



APPROVED FOR THE

June 9, 2006

A.F.G.E. NATIONAL
EXECUTIVE COUNCIL

John Gage

CONSTITUTION OF THE DLA COUNCIL OF AFGE LOCALS C-169

PREAMBLE

For the purpose of promoting unity of action in all matters affecting the mutual interests of the membership of affiliated locals and for the improvement of the government service, this Constitution and By-laws is hereby adopted.

ARTICLE I NAME

Section 1. This Council shall be known as the DLA Council of AFGE Locals, encompassing all present and future Defense Logistics Agency AFGE union locals within the DLA consolidated unit and all AFGE union locals which contain as members DLA employees.

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

ARTICLE II OBJECTS AND METHODS

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

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 the terms or conditions of 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 will comply with the reporting requirements of existing and future laws, where applicable. This Council also shall comply with all applicable provisions of the Internal Revenue Regulations, and shall submit to the National Office of AFGE all required and requested financial reports in accordance with the AFGE National Constitution.

Section 4. This Council subscribes to the Standards of Conduct for Labor Organizations, as provided for in Public Law 95-454, with particular reference to the following:

(a) The maintenance of democratic procedures and practices, including provisions for periodic elections to be conducted subject to recognized safeguards and provisions defining and securing the right of individual members to participation in the affairs of the organization, to fair and equal treatment under the governing rules of the organization, and fair process in disciplinary proceedings;

(b) The exclusion from office in the organization of persons affiliated with Communist or other totalitarian movements, and persons identified with corrupt influences;

(c) The prohibition of business or financial interests on the part of the organization officers and agents which conflict with their fiduciary duty to the organization and its members;

(d) The maintenance of fiscal integrity in the conduct of the affairs of the organization, including provision for accounting and financial controls and regular financial reports or summaries to be made available to members.

ARTICLE III **CONTROLLING PROVISION**

Section 1. All Council matters will be governed by the provisions of this Constitution and Bylaws and the AFGE National Constitution.

Section 2. This Council shall act for and in behalf of the Federation on all agency matters affecting agency employees, and in agency labor/management relations, when authority has been delegated by the National President. National contracts negotiated with the agency are subject to review by the National President, and the agency shall be so notified.

Section 3. 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 of the Defense Logistics Agency and AFGE locals which contain as members DLA employees shall be eligible for membership in this Council, provided such locals meet all the requirements for membership in AFGE.

Section 2. All locals in the Defense Logistics Agency and all other AFGE locals which contain DLA employees shall affiliate with the Council. A four-month grace period shall be given for new DLA locals to join.

Section 3. Representation in this Council shall be by delegates, selected in accordance with the member local's constitution and duly certified to the Council Treasurer.

(a) Locals having a DLA membership of 100 or less shall be entitled to one delegate; 101 to 300 - two delegates; 301 to 500 - three delegates; 501 to 700 - four delegates; 701 to 1,000 - five delegates; 1,001 or more - six delegates. No local shall be entitled to more than six delegates.

(b) Delegates and alternate delegates will be elected and serve for a period of time in accordance with the local's constitution.

(c) Council locals shall notify the Council Secretary and Council Treasurer who the delegate(s) are who will represent the local's interests at Council meetings and provide certification prior to any Council meeting. A local's representatives who are not so certified will not be recognized or seated at any Council meeting.

ARTICLE V REVENUE

Section 1. Per capita tax to this Council shall be 50¢ per month per active DLA member, payable by the twentieth day after the end of the month.

Section 2. Special assessments may be levied by order of the Executive Board of this Council when, in its judgement, it becomes necessary to carry on the work of this Council; but in no circumstances shall such assessments exceed the sum of 25¢ per member in one month; nor shall there be more than four such assessments in any one year; and, such action on the part of the Executive Board shall be effective only until the next regular convention of the Council.

