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May 21, 2021

Richard A. Kowalczyk, President
AFSCME Local 3599
P.O. Box 92
Golden Bridge, NY 10526

Dear Brother Kowalczyk:

We have completed our review of the new Local 3599 Constitution, which was submitted by Area Field Services Director John English on your behalf. The constitution has been approved with the following exceptions and/or revisions:

1. Article IV, Section 1. We have revised this section to reflect the local's current jurisdictional language.
2. Article IV, Section 4 (Proposed). We have not approved the proposed language regarding per capita tax increases as it conflicts with Article IX, sections 6 and 7, of the *International Constitution*.
3. Article IV, Section 7. We have modified this section to comply with Article III, Section 5, of the *International Constitution*.
4. Article V, Section 2. We have required no less than 15 percent of the membership to sign petitions. Therefore, for clarity, we have modified this section to reflect the 15-percent minimum.
5. Article VI, Section 1, Third Sentence. For clarity, we have added a phrase to the new officer terms you submitted: "The officers of Local 3599 shall serve for terms of three years, beginning in 2021."
6. Article VII, Section 1d. For clarity, we have modified language regarding replacement convention delegates. Page 27, third to last paragraph of the *AFSCME Local Union Election Manual* (<https://www.afscme.org/about/governance/document/AFSCME-local-union-election-manual.pdf>) states that: "Local unions shall elect council delegates (and) delegates to conventions of the International Union in the manner prescribed for the election of local officers." The section has been revised to read: "[B]e a Local 3599 Delegate to the AFSCME International Convention, except that he/she may decline to be a part of the delegation in which case a replacement delegate shall be elected in the same manner as any other delegates are elected[".]"

American Federation of State, County and Municipal Employees, AFL-CIO

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7. Article VII, Section 2c. For clarity, we have added a phrase to the vice-president duties language you submitted: "[W]ith executive board approval, countersign checks drawn against the funds of Local 3599 in place of either the president or the treasurer[.]"
8. Article VII, Section 3d. We have added necessary language from the Appendix C Constitution regarding per capita tax payment and frequency. Though District Council 37 may perform this function on behalf of the local, pursuant to Article IX, Section 10, of the *International Constitution* it remains the local's responsibility to see that such payments occur.
9. Article VII, Section 8. For clarity, we added language regarding executive board duties: "A report on all actions taken by the executive board shall be made to the membership at the next following meeting."

Enclosed are two complete copies of the local constitution with my signature of approval on the final page. Should the local amend this constitution in the future, please submit the amendments for approval after they have been adopted by the membership.

In solidarity,



LEE SAUNDERS
President

LS/FC:nw

Enclosures

cc: Mike Sukal, Director, Organizing and Field Services
James Howell, Eastern Regional Director
Jim Cullen, Eastern Regional Assistant Director
Henry Garrido, Executive Director, AFSCME District Council 37
Robin Roach, General Counsel, AFSCME District Council 37
Michael D. Reid, Recording Secretary, AFSCME Local 3599

Constitution
for
New York City Department of Environmental Protection Upstate Technical
Professional Employees
Local 3599

History and Mission

A vote of District Council 37 (DC37) members working for the New York City Department of Environmental Protection (DEP) created Local 3599 which will serve to fight for the rights and unique needs of New York City employees working in the upstate watershed, far removed from their base of employment. Local 3599 shall represent DEP Employees working outside the five boroughs.

Article I
Name

The name of this organization shall be New York City Department of Environmental Protection Upstate Technical Professional Employees, Local 3599, of the American Federation of State, County, and Municipal Employees (AFSCME), AFL-CIO.

Article II
Affiliations

Local 3599 shall be affiliated with New York City District Council of AFSCME Municipal Local Unions #37; the New York State AFL-CIO; and any other affiliations deemed necessary by the Local 3599 Executive Board and approved at a general membership meeting.

Article III
Objectives

The objectives of Local 3599 shall be to improve the representation of our members at all of their geographically dispersed locations, including information exchange, benefits, employment issues, and any other issues affecting our members as a whole, and to carry out on a local basis the objectives of AFSCME.

Article IV
Membership and Dues

Section 1. All architectural, engineering, planning, scientific and related technical professional employees of the New York City Department of Environmental Protection who are assigned to work locations outside of the five boroughs of New York City, New York, are eligible for membership in this local union, subject to the requirements of the constitution for the International Union.

Section 2. Application for membership shall be made on a standard application form or accepted technology.

