

## CONSTITUTION

### AFGE NATIONAL COUNCIL OF AFMC LOCALS (C-214)

#### PREAMBLE

For the purpose of promoting unity of action in all matters affecting the mutual interests of the membership of affiliated locals, we, as members of the American Federation of Government Employees, hereby adopt this Constitution.

#### ARTICLE I NAME

Section 1. This Council shall be known as the AFGE National Council of Air Force Materiel Command Locals, # 214.

Section 2. The headquarters of this Council shall be the residence of the Council President.

#### ARTICLE II OBJECTIVES AND METHODS

Section 1. In order to provide maximum service to the membership, this Council shall promote the interests and shall improve the effectiveness of the affiliated locals, by providing a concerted voice of strength in unity achieved by the combined efforts of those affiliated locals.

Section 2. This Council does not advocate the overthrow of the Constitutional form of government in the United States; does not discriminate with regard to membership because of race, creed, color, national origin, sex, age, political affiliation, handicapped condition, marital status, sexual orientation, or preferential or nonpreferential civil service status; and is not subject to corrupt influences or influences opposed to basic democratic principles.

Section 3. This Council subscribes to the provisions of Public Law (PL) 95-454, where applicable.

#### ARTICLE III CONTROLLING PROVISION

Section 1. This Constitution shall not be inconsistent with the AFGE National Constitution. Should any provision of this Constitution conflict with the National Constitution, the National Constitution shall prevail.

Section 2. Consistent with the AFGE National Constitution, the AFGE National President shall ensure that all provisions of this Constitution are met, and shall take necessary action to do so.

#### **ARTICLE IV** **MEMBERSHIP**

Section 1. All locals in good standing with AFGE whose membership includes AFMC employees shall be eligible for membership in this Council.

Section 2. Such locals as indicated in Section 1 of this Article shall be required to affiliate those members that are employed in the unit of recognition to this Council. A four month grace period shall be given for locals to join from the date of exclusive recognition. Special consideration for affiliation with the Council may be made by the Executive Board when it is deemed in the best interest of the Council to waive all or a portion of the required Council dues in order for a local to join the Council.

Section 3. Representation in the Council shall be by duly elected delegate(s) from member locals.

(a) Each affiliated local in the Council shall be entitled to one delegate for each one thousand active members or fraction thereof.

(b) Except as otherwise provided, each delegate is entitled to cast one vote on any matter before this Council, provided, however, that if a roll call vote is taken on any matter before this Council, each delegate shall be entitled to cast a proportionate share of votes of his/her respective local based on membership strength for which per capita tax shall have been paid to the Council for the preceding year, calculated as of the second month preceding Convention. A single delegate may cast all votes in which his/her respective local is entitled.

(c) Official AFGE Credential Form C-3 will be issued to delegates and alternate delegates, elected by secret ballot plurality vote, for attendance at Council meetings or Council Conventions. Credentials will be properly executed by member locals. Delegates and alternate delegates will be furnished one copy, one copy will be mailed to the National Secretary-Treasurer and the original and one copy will be mailed to the Council's Secretary-Treasurer.

(d) Delegates and alternate delegates to the Council will be elected to serve for a period consistent with the respective locals' constitution.

#### **ARTICLE V** **REPORTING AND FINANCIAL REQUIREMENTS**

Section 1. This Council will comply with the reporting requirements of PL 95-454 and all other applicable regulations (submission of LM Report and Constitution to the Department of Labor).

(a) This Council will comply with Internal Revenue Service regulations (submission of Form 990 for the preceding year).

(b) A copy of the above forms will be provided to the AFGE National Office.

Section 2. An annual audit report of AFGE Form 41 will be submitted to the National Office.