Section 3. Any local containing constituent DLA members failing to pay the monthly dues, special assessment or other indebtedness to this Council shall be notified promptly by the Treasurer of its arrearages, and 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 as set forth in the AFGE National Constitution. Constituent locals must be current in per capita tax to the Federation to be eligible to participate in Council meetings.

Section 4. A suspended local may be reinstated to full membership in this Council upon payment of all arrearages.

Section 5. All receipts, checks, and cash disbursements shall be properly recorded and accounted for in the financial records of this Council. The Treasurer shall sign and the President shall countersign checks covering proper expenditures for the Council. The Executive Vice President shall sign for the President in his/her absence or the Treasurer in his/her absence. Every officer, agent, shop steward, or other representative or employee who handles funds or other property thereof shall be

bonded. The Council must be bonded for at least ten percent of all the monies that are handled by the Council in the year. In accordance with Article XXIV, Section 8(c) of the AFGE National Constitution, the National President shall negotiate on behalf of the Council a blanket position bond in the amount of \$5,000 to cover up to five people who handle the Council's funds for the protection of the Council. In the event that the Council 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 Council's funds, it shall be incumbent upon the Council to bear the additional expense of such additional bond. The Council will be responsible for payment of all charges for all bonding of the Council, including the initial \$5,000 blanket position bond negotiated by the National President, and the Council shall own all bonding paid for by the Council. In order for the bond to be effective, the Council 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. All books, records, and financial accounts of the Council shall be open to inspection at all times to the AFGE National President and AFGE National Secretary-Treasurer and any duly authorized and accredited representatives of the Council as provided in the AFGE National Constitution.

Section 6. Any member local in arrears for dues in the calendar month immediately prior to any regular or special Council meeting shall be suspended from participation in Council business until dues are made current. Any dues in arrears may be paid at the aforementioned meetings.

ARTICLE VI OFFICERS

Section 1. The elective officers shall be:

(a) Officers elected by all locals:

President
Secretary

Executive Vice President
Treasurer

(b) Officers elected by the constituent locals of the Primary Level Field Activities (PLFA) they represent:

Vice President - DDC (Defense Distribution Center Eastern Depots)
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Vice President - DRMS (Defense Reutilization Marketing Service)
Vice President - ICP (Defense Supply Centers)
Vice President for Miscellaneous commands to include:
 HQ DLA - Headquarters, Defense Logistics Agency
 DASC - DLA Administrative Support Center
 DLIS - Defense Logistics Information Services
 DESC - Defense Energy Support Center
 DNSC - Defense National Stockpile Center
 DAPS - Defense Automatic Printing Service
 DSDC - DLA Systems Design Center
 DLSC - Defense Logistics Support Command

Section 2. The term of office for all officers shall be for three years. Beginning in 1994, elections shall be held at the October meeting of the Council.

Section 3. Should the office of Council President become vacant, the Executive Vice President automatically will become President for the remainder of the unexpired term. Should a vacancy occur in any other office within one year prior to the expiration of the term of office, the Council President, with the majority approval of the Executive Board, may appoint a temporary officer to fill such vacancy for the remainder of the unexpired term. Should a vacancy, other than the President, occur during the first or second year of the term, the vacancy shall be filled by a special election.

Section 4. To qualify as a Council officer or candidate for Council office, an individual must meet the following qualifications:

(a) Be a member in good standing. The President and Executive Vice President must be active employees of DLA, and PLFA Unit Vice Presidents must be active employees of their respective units. The Secretary and Treasurer may be active or retired employees of DLA.

(b) Be a member for one year of an AFGE local, immediately preceding the closing of the nomination process. This requirement does not apply to newly created locals.

(c) Must not be a member in any labor organization not affiliated within the AFL-CIO.

