

Constitution

for

Oregon AFSCME Council 75

Article I

Name, Headquarters and Affiliations

Section 1. This council shall be known as the Oregon AFSCME Council 75 of the American Federation of State, County and Municipal Employees, AFL-CIO.

Section 2. The principle office of this council shall be in the proximity of Salem, Oregon. The council shall also maintain such offices as determined by the executive board.

Section 3. This council shall be chartered by the American Federation of State, County and Municipal Employees, AFL-CIO, and shall affiliate with the Oregon AFL-CIO.

Article II

Objectives

The objectives of this council shall be to carry out, on a statewide basis, the objectives of the American Federation of State, County and Municipal Employees, which are as follows:

1. to promote the organization of workers within the state of Oregon.
2. to promote the welfare of the membership by assisting the affiliate locals to provide an effective voice in the determination of the terms and conditions of employment through the collective bargaining process.
3. to promote the election of political candidates and passage of legislative issues favorable to workers, and to coordinate the political action program of the affiliate locals.
4. to promote career service in public service.
5. to provide research and educational services and activities so as to assist the welfare of members within the local affiliates.
6. to foster cooperation among affiliate locals and to help coordinate the goals and objectives of the various affiliate locals so as to advance the cause of public service unionism.
7. to assist local affiliates with organizational, educational, political and promotional programs aimed at securing the goals of the affiliate locals and the council.
8. to encourage harmony and cooperation between all working people so that the economical wealth and materials of our society may be more equally distributed.

- 2 -
Article III
Membership

Section 1. All AFSCME local unions in the State of Oregon shall be affiliated with this council.

Section 2. Effective January 1, 2008, the dues rate for members of local unions affiliated with Council 75 will be 1.27% of base wages. Base wages will exclude overtime, shift differential, language differential, longevity and other amounts added to a member's base compensation to the extent that the employer is able to separate these amounts from base wages when computing the dues deductions. The dues deduction will be subject to minimum, and maximum deduction amounts as follows:

- A. Monthly minimum and maximum deduction amounts described below will be computed on a per-pay-period basis. The per-pay-period amounts are computed by dividing the annualized (monthly times twelve) minimum or maximum by the number of pay periods for each member.
- B. The minimum dues rate will be \$15.00 per month. For a member with semimonthly payrolls, the equivalent minimum dues rate will be \$7.50 per pay period. For members with biweekly payroll the minimum dues rate will be \$6.93 per pay period.
- C. The maximum dues rate will be \$55.00 per month on January 1, 2008. The maximum monthly dues rate will increase to \$60.00 on January 1, 2009, and to \$65.00 on January 1, 2010.
- D. On January 1, 2011, the maximum dues rate will be increased by the average wage increase percentage received by an AFSCME member over the twelve months ending July 31, 2010, as provided by AFSCME's "Minimum Dues Increase" notice for the 2011 calendar year. The calculation of this percentage increase is as described in Article IX, Section 7, of the AFSCME International Constitution. The maximum dues rate will be increased on January 1 of each subsequent year by the average wage increase percentage received by an AFSCME member over the most recent twelve months ending July 31 as provided by AFSCME's "Minimum Dues Increase" notice.

Section 3. Each local union will receive a final amount per member rebate at the full-time rate as specified in AFSCME International minimum dues calculation for the local union portion of that calculation.

Local union rebate rates will be paid at the AFSCME minimum dues rate local share rate in effect during the year when the payroll deductions occurred. The local union per member rates will increase each year as determined by AFSCME International's Minimum Dues calculation for the local union portion. Local union rebates for agency fee objector payers will be reduced to the local union chargeable amounts in effect for the local union at the time the deduction is taken.

Each local can also specify an added fixed amount, higher percentage and/or higher maximum deduction amount to provide additional funds to the local union. The council, in coordination with the local and using data provided by the employer, will compute the amount received for these additional deductions. The council will forward the additional local union deductions to the local union with an accounting of how the added deduction amount was computed.