Section 3. All representatives or employees of this Council who handle funds or property thereof shall be bonded in accordance with PL 95-454 and regulations issued by the Assistant Secretary of Labor pursuant thereto. The affiliate must be bonded for at least ten percent of all the monies that are handled by the affiliate in the year. In accordance with Article XXIV, Section 8(c) of the AFGE National Constitution, the National President shall negotiate on behalf of all affiliates a blanket position bond in the amount of \$5,000 to cover up to five people who handle the affiliate's funds for the protection of the affiliate. In the event that an affiliate needs, desires, or is required by the Labor-Management Reporting and Disclosure Act of 1959, as amended, to be bonded for additional amounts or for additional people who handle the affiliate's funds, it shall be incumbent upon the affiliate to bear the additional expense of such additional bonds. Each affiliate will be responsible for payment of all charges for all bonding of the affiliate, including the initial \$5,000 blanket position bond negotiated by the National President, and each affiliate shall own all bonding paid for by the affiliate. In order for the bond to be effective, the affiliate must file within 90 days after the close of its fiscal year a copy of the AFGE form for the annual audit and a copy of the Department of Labor required form.

Section 4. Copies of all official news publications will be submitted to the National Office at the time of publication.

Section 5. Copies of all official reports, as filed with the appropriate agencies, will be provided to the member locals.

## **ARTICLE VI** **REVENUE**

Section 1. Per capita tax to this Council shall be \$1.25 per member per month effective 1 May 2006.

Section 2. Per capita tax shall be paid at the same time as the National per capita tax is due, and shall be based on the number of active members in the consolidated AFMC unit.

(a) Any local failing to pay the monthly dues shall be promptly notified by the Secretary-Treasurer if in arrears. If at the end of three months the local is still in arrears, it will be subject to the same penalties as failure to pay per capita tax to the Federation, i.e., no local shall be entitled to representation or to cast a vote or its delegate be seated (Article VI, Section 1; Article VIII, Section 2(d); Article XXI, Section 1 of the AFGE National Constitution).

(b) A suspended local may be reinstated to full membership in this Council upon payment of all arrearages.

Section 3. Special assessments may be levied by majority vote of the Executive Board of this Council when, in its judgment, it becomes necessary to carry on the work of the Council. However, such assessments shall not exceed the sum of 25¢ per member in one month, nor shall there be more than four such assessments in any one year, and shall be effective only until the next regular Convention.

Section 4. All receipts, checks and cash disbursements shall be properly recorded and accounted for in the financial records of this Council. The Secretary-Treasurer shall sign and the President shall countersign checks covering proper expenditures for the Council. In the absence of either officer, the Vice President shall sign.

Section 5. The books, records and financial accounts of this Council shall be open to inspection at all times to the National President and the National Secretary-Treasurer or their duly designated representative and any duly authorized and accredited representative of this Council.

## **ARTICLE VII**

### **OFFICERS: QUALIFICATIONS AND ELECTION**

Section 1. The elected officers of this Council shall consist of a President, Vice President and Secretary-Treasurer.

Section 2. The term of office shall be for three years or for the balance of the unexpired term.

Section 3. To be qualified as a candidate for Council officer/Council delegate, a member must have been a member of an AFGE local for at least one year immediately preceding the closing of the nomination process; be a member in good standing of a constituent local; and must not be a member in any labor organization not affiliated with the AFL-CIO.

Section 4. No person identified with corrupt influences or who is affiliated with the Communist party or other totalitarian movements or who maintains membership in any labor organization not affiliated with the AFL-CIO may serve as an officer of this Council.

Section 5. Council officers shall be nominated and elected in accordance with applicable provisions of the AFGE National Constitution.

Section 6. The officers shall be elected by secret ballot and by majority vote of the delegates voting on a proportionate basis of their respective locals in accordance with the present Article VIII, Section 2(d) of the AFGE National Constitution, except that membership strength will be calculated as of the second month preceding the Convention.