ARTICLE VII **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 subject, where appropriate, to the approval of the Executive Board. It shall be the duty of the President, in accordance with the mandates of the Council, to plan and pursue policies which will promote the welfare of the Council; be the duly elected Council delegate to all meetings, conventions, conferences, etc.; keep the membership fully advised of his/her activities; preside at the Council conventions and at meetings of the Executive Board; travel under budget and general policies of the Council Constitution and/or the Council Executive Board; sign all official documents pertaining to his/her office; and he/she is responsible for organization.

The Council President may hire employee(s), if the delegates to the Council 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, (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, 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.

Section 2. The Executive Vice President shall preside at any meeting of the Council at which the President is absent, or assume the duties of the President, if and when the President so delegates, and is responsible for legislative affairs. In the absence of the President and the Executive Vice President at a regular meeting of the Council, the delegates may elect a temporary chairman for that meeting from the Council officers in attendance.

Section 3(a) The Secretary shall keep a record of the minutes of all meetings, keep all official records of the Council except those that are specifically assigned to others, and notify the membership of all regular or special meetings.

(b) The Secretary shall serve as a member of the Constitution Committee, keep the Constitution and Bylaws up to date, and is responsible for communications related to the Constitution and Bylaws. Upon request from an affiliated local in good standing, the Secretary will furnish a copy of the Constitution and Bylaws.

(c) The Secretary will furnish copies of the following documents to the delegates of all regular meetings and mail copies to locals who do not attend the meetings: financial reports, Executive Board meeting minutes, an up-to-date list of affiliated locals and their last known address/telephone numbers, and an up-to-date communications log.

(d) The Secretary will furnish official credentials to affiliated locals no later than 30 days prior to a Council meeting when an election will be conducted at the meeting.

(e) In the absence of the Secretary, the Presiding Officer may appoint a temporary replacement for the meeting, who will keep a record of the minutes and furnish them to the Secretary.

Section 4. The Treasurer shall receive, receipt for, disburse, and account for all monies received or disbursed for the Council; deposit money in the bank(s) to the credit of the Council; and render an account at all meetings and whenever otherwise requested to do so by the President. Any surplus funds may only be deposited in federally insured bank(s) or in federal chartered credit unions throughout the United States which operate on the same basis, or in a federally insured savings and loan association, whenever such investment shall be authorized by a regular meeting of the Council. The Treasurer shall submit his/her books to an independent auditing group selected by the Executive Board for an audit of the books semi-annually, and at the end of his/her official term. He/she shall keep the official roster of member locals, and delegates voting strength up-to-date.

Section 5. The Unit Vice Presidents initially shall act for and in behalf of Council members coming under their organizational entities of the Agency, as well as performing duties and functions assigned or delegated to them by the Council President.

Section 6. No officer or Council representative shall engage in any business or financial activities with or on behalf of the Council which conflict with his/her fiduciary obligation to the Council.

ARTICLE VIII ELECTIONS

Section 1. Officers of this Council shall be nominated and elected in accordance with applicable provisions of Article VI of the Council Constitution and the AFGE National Constitution. The Council shall elect an Election Committee which will conduct the election of Council officers.

Section 2. The nomination meeting normally will be held in the spring meeting and the election meeting normally will be held in the fall. Notice of nomination and/or election will be sent to each delegate and/or local not later than 60 days prior to the nomination and/or election meeting.

Section 3. The Council Election Committee will comply with all reasonable requests of any candidate to distribute by mail or otherwise at the candidate's expense, campaign literature in aid of such persons' candidacy to all known Local Presidents, Local Treasurers, and delegates in good standing, and refrain from discrimination in favor or against any candidate with respect to the use of lists of delegates, and whenever the Council Election Committee authorizes the distribution of campaign literature, by mail or otherwise, to known Local Presidents, Local Treasurers, and delegates on behalf of any candidate or of the Council itself with reference to such election, similar distribution at the request of any other bona fide candidate shall be made by the Council Election Committee with equal treatment as to the expense of such distribution. Adequate safeguards to insure a fair election shall be provided. 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.