Section 4. All local unions affiliated with Council 75 will participate in the central accounting program. The respective employers will forward the check for the dues deducted each month, together with a check-off list, to the principle office of Council 75. The check shall be made payable to AFSCME Council 75. The local's share of the funds received from each respective local union jurisdiction together with a statement showing how the local's share of dues was determined shall be disbursed to the local within ten business days of receipt of the employer's check, except as requested by the local or as authorized by the executive board or the executive committee when the board is not in session. Other distributions shall be as follows:

- A. Constitutionally required International per capita taxes shall be disbursed to the International Union for credit to the local's account on appropriate forms.
- B. Constitutionally required council per capita tax shall be retained by Council 75 and credited to the local's account.
- C. Other disbursements as authorized in writing by the members, such as: central labor council per capita taxes, PEOPLE check-off, and loan payments to Council 75 and such other disbursements as may be required by the International or Council 75 constitutions.
- D. The amounts owed to local unions will be paid on a per-member basis as described in Section 2. Any local that has arranged for additional dues amounts to be included in the payroll deductions, *over* and above the council rates will have those amounts added to the local's rebate check. The local's dues transmittal document will separately identify the added amounts with an explanation and/or schedule showing how the additional deductions were computed.
- E. All local unions will assist the council in any way that becomes necessary to bring any employer in accordance with the proper administration of the council's dues rate.

Section 5. Oregon AFSCME Council 75 shall establish and maintain a dedicated Travel Fund for the purpose of providing financial assistance to allow members from locals to attend and participate in AFSCME sponsored functions. The functions include, but are not limited to: Oregon AFSCME Council 75 Biennial conventions, AFSCME International conventions, Oregon AFL-CIO COPE and Constitutional conventions, Oregon AFSCME conferences and workshops, and AFSCME International conferences and workshops. Financial assistance may be provided, at the discretion of the executive board, or Executive Committee between board meetings, to allow up to one member from each local to attend conventions, conferences and workshops. Travel fund reimbursement for specialized conventions, conferences and workshops are limited to those members who fall within the demographic of that AFSCME-sponsored function.

Section 6. The Travel Fund shall be financed in the following manner: The council shall maintain current budget line items at the rate of \$.30 per member per month to accomplish the purposes of Section 5.

Section 7. To apply for financial assistance, a local must submit an AFSCME Council 75 *Travel* Fund Reimbursement Request Form to the Council 75 headquarters in Salem as soon as possible following a sanctioned council event. All reimbursements shall be in accordance with established Council 75 reimbursement policies. The Travel Fund shall reimburse the following expenses: lodging expense, registration fees, meals not provided, mileage to and from the event, and airfare and ground transportation when appropriate. Council 75 reserves the right to make all reservations and assignments when necessary. All room reimbursements shall be made at the rate most advantageous to the council. Council 75 shall not honor any local reimbursement request more than one (1) year after the date of the approved event.

Section 8. Oregon AFSCME Council 75 shall establish and maintain a Ballot Initiative and Voter Outreach Fund for the specific purpose of fighting or supporting ballot measures and increasing voter registration and education. The balance of the fund shall not exceed \$3,000,000. Effective May 1, 2011, the Ballot Initiative and Voter Outreach Fund shall be financed at the rate of \$2.50 per member, per month, pro-rated for part-time employees working twenty (20) hours or more per week, but less than thirty-two (32) hours per week shall be set in the amount of \$1.75, for part-time employees working less than twenty (20) hours per week shall be set in the amount of \$1.00 per member per month until such time as the Council 75 Ballot Initiative and Voter Outreach Fund has reached \$3,000,000. Contributions shall then be suspended until such time as the fund balance falls below \$2,500,000; at such time, contributions will resume.

If deemed necessary by a two-thirds majority of the Council 75 Executive Board, dollars available in the Ballot Initiative and Voter Outreach Fund can be used to support the Strike, Interest Arbitration and Defense Fund and/or the General Fund, but in amounts not to exceed \$1,000,000 per year.

Oregon AFSCME Council 75 shall formally establish and maintain a Political Soft Fund for the specific purpose of contributing to candidate elections in special, primary or general elections at all levels of government within the State of Oregon. The Political Soft Fund shall be financed at the rate of \$0.50 per member, per month. Contributions to the Political Soft Fund shall continue until such time as the balance of the fund has reached \$450,000; contributions shall then be suspended until such time as the balance of the fund falls below \$400,000.