Section 7. An Election Committee shall be constituted to conduct each election. The Election Committee shall be constituted by the governing body of the Council. The Committee shall consist of not less than three members, and if a larger Committee is required, it shall contain an odd number

of members. Its members shall be selected, and it shall meet at a reasonable time before the commencement of the nomination procedure. No member of the Committee may be an incumbent of or candidate for the office for which the election is being conducted.

Section 8. At the candidates' expense, the Council Election Committee will comply with all reasonable requests to distribute by mail or otherwise campaign literature in aid of such persons' candidacy to all known Local Presidents, Local Treasurers, and delegates in good standing, and will refrain from favorable or unfavorable discrimination toward any candidate with respect to the availability of lists of locals. Whenever the Council Election Committee authorizes such distribution of campaign literature on behalf of any candidate of the Council, similar distribution at the request of any other bona fide candidate shall also be made, with equal treatment as to the expense of such distribution.

Each candidate shall be afforded an opportunity to have a reasonable number of observers, who are members, present throughout the election procedure, including the tally of ballots.

In any secret ballot election, a reasonable opportunity shall be given for the nomination of candidates. Every member of constituent locals in good standing and otherwise qualified shall be eligible to be a candidate and to hold office. Delegates shall have the right to nominate and vote for or otherwise support the candidate or candidates of his/her choice, without being subject to penalty, discipline, or improper interference or reprisal of any kind by the Council or any delegate thereof. Not less than 30 days prior to the election, notice thereof shall be mailed to each known Local President, Local Treasurer, and delegates at the last known home address. Each delegate in good standing shall be entitled to vote in accordance with Article IV, Section 3(b) of this Constitution. The votes cast by delegates shall be counted, and the results published separately. All election-related documents (including those pertaining to nominations and the minutes of any meetings) must be sealed and preserved by the Election Committee (who has authority to reopen the records) through the protest period and then forwarded to the National Secretary-Treasurer at the National Office for one year after the election, unless the records are requested by higher authority in the appeal process or are still relevant.

All elections must be conducted, and protests filed, in accordance with the "AFGE Rules of Conduct for an Election," as provided for in the AFGE National Constitution. Protests must be received by the Election Committee prior to, during, or within five days of adjournment of the Council meeting.

No monetary or other resources of AFGE or any employer shall be contributed or applied to promote the candidacy of any candidate in an election. Such monies may be utilized for notices, factual statements of issues not involving candidates and other expenses necessary for the holding of an election.

## **ARTICLE VIII** **DUTIES OF OFFICERS**

Section 1. The President shall function as the presiding officer of the Council and shall exercise supervision of the affairs of the Council. In accordance with the mandates of the Council,

additional duties of the President shall be to plan and pursue policies which will promote the welfare of this Council; keep the membership fully advised of his/her activities; preside at Council Conventions and meetings of the Executive Board; and sign all documents pertaining to his/her office. The Council President may hire and fire employee(s), subject to the approval of the Council Executive Board, providing the delegates to the Council or the Executive Board have given prior approval, either by adoption of an annual budget that provides for employee(s), or by authorizing the expenditure of funds for employee(s). Employees of the Council must have a service or employment contract, and will be advised before hiring that the contract incorporates the following: (1) any such service or employment contract must be submitted in writing for prior review and approval by the Council Executive Board, (2) it does not extend beyond the term of office of the Council President, or is otherwise specifically limited to a lesser duration, (3) it is subject to an approved budget and availability of funds, (4) it may not cause deficit spending, (5) it may be terminated for just cause, including a disciplinary or performance based removal, or in the event of insufficient funds, for lack of work, or for other valid reason, subject to approval of the Executive Board, and (6) by entering into a contract, the Council and the employee agree that the National Office of the Federation is neither a party to the contract nor responsible for any matter arising from the contract, including the enforcement or termination of the employment. The President shall serve as a full-time President, and occupy a full-time Representative position as allowed under the Master Labor Agreement between the Air Force Materiel Command and Council 214. The Council shall supplement the President's salary up to, but not less than a GS-13, Step 1, and will include all within grade increases.