A reasonable opportunity shall be given for the nomination of candidates, and every DLA member in good standing of each local of this Council, and otherwise qualified, shall be eligible to be a candidate, to hold office, or to 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 member thereof. Each delegate in good standing shall be entitled to nominate and vote in accordance with this Constitution. The votes cast by delegates and proxy delegates to the Council 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 NST at the National Office. 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, or issues not involving candidates, and other expenses necessary for the holding of an election.

Section 4. The membership strength for election purposes shall be that average number of DLA members for which per capita tax was paid in a 12-month period. Further, this 12-month period shall end 60 days prior to the date of the DLA Council elections. For new locals, the membership strength shall be the average number of DLA members for which per capita tax was paid, up to 60 days prior to the date of the DLA Council elections. Locals may choose whether or not to pay per capita tax for retirees to the Council. However, if a local chooses not to pay per capita tax on its retirees to the Council, it cannot count its retirees in its membership strength. A copy of each local's voting strength shall be made available to candidates for office within one week of their request. Each local shall be provided a listing of its voting strength by the Treasurer 30 days prior to the election meeting. Each local shall vote total

membership strength for the positions of President, Executive Vice President, Secretary, and Treasurer. Voting strength for PLFA Unit Vice Presidents shall be based on membership strength within that PLFA.

Section 5. In council elections, protests must be received by the Election Committee prior to, during, or within five days of adjournment of the council meeting.

ARTICLE IX **COMMITTEES AND DUTIES**

Section 1. The elected Council officers shall comprise the Executive Board and will meet at the call of the President or by request of a majority of the members of the Board. A majority of the members of the Board shall constitute a quorum.

Section 2. It shall be the duty of the Executive Board to devise and initiate such actions as may be necessary in the interim between Council meetings, not inconsistent with the objectives of the Council, this Constitution, or the AFGE National Constitution. Minutes of the Executive Board meetings, resolutions, and other actions shall be duly recorded and regularly reported to the Council membership.

Section 3. Expenditures by the Council President in excess of \$500 per month must have prior approval: (a) by the Council's Executive Board (if necessary this approval may be obtained by telephone and the reason for telephone approval so noted in the report), (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 4. The members of the Council Negotiation Committee shall be the President, Executive Vice President, Secretary, Treasurer, PLFA Unit Vice Presidents, and others whom the Executive Board deems appropriate to appoint. The Committee members shall elect a chief spokesperson or negotiator.

Section 5. 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, subject to the approval of the Council Executive Board.

Section 6. The Council shall establish subject matter task forces as may be appropriate.

(a) Task forces concerning national subject matters shall be appointed by the President, subject to the approval of the Council Executive Board.

(b) Task forces concerning subject matters relevant to more than one PLFA unit shall be appointed by the President, subject to the approval of the constituent unit Vice Presidents.

(c) Task forces concerning subject matters relevant to one PLFA unit shall be appointed by the unit Vice President.

Section 7. A quorum of any committee shall be a majority of the members present and voting.

Section 8. All committees elected or appointed shall make recommendation to the Council. The results of and recommendation of the committees shall be read into the minutes of the full Council membership meeting. The committees are encouraged to continue contact and action between Council membership meetings.

Section 9. All committee meetings held during the Council meeting shall be announced prior to the Council meeting and any member of the Council shall have the right to attend and observe at these meetings.

ARTICLE X **LOCALS' RIGHTS**

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

Section 2. Each constituent local in good standing 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 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 redefine management rights, or renegotiate those matters negotiated at the National level. Such agreements shall be subordinate to the National Agreement and not conflict with or repeal it. Each constituent local negotiating such a supplementary agreement shall have the right and responsibility to administer and enforce such agreement.

Section 4. Any local which is not affiliated with this Council or which is not in good standing may not speak, act or conduct any business on behalf of this Council on any matter properly within the responsibility of this Council.

ARTICLE XI **MEETINGS**

Section 1. This Council shall meet semi-annually, time and place to be decided by majority vote of delegates at each prior meeting. The President has the responsibility to make changes when an emergency occurs, with the approval of the Executive Board.