Section 9. Following each election cycle during which funds are expended to oppose or support ballot measures an accounting of those funds spent, detailing the specific uses of said funds, shall be circulated to the membership, through each of the locals. If no funds are expended in any year, an annual accounting shall be made by March 1 of the following year showing any changes, if any, in the fund and the sources of increase or decrease.

Section 10. Oregon AFSCME Council 75 shall establish and maintain a Strike, Interest Arbitration and Defense Fund. The Strike, Interest Arbitration and Defense Fund shall be financed at the rate of \$0.50 per member, per month until the balance of the fund reaches \$1,000,000.

After the Strike, Interest Arbitration and Defense Fund reaches a balance of \$1,000,000, it shall be funded at the rate of \$0.30 per member per month and the remaining \$0.20 per member per month shall be contributed into the Media and Public Relations Fund (see Section 16). If the balance of the Strike, Interest Arbitration and Defense Fund falls below \$850,000, it shall once again be funded at the rate of \$0.50 per member per month and no additional \$0.20 per member per month shall be contributed to the Media and Public Relations Fund.

After the Strike, Interest Arbitration and Defense Fund reaches a balance of \$1,250,000, it shall be suspended until the balance falls below \$850,000, however, contributions to the media fund shall still be financed at a rate of \$0.20 per member per month.

If deemed necessary by a two-thirds majority of the Council 75 Executive Board, dollars available in the Strike, Interest Arbitration and Defense Fund can be used to support the Ballot Initiative and Voter Outreach Fund and/or the General Fund, but in amounts not to exceed \$1,000,000 per year.

Section 11. Oregon AFSCME Council 75 shall establish and maintain a dedicated Building Fund for the specific purpose of purchasing, building, remodeling, and loan amortization of Oregon AFSCME Council 75 offices across the state of Oregon. The Building Fund shall be financed at the rate of \$0.50 per member per month.

Contributions to the Building Fund shall continue until such time as the convention agrees to suspend them.

Section 12. Oregon AFSCME Council 75 shall establish and maintain a dedicated College Scholarship Fund for the specific purpose of providing college scholarships to Oregon AFSCME members in good standing and dependents of Oregon AFSCME members in good standing. The Donna Danner College Scholarship Fund shall be financed through a per capita surcharge of five cents (\$0.05) per month beginning July 1, 2001.

Section 13. Member Training Fund. Oregon AFSCME Council 75 shall establish and maintain a dedicated Member Training Fund for the specific purpose of conducting member training. This fund shall be dedicated to pay costs associated with conducting membership training (e.g. meeting room rentals, materials, food, equipment, speakers/instructors and their associated costs). In-person training opportunities will be inclusive and will be accessible to locals throughout the state: Eastern Oregon, Southern Oregon, Central Oregon, Coastal Oregon, in the Gorge, and in the Willamette Valley.

The Member Training Fund shall be financed at the minimum rate of \$.10 per member, per month. Additional funding may be allocated at the discretion of the executive board or the Executive Committee if the board is not in session and a time-sensitive need arises.

Section 14. Oregon AFSCME Council 75 shall establish and maintain a dedicated Convention Fund for the specific purposes of hosting the biennial Oregon AFSCME Council 75 Convention and participating in the biennial AFSCME International Convention. The Convention Fund shall be financed at the rate of \$3,000 per month.

Section 15. Oregon AFSCME Council 75 shall establish and maintain a dedicated Media and Public Relations Fund for the specific purpose of promoting public employees and public service. The Media and Public Relations Fund shall be financed at the rate of \$0.20 per member per month.

If the Strike, Interest Arbitration and Defense Fund balance exceeds \$1,000,000, the Media and Public Relations Fund shall be financed at the rate of \$0.40 per member per month (see Section 11). If the balance of the Strike, Interest Arbitration and Defense Fund falls below \$850,000, the Media and Public Relations Fund shall once again be financed at the rate of \$0.20 per member per month and not at \$0.40 per member per month.