Section 2. The Vice President shall assist the President in performing his/her duties. The Vice President shall preside at any Council Convention or meeting from which the President is absent. In the absence of both, the delegates may elect a temporary chairperson for that meeting. In the event that the President should resign, die or for any other reason by unable to fulfill the duties of the Presidency, the Vice President shall assume the office and duties of the Presidency. The Vice President shall be compensated at the rate of \$600 per month for the performance of his/her duties.

Section 3. The Secretary-Treasurer shall keep a record of the minutes of all meetings and keep all official records of this Council except those which are specifically assigned to others. He/she shall keep the Constitution up to date and shall keep the official roster of member locals, and notify them of all regular or special meetings. If the Secretary-Treasurer is absent from a meeting, the presiding officer may appoint a temporary secretary who will keep a record of the minutes and furnish them to the Secretary-Treasurer. He/she shall mail copies of minutes to all member delegates within 60 days after such meeting. The Secretary-Treasurer shall be compensated at the rate of \$600 per month for the performance of his/her duties.

The Secretary-Treasurer shall receive, receipt for, disburse and keep account of all monies received or disbursed for the Council; deposit money in bank(s) to the credit of the Council; and render a monthly detailed account to all locals, and an account to all meetings, and whenever otherwise requested to do so by the President. Any surplus funds may be deposited only in banks or state chartered credit unions or in a federally insured savings and loan association whenever such investment is authorized by the Executive Board. The Secretary-Treasurer shall submit the Council's books to an Audit Committee for an annual audit and at the end of his/her term of office. He/she shall pay only such bills as are approved for payment by the President or Executive Board.

Section 4. No officer or Council representative shall engage in any business or financial activities with or on behalf of this Council, which conflict with his/her fiduciary obligation to the Council.

## **ARTICLE IX** **EXECUTIVE BOARD AND ITS DUTIES**

Section 1. The Executive Board shall consist of the President, the Vice President, the Secretary-Treasurer, and one representative elected by each member local. No paid employee, as distinguished from an elected official, shall be a member of the Executive Board. The Executive Board will meet at the call of the President or by request of a majority of Board members.

Section 2. It shall be the duty of the Executive Board to devise and initiate such actions as may be necessary during the interim between Council meetings; but such actions shall not be inconsistent with the objectives of this Council, this Constitution, or the AFGE National Constitution.

Section 3. In the case of a vacancy in any office of this Council, the Executive Board may select an individual to fill the vacancy for the remainder of the term of office.

Section 4. The President and Executive Board by January 1 of each calendar year shall prepare and adopt a budget to project expenditures for the coming year. Expenditures by the Council President in excess of \$500 per month must have prior approval: (a) by the Council's Executive Board, (b) as authorized by the budget approved by the delegates, or (c) by separate vote of the Council's delegates. All expenditures authorized by the Executive Board will be reported in writing at the next regular meeting of the Council. Upon request a copy of such report will be made available to any officer in good standing of the Council.

Section 5. The Executive Board shall be empowered to establish all rates for salaries and expenses of officers, negotiators, employees, or any other persons engaged to do work for the Council.

## **ARTICLE X** **COMMITTEES**

Section 1. Special committees may be established as the Council may direct, and the membership of such committees, with the exception of the Election Committee, shall be appointed by the President and shall be subject to Executive Board approval.

Section 2. Standing committees shall be Audit, Credentials, EEO, Grievance, Legislation, Negotiation, and Organizing Committee. Membership of these committees shall be appointed by the President and shall be subject to Executive Board approval.

Section 3. A quorum of any committee shall consist of a majority of members thereof.