Section 3. The membership dues shall be payable bi-weekly in an amount based on each member's salary according to the following table:

Base Salary Range	Bi-Weekly Dues Rate
Less than \$70,000	\$27.00
\$70,000 - \$89,999	\$29.00
\$90,000 - \$109,999	\$31.00
\$110,000 - \$129,999	\$33.00
\$130,000 - \$149,999	\$35.00
\$150,000 - \$169,999	\$37.00
\$170,000 and up	\$39.00

Membership dues include the combined obligations of Local 3599 to AFSCME, DC37, the central labor council, the Municipal Labor Committee, and any successor organizations, and any other affiliations entered into by the executive board of Local 3599 on behalf of the membership and subsequently approved at a general membership meeting.

Section 4. Membership dues shall automatically increase proportionally to maintain the annual minimum local union membership dues rate required by AFSCME and DC37.

Section 5. Any membership dues increase instituted according to the terms of this article shall be automatically incorporated into this constitution without further approval.

Section 6. Any member who is paying dues through a system of regular payroll deductions, or other automatic payment method, shall be considered in good standing for as long as such member continues to pay dues through such method. Membership dues shall be payable monthly in advance to the Local 3599 Treasurer and in any event shall be paid no later than the fifteenth day of the month in which they become due. Any member who fails to pay dues by the fifteenth day of the month shall be considered delinquent, and upon such failure to pay dues for two consecutive months shall lose their good standing status and be suspended from membership.

Section 7. A member suspended under the above section may be reinstated to membership in Local 3599 upon payment of all arrearages, up to a maximum of one year's dues, plus the current month's dues.

Article V Meetings

Section 1. Local 3599 shall hold a minimum of four general membership meetings, ten executive board meetings, and one trustees' meeting per year.

Any member in good standing may attend any meeting of Local 3599; however, only executive board members shall be eligible to speak and vote at executive board meetings. Other members attending executive board meetings may be invited to speak at the discretion of the executive board chair, or the president if there is no executive board chair or the chair is absent.

Meeting arrangements shall be determined by the executive board, except that the trustees shall schedule the trustees' meeting. General membership meeting locations and times shall be announced to the entire membership no less than seven calendar days prior to the meeting.

Section 2. Additional meetings may be called by the Local 3599 President or Executive Board, or by a petition filed with the president and signed by no less than fifteen percent of the membership. Additional meetings may also be called by the International President or by an authorized representative of the International President.

Section 3. The quorum for meetings of Local 3599 shall be ten percent of the membership in good standing for general membership meetings and a majority of executive board members for executive board meetings.

Section 4. All decision-making powers of Local 3599 shall rest with the members in good standing at each meeting, provided that a quorum is present. Actions voted on and approved at general membership meetings shall not be overturned by subsequent executive board actions. General membership actions may only be overturned by a majority vote at a subsequent general membership meeting.

Article VI Officers, Nominations, and Elections

Section 1. The officers of Local 3599 shall be a president, a vice-president, a treasurer, a secretary, and three executive board members. These seven shall constitute the Local 3599 Executive Board. The officers of Local 3599 shall serve for terms of three years, beginning in 2021. The unexcused absence of an officer from three consecutive regularly scheduled executive board meetings may result in his/her removal from office by majority vote of the executive board.

Section 2. Local 3599 shall have three elected trustees, each having a term of office of three years.

Section 3. Local 3599 shall elect delegates to represent Local 3599 to DC37. The number of delegates so elected shall be set by DC37 based on the number of members in good standing in Local 3599 and current DC37 procedures. The president shall be one of the Local 3599 delegates to DC37. All other delegates shall be elected during the normal election process. Delegates shall serve for a term of three years.

Section 4. Officers, trustees, and delegates shall step down from their positions upon retirement or upon being appointed to a title not covered by the jurisdiction of Local 3599.

Section 5. Any officer may be removed from office, subject to the Judicial Procedure as described in Article X of the AFSCME International Constitution, upon being found guilty of willful violations of the AFSCME, DC37, or Local 3599 constitutions or the AFSCME Financial Standards Code, or for misappropriation, embezzlement, or improper or illegal use of union funds. Any officer removed under this section shall be barred from seeking any Local 3599 office for a period of four years and may be suspended from membership for up to two years.

Section 6. The Judicial Procedures Trial Body of Local 3599 shall be the executive board. A majority vote of the executive board shall be required to find an accused person guilty.

Section 7. Regular elections of Local 3599 shall be held every three years.

Section 8. Nominations for regular elections shall be made at a general membership meeting of Local 3599. At least fifteen calendar days' advance notice shall be given to the membership prior to the nomination meeting. A nominating committee may be appointed or elected to make nominations, but whether or not such committee is used, nominations shall be permitted from the floor at the nomination meeting. Nominations for all regular elections of Local 3599 shall be called in April. Nominations may be declined in writing within seven calendar days of the nominations meeting.