Annually, an accounting of the amount spent from this media fund, detailing the specific use of these funds, shall be circulated to the membership, through each of the locals. If no funds are expended in any year, an annual accounting shall be made by March 1 of the following year showing any changes, if any, in the fund and the sources of increase or decrease.

Section 16. Oregon AFSCME Council 75 shall establish and maintain a dedicated Fiscal Stability Fund for the specific purpose of creating a reserve account for General Fund use during difficult financial periods. When other Dedicated Funds reach their upper limit and contributions to those other Dedicated Funds are suspended, the amount that would otherwise have been contributed to that Dedicated Fund shall instead be contributed to the Fiscal Stability Fund. Draws against the Fiscal Stability Fund shall be in accordance with the Council Policy Manual.

- 6 -
Article IV
The Convention

Section 1. All powers of this council shall be vested in the convention when in session.

Section 2. A constitutional convention shall meet biennially in odd-numbered years at such time, date and place as shall be determined by the Council Executive Board. The opening day of the convention shall be scheduled between March 1 and June 1.

Section 3. Not less than one hundred twenty (120) days prior to the opening of the biennial convention, the Council 75 secretary shall issue a convention call, in the name of the executive board. Such call shall state the time, date and place of the convention. A copy of the call shall be sent to all affiliated local unions, together with the appropriate number of blank credential forms.

Section 4. For specific purpose(s), which shall be clearly defined in the call, a special convention may be called at any time by the Oregon AFSCME Council 75 Executive Board or by petition filed with the Council 75 President by one-third (1/3) of the locals affiliated with Council 75. The petition shall state the purpose(s) of the convention. The convention shall convene not less than sixty (60) days nor more than one hundred twenty (120) days from the date of the call. A copy of the call shall be sent to the council secretary to all affiliated locals, together with the appropriate number of blank credential forms.

Section 5. The basis of local union representation in conventions shall be determined from the average per capita tax actually paid to the council by each affiliated local union for twelve (12) consecutive months ending with the fifth full month prior to the opening of the Council 75 Convention. In the case of a local composed of two or more locals that have merged during the twelve (12) month period, or between the end of the twelve (12) month period and the opening of the convention, the combined average per capita tax of the merging locals shall be the basis of representation. In any case where a local has been divided into two or more locals during the twelve (12) month period, or between the end of the twelve (12) month period and the opening of the convention, the total average per capita shall be divided among the newly-created locals in direct proportion to their respective averages since the division, and this shall constitute their respective basis of representation. In the case of a newly-organized or newly-affiliated local which has been in existence or has been affiliated for less than the full twelve (12) month period, the average per capita tax for that portion of the twelve (12) month period during which the local has been in existence or has been affiliated shall be the basis for representation.

Section 6. Locals shall be entitled to delegates on the basis of the monthly average per capita as follows: fifty (50) or fewer, one delegate; more than fifty (50) but not exceeding one hundred (100), two delegates; more than one hundred (100) but not exceeding one hundred fifty (150), three delegates; more than one hundred fifty (150) but not exceeding two hundred (200), four delegates; more than two hundred (200), one delegate for each additional five hundred (500) members or 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, with fractions to be counted as full members. Locals 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 convention. If more than one delegate is present, the number of votes to which the local is entitled shall be divided equally among the delegates, with any remaining votes to be cast by the chairman of the delegation, as designated by the local. No fractional votes shall be permitted.

Oregon AFSCME Retirees Chapter shall be entitled to elect one (1) delegate who will carry one (1) vote to the regular or special convention of this council.

Section 8. All delegates to the convention shall be elected in accordance with the Elections Code of the International Constitution. The names of such delegates shall be certified by the president and secretary of each local union to the council secretary, who shall submit such certifications to the Credentials Committee.

To be accredited, delegates must be on the floor when convention votes are taken. Voting by proxy shall not be permitted.