## **ARTICLE XI MEETINGS**

Section 1. This Council will hold its Convention for election of officers every third year. Starting with 1988, such Conventions will be held in conjunction with the AFGE National Convention for election of officers, and will be held at the same Convention arena, either prior to or immediately after the National Convention. This provision will apply only if election of officers to Council 214 and election of officers to the AFGE National office occur in the same year. In the event that the Council 214 election of officers and the AFGE National election of officers do not occur in the same year, the time, date and place of the Council Convention will be determined by a vote of the elected officers and delegates to Council 214. Except in cases of emergency, the announcement of any regular or special meeting will be announced at least 30 calendar days prior to such meeting. The announcement will contain the time, date and place of such meeting, in writing, by the Council President, and will be mailed to the member locals in time for receipt of such notification at least 30 days prior to the Convention date.

Section 2. Special meetings may be called at any time by the President, by request of a majority vote of the Executive Board or upon written request from a representative group of locals. When the notice is provided to the locals, the specific purpose of the meeting also shall be provided. Only those items listed in the notice will be discussed or voted on at such special meetings.

## **ARTICLE XII DELEGATES**

Section 1. This Council is entitled to two delegates for representation at the AFGE National Convention.

Section 2. The Council President and Vice President by virtue of their election to office shall serve as Council delegates at the National Convention. The Secretary-Treasurer by virtue of election to office shall serve as Council alternate delegate at the National Convention.

Section 3. To be qualified as a candidate for Council office/Council delegate, a member must have been a member of an AFGE local for at least one year immediately preceding the closing of the nomination process; be a member in good standing of a constituent local; and must not be a member in any labor organization not affiliated with the AFL-CIO.

## **ARTICLE XIII LOCAL'S RIGHTS**

Section 1. All constituent locals have the right to conduct internal local business without interference, coercion, or restraint by this Council, insofar as such matters are not in conflict with this Constitution and the AFGE National Constitution.



Section 2. Each constituent local shall be entitled to full participation on all matters before this Council through the medium of a delegate(s).

Section 3. Each constituent local shall be entitled to negotiate and enforce supplemental collective bargaining agreements with local management for the purpose of implementing the national agreement and covering those matters more appropriately negotiated at the local level. Such agreements shall not renegotiate matters negotiated at the national level; the agreements shall be subordinate to the national agreement and shall not conflict with or repeal it.

Section 4. Any local having AFMC membership must affiliate with this Council and must be in good standing to conduct any business on behalf of this Council.

#### **ARTICLE XIV** **COMPLAINTS AND APPEALS**

Section 1. Complaints against any of the Council officers or delegates concerning the operation of the Council, excluding Council officer elections (which are processed in accordance with the procedures set forth in Appendix A of the AFGE National Constitution), will be processed as follows:

(a) Constituent locals or members thereof shall register a complaint first with the Council President. An investigation committee and, if probable cause is found, a trial committee shall be appointed by the Council President, or the Executive Board if the Council President is the accused. The Council President or the Executive Board, as appropriate, shall insure that neither the investigation committee nor the trial committee includes the complainant(s) or the accused, and in no case will the committee of investigation and the trial committee be composed of any of the same members. No member shall be eligible to serve on the Executive Board or trial committee for the hearing of charges under this Article if he or she is directly or indirectly involved in the matter which gave rise to the charges upon which the accused is to be tried, and the committees shall otherwise be impartial. No member of the Executive Board may serve on a committee of investigation. A hearing on the complaint shall be conducted consistent with applicable provisions of Article XXIII of the AFGE National Constitution, not less than two weeks after the mailing of the notice nor more than 180 days after the preferring of charges. The trial committee's findings of fact and decision shall become effective after 45 days of its publication or service by mail to all constituent locals, unless disapproved by a majority of them during that 45 day period. An investigation committee's finding of no probable cause or trial committee's decision exonerating the accused shall not be subject to Council approval, nor be subject to any further action within the Council or the Federation.

(b) The trial committee shall render a decision suspending the accused for a specific time from his or her office, removing him or her from the office, barring him or her from holding any office for a specified time, and/or suspending or removing him or her from membership for a specified period of time, or finding him or her not guilty as accused. After decision of the trial committee, an officer suspended or removed from office and/or membership shall have the appeal right to the National Executive Council set forth in Article XXIII, Section 9,

of the AFGE National Constitution, by service upon the National Secretary-Treasurer within 15 days of receipt of the trial committee's decision.

