

CONSTITUTION

FOR

AFSCME WEST VIRGINIA COUNCIL 77

ARTICLE I  
NAME

The name of this council shall be AFSCME West Virginia Council Number 77 of the American Federation of State, County and Municipal Employees.

ARTICLE II  
AFFILIATIONS

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

ARTICLE III  
OBJECTIVES

The objectives of this local union shall be:

- A. To promote the organization of State, County and Municipal Employees in the State of West Virginia;
- B. To advance the social, economic and general welfare of State, County and Municipal Employees in the State of West Virginia;
- C. To provide state, county and municipal employee local unions with the necessary service to achieve their objectives, and
- D. To improve the wages, hours and general working conditions of the state, county and municipal employees.

Section 2. The attainment of the objectives of this council is to be accompanied through the employment of the following methods:

- A. To promote legislation and political action through a united effort of all AFSCME locals in the State of West Virginia;
- B. To provide research, educational and organizational services and activities designed to assist members and affiliates;
- C. To represent local unions: (1) on grievances; (2) before legislative and administrative bodies, council, commissions and committees; and (3) in any other matter to carry out the objectives of the council and the International Union;
- D. To conduct negotiations and bargain collectively for wages, hours, and working conditions for all local unions within the jurisdiction of the council;
- E. To cooperate with other labor organizations and other segments of society toward the end that the material riches of American society are more justly distributed and that the moral promise of the American dream is realized; and,
- F. To assist members with organizational problems, publicity and promotional work in general.

ARTICLE IV  
MEMBERSHIP AND DUES

Section 1. All AFSCME local unions in the State of West Virginia are eligible for membership in this local union subject to the requirements of the Constitution of the International Union.

Section 2. A dues rate of \$20.00 per month is adopted at this convention for implementation on July 1, 1998. Such dues shall be paid by all local union members through payroll deduction to Council 77.

Section 3. Effective July 1, 1999 the dues rate shall be adjusted annually in accordance with the provisions of the International Constitution.

Section 4. The council shall forward to the International Union such per capita tax as is required by the International Constitution. The council shall also forward to each local union a monthly rebate in the amount of \$1.00 per member. Effective July 1, 1998 such monthly rebate shall be increased to \$1.95 per member, or such other amount as is required by the International Constitution.

In the case of any local union that establishes a dues rate higher than the rate established pursuant to Sections 3 and 4 of this article, the excess of such dues rate over the rate set pursuant to this article shall also be rebated to such local.

ARTICLE V  
CONVENTIONS

Section 1. Conventions of this council shall be held every two years starting in 1997, between August 1 and November 30.

Section 2. Special conventions of this council may be called by the council president and the council executive board. One-third of the local affiliated with the council may at any time require a special convention by filing a request with the council president, which petition shall name the purpose of the convention. A special convention may also be called by the International President or his authorized representatives.

Section 3. The convention call and credentials to the convention shall be mailed to each affiliated local union at least fifty (50) days prior to the convention.

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

Section 5. A quorum for the transaction of all council conventions shall consist of a majority of delegates of the affiliated local unions.

Section 6. Local unions shall be entitled to delegates on the basis of membership. The formula for representation shall be as follows:

0 - 50	1 Delegate
51 - 100	2 Delegates
101 - 150	3 Delegates
151 - 200	4 Delegates
201 - 250	5 Delegates
251 - 300	6 Delegates
301 - 350	7 Delegates
351 - 400	8 Delegates
401 - up	1 additional delegate for each 1000 additional members of fraction thereof.

Section 7. Regardless of the number of delegates, locals shall be entitled to vote on the basis of one vote for each member or fraction thereof.

Section 8. Local unions entitled to more than one delegate may send fewer than their quota of delegates and the delegates present may cast the entire vote of the local on all recorded votes and elections coming before the council. The number of votes shall be divided equally among the delegates with any remaining votes to be cast by the chairman of the delegation as designated by the local. No fractional votes shall be permitted.

Section 9. The basis of representation at each convention shall be determined by the average paid-up membership of the local for the three-month period immediately preceding the month during which the convention call is issued.

Section 10. Duly elected officers and members of the council executive board who are not elected as delegates representing their local union shall nevertheless be entitled to all the rights and privileges of a delegate, except the right to vote.

Section 11. No local union shall be entitled to representation in any meeting of the council unless all of its per capita tax and other just obligations to the International Union and the council have been paid in full by or on the day credentials are presented at the meeting.

Section 12. To be accredited, delegates must be on the floor when the vote is taken, and voting by proxy shall not be permitted. All issues except amendments to this constitution shall be decided by a majority vote of the accredited delegates voting, except as otherwise specifically provided in this constitution.

Section 13. All delegates to the convention of the council shall be elected in accordance with Section 3A and C of Appendix D, Elections Code of the International Constitution. They shall be in good standing in the local, and the names of such delegates shall be certified by the proper officers of the locals to the secretary of the council at least ten days prior to the time of the convention.