Section 9. A delegate representing a local union must be a member in good standing of the local the delegate represents. With the exception provided in Section 19, however, two or three locals may unite in sending to the convention a delegate who is a member of one of such locals. Before a local may be represented by a delegate who is not a member of the local, the membership of the local shall first vote the following question: "Shall this local elect as a convention delegate a person who is not a member of this local union?" If the majority of those voting on the question vote in the affirmative, the local may then proceed to elect a delegate in accordance with the above requirements. Any delegate so elected may cast the votes to which the locals are individually entitled. No delegate may represent more than three (3) locals, one of which must be the local of which the delegate is a member. Travel Fund reimbursement may only be applied to the local of which the delegate is a member.

Section 10. No employee of the council shall serve as a delegate to the Council 75 Convention. Any member of the executive board who is not elected as a delegate representing a local union shall nevertheless be entitled to all the rights and privileges of a delegate except the right to vote.

Section 11. No local union which is under suspension by the International Union or by this council under the provisions of Article 111, Section 2, shall be entitled to representation in the convention.

Section 12. Prior to each convention, the Council 75 President shall, with the approval of the Council 75 Executive Committee, appoint a Credentials Committee, a Committee on Rules and Order of Business, a Constitution Committee, a Resolutions Committee, a Sergeant-at-Arms Committee, an Elections Committee, and any other committees as shall be authorized by the Council 75 Executive Board designating one member of each committee as the chairperson. At the convention, the president shall also, with the approval of the delegates present, appoint any additional committees required under the rules of the convention, designating one member of each committee as chairperson and special committees and the chairpersons thereof required by any resolution adopted by the convention, unless such resolution provides for a different method of appointment. The president shall be an ex-officio member of all convention committees, except the Credentials Committee and the Committee on Elections. All committee meetings shall be open and accessible to all members and shall have their meeting dates, times, and locations published prior to the meetings. All convention-related committees are dissolved at the end of the convention.

Section 13. Each member of the Credentials Committee and of the Committee on Elections shall, upon accepting appointment to such committee, be disqualified from becoming a candidate for elective office at the convention. Delegates being considered for appointment to either the Credentials Committee or the Committee on Elections shall be notified in advance by the president of the restrictions of this section.

Section 14. Resolutions and constitutional amendments to be introduced for consideration at the Council 75 Convention shall be certified as genuine by the president and the secretary of a local union or by the executive board or executive committee. Such resolutions and constitutional amendments shall be signed and sent to the council secretary and postmarked or e-mailed to the address provided on the Convention Call at least sixty (60) days prior to the opening of the convention. The secretary shall make copies of all such amendments available to the delegates at the beginning of the convention, and shall also make copies of all such constitutional amendments available to local presidents not later than forty-five (45) days prior to the convention and shall properly identify those who submitted the amendments.

No resolutions or constitutional amendments may be introduced thereafter unless consent is given by a two-thirds (2/3) majority vote of the convention, provided, however, that the executive committee or the executive board may introduce resolutions or constitutional amendments for consideration by the convention at any time prior to 5:00 p.m. of the opening of the convention. The secretary shall make copies of all such resolutions and constitutional amendments available to the delegates and shall properly identify those who submitted the resolutions and constitutional amendments. All resolutions and constitutional amendments shall be referred to a committee for study and publication, which shall show the resolution or constitutional amendment number, titles, by whom introduced, and to which committee referred. The Resolutions Committee and the Constitution Committee shall put resolutions and constitutional amendments in proper form and ensure that all resolutions and constitutional amendments relating to a specific subject will be offered in a logical sequence. Resolutions and constitutional amendments submitted may be combined or consolidated by the committee where similar and reported as such to the delegates. Similarly, the committee may make "amendments" to resolutions and constitutional amendments that are submitted and should advise the delegates that such changes were made. When reported to the convention, the committee shall report its recommendation to pass, do not pass or make no recommendation on the resolution or constitutional amendment proposed.

Section 15. The council president shall be the presiding officer at all conventions. The first vice-president, the second vice-president and treasurer and secretary, in that order, may preside in the president's stead should exigencies preclude the president from **so serving**.

Section 16. A quorum for the transaction of business shall consist of not fewer than one-third of the delegates seated in the convention.