(c) The NEC shall review the case and affirm or reverse the decision, reduce the penalty, or return the case to the Council for a new trial before a different trial committee. If the decision of the NEC should affirm any adverse action taken against the appellant by the Council, upon receipt of the NEC's written decision, the appellant may further appeal to the next AFGE National Convention.

## **ARTICLE XV** **RULES OF ORDER**

Section 1. The order of business at regular Council meetings will be:

- (a) Call to order
- (b) Opening prayer
- (c) Pledge of Allegiance
- (d) Roll call of officers
- (e) Report of Credentials Committee
- (f) Seating of local delegates
- (g) Reading of minutes of previous meeting and Executive Board minutes
- (h) Report of financial condition
- (i) Election of Election Committee
- (j) Nominations and/or acceptance of nominations for Council President/Delegate, Vice President/Delegate, and Secretary-Treasurer/Alternate Delegate.
- (k) Unfinished business
- (l) New business
- (m) Election and installation of officers
- (n) Comments for the good of the Council
- (o) Closing prayer
- (p) Adjournment

Section 2. A quorum of this Council shall consist of not less than four locals.

Section 3. Unless otherwise specified by law (e.g., secret ballot election or dues) or by Constitution, and except as provided in Article IV, Section 3(b), all questions before the Council will be decided by vote of the delegates present, first by voice vote, then by a show of hands, and then by roll call if requested by any delegate present.

Section 4. The time allowed for debates on any particular issue before the Council and the time allowed for speeches will be governed by circumstances and by majority vote of those present. Any limitation as to time allowed for debates may be extended by a majority of those present and voting.

Section 5. Nominations, election and installation of officers will be held at the Council 214 Convention, in accordance with Article XI, Section 1 of this Constitution. A quorum is not required for nominations and/or elections.

Section 6. *Robert's Rules of Order Newly Revised* shall govern the proceedings at all meetings of the Council, when not inconsistent with the provisions of this Constitution.

Section 7. Copies of this Constitution shall be available to all locals and member delegates in good standing upon request to the Secretary-Treasurer.

Section 8. Each member local shall be permitted at least one negotiator on contract negotiations.

Section 9. Any master labor agreement must be accepted by a majority of the member locals by a vote of their membership prior to its adoption. National contracts negotiated with the agency are subject to review by the National President, and the agency shall be so notified.

Section 10. A Sergeant-at-Arms and a Parliamentarian may be appointed at the discretion of the President to assist in maintaining orderly meetings and to assist in matters of parliamentary procedure.

Section 11. No delegate will be registered, seated, or recognized if the local he/she represents is delinquent more than 60 days in payment of per capita tax to the Council.


## **ARTICLE XVI** **AMENDMENTS**

Section 1. This Constitution and any amendments thereof shall become effective and remain so when it is approved by a two-thirds vote of the delegates of this Council, present and voting at a regular or special meeting, and subsequently by the AFGE National Executive Council.

Section 2. Any proposed amendment to this Constitution shall be submitted to the Secretary-Treasurer in writing not less than 30 days prior to a regular Council meeting. The Secretary-Treasurer shall notify all member locals of the proposed amendment not less than 15 days prior to the date on which action will be taken to amend.

Section 3. Amendments may be adopted between meetings through mail ballot by two-thirds vote of the votes cast by the member local's delegates.

Section 4. Amendments concerning a change in dues structure may be adopted by a majority vote and by secret ballot of the delegates in good standing voting at a general or special meeting of this Council after reasonable notice of the intention to vote upon such question, or by majority vote of the members of the constituent locals in good standing voting in membership referendum conducted by secret ballot.

  
President

  
Secretary-Treasurer

1 June 2007  
Date of Adoption