Section 2. Special meetings may be called at any time by the President, at the request of a majority vote of officers, or upon request, in writing, from at least eight member locals. At least 60 days notice of a special meeting must be given to all member locals. The special meeting notice must contain as a minimum, date(s), accommodations, location, and purpose. Only those items listed in the notice shall be discussed or voted at a special meeting. No Council business will be conducted, authorized, or approved if a quorum is not present at any official Council meeting.

Section 3. A quorum for any official regular or special Council meeting shall be delegates from eight locals that contain DLA members in good standing. A quorum is not required for nominations and/or elections.

Section 4. Unless otherwise specified by law (e.g., secret ballot election or dues referendum) or by Constitution, all matters before the Council will be decided by vote of the delegates present first by voice vote, then by showing of hands, and then by roll call if requested by 15% of the delegates. For a roll call vote when affiliation is on the basis of per capita tax or an affiliation fee based on membership, the delegates present may vote the entire strength of the membership. All union and management proposals shall be presented to the locals prior to the start of negotiations for review and input. Locals shall have 30 days after receipt to provide their input.

ARTICLE XII **COMPLAINTS AND APPEALS**

Section 1. Complaints against any of the Council officers or delegates arising out of or resulting from an individual's conduct or status as a Council officer on matters 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. A committee of investigation 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 committee of investigation 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 of the Executive Board may serve on the committee of investigation. No member shall be eligible to serve on the committee of investigation 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 otherwise shall be impartial. 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. A committee of investigation finding of no probable cause or trial committee's decision exonerating the accused shall not be subject to Council approval, or 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 XIII

DELEGATES TO THE AFGE NATIONAL CONVENTION

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

Section 2. The selection of such delegates shall be accomplished in the following manner. The President and/or the Executive Vice President of this Council, by virtue of their election to those offices, shall serve as ex officio delegates, but may not participate in the election of national officers.

ARTICLE XIV

AMENDMENTS

Section 1. This Constitution and any amendments thereof shall become effective upon approval by the National Executive Council.

Section 2. Any proposed amendment to this Constitution shall be submitted to the Secretary in writing not less than 60 days prior to a regular or special Council meeting. The Secretary shall notify all delegates of the proposed amendment not less than 30 days prior to the date upon which action will be taken to amend.

Section 3. It will require a two-thirds vote of the delegates present and voting to amend this Constitution at a regular or special meeting.

Section 4. Should this Council hold or exercise rights under exclusive recognition, it may adopt an amendment concerning a change in dues structure only by a majority vote and by secret ballot of the delegates in good standing voting at a general or special Council meeting 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 a membership referendum conducted by secret ballot.

ARTICLE XV

REPORTING AND FINANCIAL REQUIREMENTS

Section 1. The Council will comply with reporting and financial requirements in accordance with law and the AFGE National Office requirements.

Section 2. The Council officers shall be allowed \$30.00 per month for incidental expenses.

BYLAWS

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

- (a) Roll call of Council officers
- (b) Reading of the minutes of the previous Council meeting
- (c) Report from the President, the Executive Vice President, and each Vice President, summarizing their activities (on behalf of the Council members who elected them) for the time period between the regular meetings.
- (d) Report of financial condition by the Treasurer
- (e) Reports of committees/business area reports
- (f) Unfinished business
- (g) New business
- (h) Comments for the good of the Council
- (i) Adjournment

Section 2. The time allowed for debate of 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 debate may be extended by a majority of delegates present and voting.

Section 3. *Robert's Rules of Order Newly Revised* shall govern the proceedings of all meetings of the Council when not inconsistent with the provisions of this Constitution and By-Laws.

Section 4. These Bylaws may be amended by a two-thirds vote of the delegates present and voting in a regular or special meeting of the Council as provided in Article XIV of this Constitution.

President

Secretary