Section 17. At each biennial convention held in odd-numbered years, there shall be elected a president, first vice-president, second vice-president, a secretary, a treasurer and three (3) trustees by the convention at-large. In addition, there shall be elected one vice-president from each of the twelve (12) sectors hereinafter established, and executive board members to be elected by the delegates representing locals in each of the seven (7) workplace sectors. Five (5) regional district sectors shall be defined by the Council 75 Political Action Committee with ratification by the Council 75 Executive Board 150 days prior to the opening of the biennial council convention. The new accepted boundaries shall be included in the same publication and distribution as constitutional amendments. The Political Action Committee shall determine regions to balance political workload, balance membership density and maintain communities of interest by using contiguous Oregon House and/or Senate Districts. Further, the PAC will maintain Oregon's distinctive regional ideology when defining the regions. The sectors shall be as follows:

- Sector 1. State Employees
- Sector 2. County Employees
- Sector 3. City Employees
- Sector 4. Special District Employees
- Sector 5. NLRB-Covered Employees
- Sector 6. Independent Providers
- Sector 7. Retirees
- Sector 8. Oregon Regional District 1
- Sector 9. Oregon Regional District 2
- Sector 10. Oregon Regional District 3
- Sector 11. Oregon Regional District 4
- Sector 12. Oregon Regional District 5

Not more than one (1) of the seventeen (17) officers of the executive committee shall be members of any one (1) local.

Section 18. The number of executive board members to be elected will be determined by the following: A workplace sector will be entitled to elect one executive board member for each two hundred (200) members in the sector or a major fraction thereof. However, if a workplace sector has fewer than two hundred (200) members, they will be entitled to one executive board member. Voting in workplace sector elections of sector vice-presidents and executive board members will be by per capita. With the exclusion of the executive committee, no more than two (2) executive board members shall be elected from any one local.

If legislation, ballot measure or court decision reduces, eliminates or invalidates "fair-share" status, the number of board seats to which workplace sectors are entitled shall be reduced as follows at the immediately succeeding regular or special convention: A workplace sector will be entitled to elect one executive board member for each three hundred (300) members in the sector or a major fraction thereof. However, if a workplace sector has fewer than three hundred (300) members, they will be entitled to one executive board member. Voting in workplace sector elections of sector vice-presidents and executive board members will be by per capita. With the exclusion of the executive committee, no more than one (1) executive board member shall be elected from any one local.

Section 19. To be eligible to hold office in a workplace sector, a nominee must be employed within the jurisdiction relevant to the office sought. To be eligible to hold office in a regional district sector, a nominee must be employed or reside within the jurisdiction relevant to the office sought.

Section 20. Two days prior to the final day of the convention, nominations of at-large officers shall be conducted in open convention; no nominating committee shall be used. Election of at-large officers shall take place the following afternoon session. Any delegate may nominate any eligible member for the office of president, first vice-president, second vice-president, secretary, treasurer and trustees. Sector meetings with delegates for the election of congressional district vice-presidents, workplace sector vice-presidents and executive board members shall be held after the election of at-large officers. Following the nominating procedures, nominees shall be afforded the opportunity to decline and the name of any person so declining shall not appear on the ballot. No person shall be a candidate for more than one (1) office.

Section 21. Regional district sector meetings shall be held after the election of officers for the election of regional district sector vice-presidents. A delegate shall vote only in their own regional district sector, which is the sector within which their local union is headquartered. In order for a local union to vote their territorial membership for regional district vice-president in a district away from their local union headquarters, the local union president must notify the Council 75 Secretary in writing thirty (30) days prior to the commencement of the convention as to the number of members residing in such district or districts. The Council 75 Convention Credentials Committee shall determine such inquiries. In no case can any local cast votes in more than one regional district.

Section 22. Workplace sector meetings shall be held after the regional district meetings for the election of workplace sector vice-presidents and executive board members.

A delegate shall vote only for the executive board member or members from the workplace sector in which the membership of that delegate's local union is employed. If a local has members in more than one workplace sector, the votes of the local shall be cast in the workplace sector in which the largest number of members is employed.