Section 14. Expenses of delegates attending these conventions shall be the responsibility of their local union, except as otherwise specifically provided in this constitution.

Section 15. Expenses of officers and executive board members to attend meetings and carry out any necessary business, as authorized by the executive board, shall be paid by the council. Mileage shall be determined by the executive board not to exceed the IRS allowable mileage deduction. Other expenses shall be paid

at the same rate and under the same policies established for council personnel.

Section 16. No permanent employee (hourly or salaried) of the council shall serve as a delegate from any local union.

ARTICLE VI  
OFFICERS AND COMMITTEES

Section 1. The officers of the council shall be: president, elected at-large by convention delegates; executive vice-president, elected at-large by convention delegates; recording secretary, elected at-large by convention delegates; treasurer, elected at-large by convention delegates; three (3) vice-presidents, one from each congressional district, elected by delegates from the respective congressional districts; and four (4) conference board members, one from each of the following conferences, DOH, DHS, AO (all others) and City/County, each of whom shall be elected by their respective conference boards at the conference board meetings to be held within sixty (60) days of the convention. In addition, there shall be elected two (2) trustees, elected at-large by convention delegates.

(a) The chair officers of the Council shall be: president, executive vice-president, secretary and treasurer; each of whom shall be elected at-large by convention delegates.

(b) The remaining officers shall be: three (3) vice-presidents, one from each congressional district, elected by delegates from the respective congressional districts and four (4) conference board members, one from each of the following conferences, Division of Highways (DOH), Department of Health and Human Resources (DHHR), Cities/Counties, and All Other agencies (AO), each of whom shall be elected by their respective conference boards at the conference board meeting to be held within sixty (60) days of the convention.

Section 2. Officers shall be elected for a term of four years, beginning in 1997. Trustees elected in 1997 will serve staggered terms. The trustee receiving the highest number of votes shall serve a term of four (4) years. The trustees receiving the second highest number of votes shall serve a term of two (2) years. Thereafter, the terms of all trustees shall be four years.

Section 3. All elections within this council shall be conducted in accordance with Appendix D, Elections Code of the International Constitution.

Section 4. Nominations shall be made at a regular or special meeting of the council. At least fifty days' notice shall be given to the locals prior to the nomination meeting. A nominating committee may be appointed or elected to make nominations, but whether or not such nominating committee is used, nominations shall be permitted from the floor at the nomination meeting.

Section 5. No member shall be eligible to hold office unless all accounts and per capita tax due the council and the International Union are paid in full by the local union of which he/she is a member, and unless he/she has been a member in good standing in his/her local for the year preceding the election.

Section 6. Officers shall be elected by secret ballot vote, and the balloting shall be so conducted as to afford to all delegates a reasonable opportunity to vote.

Section 7. Vacancies in office shall be filled for the remainder of the unexpired term by a majority vote of the executive board.

(a) Vacancies in office shall temporarily be filled by majority vote of the executive board until such time as the next regular or special convention. The executive board must notify all local presidents of the vacancy at least thirty (30) days in advance in order to solicit names for consideration for election. Consideration of such election shall be based upon the qualifications of the candidates as well as a need to maintain and promote a balance on the executive board regarding agency, geographic area, and similar other diverse concerns.

(b) If the vacant office would not normally be elected at the next convention, the vacancy shall be filled only for the remainder of the original term by vote of the appropriate convention delegates. Such election shall be conducted in accordance with Appendix D, Elections Code of the International Constitution.

Section 8. An officer or board member seat shall be considered vacant if the board member is no longer able or willing to serve for any reason, including the following:

- A. The board member ceases to be a dues paying member of the union.
- B. The board member ceases to be a member in good standing of the union.
- C. The board member resigns, or otherwise ceases to be employed with the agency, district or other entity which the board member was elected to represent.
- D. The board member misses three (3) consecutive, regularly scheduled meetings of the executive board without good cause.

Section 9. Every officer shall, upon assuming office, subscribe to the Obligation of an Officer, contained in Appendix B of the International Constitution.

Section 10. The president, with the approval of the executive board shall appoint such standing committees as are appropriate. The president shall appoint such special committees as he/she may be authorized to do so by the executive board of the council.

Section 11. All officers and employees shall be bonded in the amount of ten percent of the assets annually handled by the council, as provided in Article IX, Section 19 of the International Constitution.

#### ARTICLE VII DUTIES OF OFFICERS AND EXECUTIVE BOARD

Section 1. The president shall preside at all meetings of the executive board and he shall be an ex-officio member of all committees, except the election committee. At the conclusion of

his/her term, he/she shall submit a report to the council regarding the progress and standing of the council and regarding his/her actions during his/her term of office. He/she shall be a delegate to the International Convention of the American Federation of State, County and Municipal Employees, AFL-CIO.

