  The Executive Director, with the approval of the Executive Board, shall appoint a certified public accountant who shall audit all accounts of the Council immediately following the close of each fiscal year, or at the discretion of the Executive Board, at more frequent intervals. The Trustees shall be responsible for seeing that such audits are done in a complete, accurate and timely manner in accordance with this Constitution and for causing the results of such audit to be reported to the Executive Board of the Council and to each affiliated local union. The fiscal year shall begin on January 1st and end on the last day of December.  **ARTICLE XII** MISCELLANEOUS PROVISIONS  Section l. This Council shall at all times be subject to the provisions of the Constitution of the American Federation of State, County and Municipal Employees, AFL-CIO.  Section 2. Except to the extent specified in this Constitution, no officer of the 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 President of the Council or the Executive Board of the Council.  Section 3. Robert's Rules of Order, Revised, shall be the guide 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 the American Federation of State, County and Municipal Employees.  Section 4. All judicial procedures shall be conducted in accordance with Article X of the International Constitution.  Section 5. All officers and employees of this Council shall be bonded at the expense of the Council through the International Union Office. The minimum bond shall be no less than ten percent (10%) of the assets handled by the Council annually.   Section 6. No person may serve simultaneously as a salaried employee and a Board member of this Council, and no member of this Board shall be employed by the International on a full or part-time basis during his/her tenure of Council 36 office; however, a Board member may be employed for a period not to exceed ninety (90) days during which time he/she may not participate in any Board functions.  Section 7. All checks drawn against the funds of the Council must be signed by any two of the following: President, Secretary, Treasurer or Executive Director.  Section 8. A policy shall be established by the Executive Board to remunerate the expenses of the Executive Board members that are incurred while attending a regular or a special meeting of the Board. The Executive Board shall periodically establish rates of remuneration. Such policies shall be available for viewing by request.  Section 9. Beginning with the month of January 1996, and each month thereafter, the Council shall pay to the AFL-CIO on behalf of each local union affiliated and in good standing with Council 36, such amounts as per capita tax as may be required to insure that each local union is fully affiliated, and maintained in good standing, with the appropriate central labor council of the AFL-CIO.  **ARTICLE XIII** THE BUSINESS MANAGER  The Executive Director, with the approval of the Executive Board, shall hire a full-time Business Manager to handle the financial affairs of the Council. The Business Manager shall have no less than a bachelor’s degree in accounting and at least five years experience in managing the financial affairs of organizations similar to the Council. The Business Manager shall, pursuant to the direction of the Executive Director and Executive Board, subject to review by the Treasurer and in accordance with the AFSCME Financial Standards Code and all other legal requirements:  a. Receive and receipt for all monies of the Council;  b. Maintain all accounts in the Council and all other documents and papers pertaining to the financial affairs of the Council;  c. In the name of the Council, deposit all funds in the Council’s possession in a bank or banks approved by the Executive Board and insured by the Federal Deposit Insurance Corporation;  d. Ensure that funds deposited in the Council’s accounts shall be withdrawn only by check;  e. Prepare checks for the payment of all liabilities of the Council which have been approved in writing by authorized persons and which are for purposes authorized by this Constitution or the Executive Board or convention of the Council;  f. At the Treasurer’s direction, provide any information, or prepare any reports necessary for the Treasurer to fulfill the functions of that office as set forth in this constitution;  g. Be responsible for ensuring that no expenditures are made which have not been authorized; and  h. Give a surety bond fat the expense of the Council through the International Union in an amount to be determined by the Executive Board, which amount shall be not less than required by the AFSCME International Constitution and applicable law.  **ARTICLE XIV** AMENDMENTS  Section 1. This Constitution may be amended, revised or otherwise changed only by a vote of two-thirds of the delegates voting on such proposed change and such change shall take effect only upon written approval of the International President.  Section 2. Proposed amendments to this Constitution shall be submitted in writing to the Council Executive Board at least three weeks prior to the regular or special convention of the Council at which time the proposed amendments will be discussed and voted upon. All proposed Amendments will be mailed to all Convention delegates and the president of each local, no later than two (2) weeks immediately prior to the date of the Convention. The Council Executive Board shall review the proposed amendments and make recommendations to the Convention of the Council.  Section 3. Any amendments to this Constitution shall become effective only upon the granting of written approval by the International President or such later date as may be specified in the amendment. |