In the event of a vacancy of a regional district vice-president, in order for a local union to vote their territorial membership for regional district vice-president in a district away from the regional district in which the local union is headquartered during the interim period, not within the confines of the Council 75 Convention, a local president must notify the Council 75 Secretary in writing thirty (30) days prior to the commencement of the election as to the number of members residing in such district or districts. The number of votes to be cast in the interim election cannot exceed the number of membership whose work location is located within that regional district. The Council 75 Executive Board shall

determine such inquiries, prior to the commencement of the vote.

Section 23. Any delegate within a sector may nominate any eligible member from within the sector for sector vice-president or executive board.

Section 24. All persons elected during the convention shall take office immediately following the close of the convention in accordance with the International Constitution.

Section 25. Within thirty (30) days after receipt of the Oregon AFSCME Council 75 amended constitution, the president and reporting officer of each affiliate local and each executive board member of Oregon AFSCME Council 75 shall be provided with a copy of the amended constitution and all resolutions passed at prior Oregon AFSCME Council 75 conventions.

Article V Executive Committee

Section 1. The Executive Committee shall be the executive body of the council except when the executive board or convention is in session. As such, the Executive Committee shall be responsible for ensuring the implementation of decisions by the executive board or the convention on governance and policy making. The Executive Committee shall also assist the executive director regarding the business of the council and making time-sensitive decisions between meetings of the executive board and the convention.

Section 2. Minutes of the Executive Committee meetings shall be sent to all executive board members in a timely manner. Decisions by the Executive Committee shall be presented to the executive board at the next meeting of the board.

Section 3. The Executive Committee shall be comprised of seventeen (17) officers: the Council 75 president, first vice-president, second vice-president, secretary, treasurer, the seven workplace sector vice-presidents and the five regional district vice-presidents. Each member of the Executive Committee shall have one vote each per the rules and regulations of Robert's Rules of Order Newly Revised. The executive director and all department directors will be non-voting, advisory members of the Executive Committee. The Executive Committee shall act as part of the executive board when the executive board is in session. The Executive Committee shall establish monthly meetings and shall also meet on call of the president or nine (9) members of the Executive Committee upon minimum notification of seven (7) calendar days to the executive board and providing specific notice regarding the intent of the meeting. The Executive Committee shall be responsible for formation of Oregon AFSCME Council 75 policies upon approval of the executive board. Meetings may be cancelled by a majority vote of the Executive Committee.

Section 4. The president shall perform the following duties:

- A. preside at all council conventions and meetings of the executive board and Executive Committee.
- B. appoint members to all council committees subject to the review and concurrence of the executive board.
- C. be an ex-officio member of all council committees, except as otherwise provided in this constitution.
- D. be authorized to countersign all checks drawn against the funds of the council.
- E. report periodically to the membership regarding the progress and standing of the council and the president's official acts. perform such other duties as may be required by this constitution, the council convention, the executive board or the executive committee or all other duties assigned or described by the Council 75 Policy Manual as approved by the executive board of Council 75.
- F. be the automatic delegate to all conventions at which this council is entitled

to representation. If the president is unable to serve as the council's delegate, the first vice-president, second vice-president, treasurer or secretary, in that order, may serve as the council's delegate.

Section 5. The first vice-president shall perform the following duties:

- A. closely assist the president in the work of the president's office.
- B. in the absence or inability of the president to serve, preside at all meetings and perform all duties of the president.
- C. be authorized to act as co-signer of checks drawn on the council funds in the event neither the treasurer nor president is available for such action.
- D. perform such other duties as may be required by this constitution, the council convention, the executive board or the Executive Committee or all other duties assigned or described by the Council 75 Policy Manual as approved by the executive board of Council 75.

Section 6. The second vice-president shall perform the following duties:

- A. Closely assist the president and first vice-president in the work of their respective offices.
- B. in the absence or inability of the president or first vice-president to serve, perform said duties of the president or vice president as are required.
- C. perform such other duties as may be provided by action of the convention, executive board or Executive Committee or all other duties assigned or described by the Council 75 Policy Manual as approved by the executive board of Council 75.
- D. chair the Political Action Committee (PAC).