Section 2. The executive vice-president shall assist the president in the discharge of his/her duties and in the absence of the president or in his/her inability to serve, the executive vice-president shall preside at all meetings and perform all duties otherwise performed by the president.

Section 3. The recording secretary shall keep or cause to be kept a record of the proceedings of the convention and of meetings of the executive board, recording faithfully each motion that is made and the disposition of such motion. The recording secretary shall perform such other duties as are required by the constitution or by the convention or the executive board.

Section 4. The treasurer shall keep an accurate statement of the receipts submitted to the council and disbursements of the council. He/she shall cause to be deposited all monies received by the council in bank in which the deposits are insured by the Federal Deposit Insurance Corporation and shall cause such checks to be drawn against the funds of the council as are necessary. He/she shall report the financial status at each meeting of the council. He/she shall submit his/her books and records for audit by a CPA whenever required by the trustees.

Section 5. The executive board shall meet a least quarterly at such times and places as shall be determined by the board. Special meetings of the executive board may be called by the president. A quorum shall consist of a majority of the members. The executive board shall transact all business of the council that is necessary to be transacted between conventions. The executive board shall study all matters that may come to its attention and shall report to the convention. The executive board may delegate its authority to employ the necessary staff employees and executive director and its authority to obtain space and employ any office personnel necessary to carry out the administrative functions of the council to the executive director, but it may not delegate its responsibilities.

Section 6. The trustees shall cause the finances of the council to be audited by a certified public accountant at least once annually. The report will be provided to the executive board and other appropriate bodies as necessary or required by the International Convention.

Section 7. The president with the approval of the executive board shall appoint a political action committee. The political action committee shall implement state employee union political action bylaws and shall make recommendations to the executive board regarding all aspects of political activity which have an effect on matters of Council 77, including but not limited to candidate endorsements.

Section 8. Special standing committees shall perform such duties as are assigned to them.

ARTICLE VIII  
DUTIES OF THE DIRECTOR

Section 1. The executive director shall preside at all council conventions and shall direct negotiations with employees, organize within the council's jurisdiction and carry out the legislative program of the council.

Section 2. He/she shall be responsible for the content of all council publications and public statements.

Section 3. He/she shall engage, assign, supervise and terminate such clerical technical and other staff employees as are found necessary by the executive board for proper service, organization, education, research, publicity and related council activities with executive board approval. He/she shall establish and administer fair and equitable personnel policies placed in his/her charge, subject to the approval of the executive board.

Section 4. He/she shall report to the convention and to the executive board on all his/her official activities and submit plans and proposals to meet the current and future needs of the council, including written reports to the council, its executive board and affiliated local union. He/she shall execute the policies of the council and the executive board and the provisions of the constitution and be responsible for their observance by the council staff.

Section 5. He/she shall submit an operating budget to the executive board which shall be subject to revisions and approval by the executive board. The budget shall be based on the council's fiscal year, which shall be the twelve-month period commencing July 1<sup>st</sup> of each year and continuing through June 30<sup>th</sup> of the following year. He/she shall ensure that there is not deviation from the budget without prior approval of the executive board.

ARTICLE IX  
CONFERENCE BOARDS AND COMMITTEES

Section 1. All union locals/chapters (until the chapters become chartered locals) of this council shall participate with their appropriate conference board and standing committee(s).

Section 2. The purpose of the conference boards shall be to coordinate the activities of the members they represent and advise and assist the council in dealing with matters affecting their respective groups.

Section 3. The members of each conference board shall have the right to organize and operate their respective conference boards in any way they desire, as long as they do not usurp the functions and activities delegated to the council or its executive board by this constitution.

Section 4. Each conference board shall finance its own activities with funds from various locals having members on the board.

Section 5. Conference boards shall meet at least annually. Each local of the conference board shall be entitled to representation at these meetings.

Section 6. Each local shall elect one (1) representative to any appropriate conference board based on the membership within the local.

Section 7. The four (4) conference boards are: DOH (Division of Highways), DHHR (Department of Health and Human Resources), AO (all other agencies), and City/County.

Section 8. Delegates attending the conference board meetings shall vote the number of members in their own agency within their local.

#### ARTICLE X MISCELLANEOUS

Section 1. Robert's Rules of Order shall be the guide in parliamentary procedures when not in conflict with this constitution.

Section 2. Procedures on charges, trials, disciplinary actions, penalties and appeals shall be in accordance with the provisions of the International Constitution.

Section 3. 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 executive director of the council or the executive board of the council.

#### ARTICLE XI AMENDMENTS

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

Section 2. This constitution and all amendments thereto shall not take effect until ratified by the American Federation of State, County and Municipal Employees. Changes shall take effect only upon written approval of the International President.

APPROVED BY:

  
GERALD W. MCENTEE  
International President

3/7/00