Section 9. An election committee may be appointed to arrange and supervise the election. Members of the election committee may not be candidates for office.

Section 10. Special elections, such as to elect delegates to attend the AFSCME International Convention, may be held as determined necessary by the executive board.

In no case will less than fifteen calendar days' advance notice be given for nominations for special elections.

Section 11. To be eligible for office, a member must be in good standing for one year immediately preceding the election, except in the initial election for Local 3599. No retired member shall be a candidate for office. For a member who is transferred or promoted into Local 3599 from another AFSCME local, this requirement shall be satisfied if such member's combined membership in good standing in both locals is one year at the time of the election.

Section 12. No member may concurrently hold more than one elected position in Local 3599, except that an officer or trustee may also serve as a delegate to DC37.

Section 13. All elections shall be conducted by secret ballot vote collected by any means authorized by the executive board and approved by the membership so long as it is consistent with the International Union Constitution. Balloting shall be conducted so as to afford all members a reasonable opportunity to vote. At least fifteen calendar days' advance notice shall be given to the membership prior to any election.

Section 14. Officers, trustees and delegates shall be elected by receiving the highest number of votes cast for each office.

Section 15. Vacant officer, trustee, or delegate positions shall be filled for the remainder of their unexpired term by a majority vote of the executive board from nominations received from the membership, except that in the case of a vacancy in the position of president, the vice-president shall automatically assume the president's position for the remainder of the unexpired term. Nominations for such vacancies shall be solicited from the membership with at least fifteen calendar days' advance notice.

Section 16. Every officer shall, upon assuming office, subscribe to the Obligation of an Officer contained in Appendix B of the International Union Constitution.

Section 17. All matters concerning nominations and elections in Local 3599 shall be subject to the provisions of Appendix D, Elections Code of the International Union Constitution.

Article VII Duties of Officers, Executive Board, Trustees and Delegates

Section 1. The president shall:

- a. preside at all meetings of Local 3599 and of the executive board;
- b. be a member of all committees except those related to elections;
- c. be a Local 3599 Delegate to DC37;
- d. be a Local 3599 Delegate to the AFSCME International Convention, except that he/she may decline to be a part of the delegation in which case a replacement delegate shall be elected in the same manner as any other delegates are elected;
- e. countersign checks drawn against the funds of Local 3599;
- f. appoint all standing and special committees of Local 3599, subject to the approval of the executive board;
- g. periodically report to the membership regarding the progress and standing of Local 3599 and the president's official actions;

- h. represent, or appoint another officer to represent, Local 3599 to DC37, AFSCME, and any other organization with which Local 3599 is affiliated;
- i. represent and support, or appoint another officer to represent and support, members in labor-management meetings, grievances, disciplinary hearings, or other actions where union representation could be beneficial to the interests of the membership; and
- j. sign-off on any grievances prior to moving to arbitration.

Section 2. The vice-president shall:

- a. assist the president as needed in the work of the president's office, and, in the absence of the president, perform all duties otherwise performed by the president;
- b. with the assistance of the other officers, schedule and arrange all meetings of Local 3599;
- c. with executive board approval, countersign checks drawn against the funds of Local 3599 in place of either the president or the treasurer; and
- d. when needed, represent and support members in labor-management meetings, grievances, disciplinary hearings, or other actions where union representation could be beneficial to the interests of the membership.

Section 3. The treasurer shall:

- a. receive and receipt for all monies of Local 3599;
- b. deposit all money so received in the name of Local 3599 in a bank or banks selected by the executive board, and money so deposited shall be withdrawn only by check signed by any two of the following: president, vice-president and/or treasurer;
- c. prepare and sign checks for such purposes as are required by the constitution or are authorized by the membership or the executive board;
- d. prepare and submit the monthly membership report to the International Union office and see that a check is drawn in payment of the local's per capita tax each month and sent to the International Secretary-Treasurer.
- e. keep an accurate record of receipts and disbursements;
- f. once each month, submit to the membership a monthly operating statement of the financial transactions of Local 3599 for the previous month;
- g. if requested by and with input from the executive board and any standing committees of Local 3599, prepare a budget for each calendar year, and a summary of the prior year's income and expenditures, including amounts currently available in all accounts, within sixty days of the start of each calendar year;
- h. act as custodian of all properties of Local 3599;
- i. ensure surety bond payments are made to AFSCME at the time and in the amount required by the International Union at the expense of Local 3599;
- j. submit any and all financial reports in accordance with and as required by the International Union Constitution; and

- k. act as custodian of all financial records of Local 3599, and make such records available for inspection by any member at any reasonable time.

Section 4. The secretary shall:

- a. attend all executive board and general membership meetings, or request a substitute to serve in their capacity for any meeting they cannot attend;
- b. keep an accurate record of the proceedings of all general membership and executive board meetings, including all resolutions, motions and the results of any votes;
- c. prepare official minutes for all general membership meetings and a report of all actions taken by the executive board between general membership meetings, and make such minutes and reports available for distribution to the membership in advance of each general membership meeting;
- d. carry on the official correspondence of Local 3599, except as the executive board may direct otherwise;
- e. act as custodian of all non-financial records of Local 3599, and make such records available for inspection by any member at any reasonable time; and
- f. perform other duties as the executive board may require.

Section 5. Executive board members shall prioritize attendance at executive board and general membership meetings to the extent possible, and participate in decision making on policies, aims, and means of accomplishing the purposes of Local 3599 in good faith and representing the interests of the entire membership. As needed, executive board members may:

- a. serve as shop stewards in their respective locations;
- b. serve as chairs or members of standing and special committees as appointed by the president;
- c. serve as sergeants-at-arms during membership meetings in their respective locations; and
- d. as appointed by the executive board, serve as Local 3599 representatives on DC37 committees, such as the Quality of Work Life Committee.

Section 6. Delegates to DC37 shall:

- a. attend DC37 Delegates meetings;
- b. provide a brief written summary of each meeting to the executive board at the next executive board meeting and/or an oral report to the membership at the next general membership meeting and/or make a written summary available to be published to Local 3599's website; and
- c. vote in the best interests of the local membership whenever a delegates vote is taken.

Section 7. The trustees shall make or cause to be made an audit of the finances of Local 3599 at least once per calendar year, including the finances concerning any health and welfare, pension, insurance or other benefit programs covering members of Local 3599, and shall report to the membership the results of such audit.

Section 8. The executive board shall be the governing body of Local 3599 when meetings of Local 3599 are not in session. All matters affecting the policies, aims, and means of accomplishing the purposes of Local 3599 not specifically provided for in this constitution or by action of the membership at a regular or special meeting shall be decided by a majority vote of the executive board. The executive board shall meet as specified in this constitution or at the call of the president or a majority of the executive board members. A report on all actions taken by the executive board shall be made to the membership at the next following meeting.

Section 9. All members of the executive board shall endeavor to act in the best interests of the membership and Local 3599 in all official actions.

Article VIII Expenditures

Section 1. All expenditures of Local 3599 funds shall be consistent with the AFSCME Financial Standards Code, and shall be authorized prior to their release as follows:

- a. The executive board may authorize expenditures up to the budgeted amounts plus 15% for each line item in an annual budget approved by the general membership by motion properly made and carried at a regularly-scheduled or special general membership meeting.
- b. All expenditures more than 15% in excess of budgeted amounts in a membership-approved annual budget shall be authorized by majority vote of the general membership taken at a regularly-scheduled or special general membership meeting.
- c. Recurring expenditures, such as food for general membership and executive board meetings or monthly cell phone service plans, once authorized, shall be deemed authorized for one full calendar year without further approval.

Section 2. Any expenditures authorized by the executive board shall be captured in the monthly financial statements provided to the general membership.

Section 3. Regardless of amount, all expenditures in the form of officer stipends shall be approved by the general membership at a regularly-scheduled or special general membership meeting.

Article IX Miscellaneous Provisions

Section 1. Local 3599 shall at all times be subject to the provisions of the constitution of AFSCME.

Section 2. Except to the extent specified in this constitution, no officer of Local 3599 shall have the power to act as agent for or otherwise bind Local 3599 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 Local 3599 except to the extent specifically authorized in writing by the president or the executive board of Local 3599.

Section 3. The rules contained in the current edition of Robert's Rules of Order Newly Revised shall govern Local 3599 in all cases to which they are applicable and in which they are not inconsistent with this constitution and special rules of Local 3599 or AFSCME.

**Article X
Amendments**

Section 1. This constitution may be amended, revised, or otherwise changed by an affirmative vote of two-thirds majority of the members voting on such proposed change. Changes shall take effect only upon the written approval of the International President.

Section 2. Proposed amendments to this constitution must be read at a regular or special meeting of Local 3599 and read and voted on at a subsequent regular or special meeting of Local 3599. At least fifteen calendar days' advance notice shall be provided to the membership of the date, time and location of the meeting at which the vote will be taken. A written copy of the proposed amendment shall be provided to the membership with the meeting announcement and will be furnished to every eligible voter at the meeting at which the vote is taken.

Approved by:

A handwritten signature in black ink that reads "Lee Saunders". The signature is written in a cursive, flowing style.

LEE SAUNDERS
President

Approval date: May 21, 2021