Section 7. The treasurer shall ensure the performance of the following duties:

- A. receipt for all funds of the council.
- B. deposit of all money so received in the name of the council in a bank or banks insured by the Federal Deposit Insurance Corporation selected by the executive board.
- C. assurance that the money so deposited shall be withdrawn only by checks properly signed by the authorized officers of the council via methods acceptable to the International Union and commonly practiced in the financial industry.
- D. disbursement of funds for such purposes as are required by the constitution or are authorized by the convention or executive board.
- E. maintenance of an accurate record of receipts and disbursements of the council and presentation to the Council Executive Committee and Executive Board, as well as to any affiliated local upon request, a statement of financial position including any operating statement of the financial transactions of the council at intervals not greater than quarterly per any fiscal year.
- F. assurance that all financial records and transactions comply with generally accepted accounting principles except where there is conflict with the International Financial Standards Code.
- G. submission of all fiscal documents and other reports to the Auditing Committee upon request.

- H. payment of the required per capita tax and submission of monthly membership reports to the International Union.
- I. proper custodianship of all properties of the council.
- J. other duties as may be required by the International Constitution or convention, this constitution, the council convention, the executive board or the Executive Committee or all other duties assigned or described by the Council 75 Policy Manual as approved by the executive board of Council 75.

Section 8. The secretary shall perform the following duties:

- A. keep a record of the proceedings of all conventions and meetings of the executive board and Executive Committee.
- B. ensure that the minutes of the above meetings are sent to the appropriate bodies in a timely manner.
- C. carry on the official correspondence of the council except as the executive board may direct otherwise.
- D. perform such other duties as may be provided in this constitution or by the actions of the convention, executive board or Executive Committee or all other duties assigned or described by the Council 75 Policy Manual as approved by the executive board of Council 75.

Section 9. The sector vice-presidents shall perform such duties as may be provided by action of the convention, executive board or executive committee or all other duties assigned or described by the Council 75 Policy Manual as approved by the executive board of Council 75. Such duties shall include, but are not necessarily limited to:

- A. attending all executive board meetings.
- B. bringing to the attention of Executive Committee and the executive board the specific needs of their respective sectors.
- C. meeting prior to each executive board meeting with the representatives of their respective sectors.
- D. disseminating information from meetings to local presidents within their respective sectors.
- E. recruiting members to serve in vacant executive board seats within their respective sectors.

Section 10. The regional district vice-presidents shall perform such duties as may be provided by action of the convention, executive board or Executive Committee or all other duties assigned or described by the Council 75 Policy Manual as approved by the executive board or Council 75. Such duties shall include, but are not necessarily limited to:

- A. attending all executive board meetings.
- B. bringing to the attention of the PAC and the executive board the specific political issues of their respective regional districts.
- C. disseminating information from Council 75 PAC meetings to local presidents and/or local PACs within their respective regional districts.

- D. coordination of candidate interviews as appropriate for each Oregon House of Representatives and Senate district within their respective regional districts, and the presentation of the endorsement recommendations from their respective regional districts to the Council 75 PAC.
- E. assisting the second vice-president (PAC Chair) in the coordination of the PAC.
- F. recruiting members to serve in vacant PAC seats within their respective regional districts.

Article VI Executive Board

Section 1. The executive board shall be the governing body of the council except when the convention is in session. The executive board shall possess all the powers of the convention except to amend this constitution. All matters affecting the policies, aims and means of accomplishing the purposes of the council not specifically provided for in this constitution or by the action of the convention shall be decided by the executive board.

Section 2. The executive board shall:

- A. meet not less than three (3) times yearly at a time and place fixed by the executive board. Special meetings will be held at the call of the president or of a majority of the members of the board.
- B. transact business of the executive board based upon a majority of members of such board being present to constitute a quorum.
- C. fill any vacant board position or replace in office any executive board member who has resigned or experienced any change in eligibility; e.g., is not present at three (3) consecutive meetings unless excused by the president; been promoted out of the bargaining unit; terminated their employment. Vacancies in office shall be filled for the remainder of the unexpired term by vote of the executive board. When a vacancy occurs, all locals in that sector shall be notified of the vacancy. Candidates for the vacant positions must be from the appropriate sector.
- D. replace in office any executive committee member, whose office becomes vacant, for the remainder of the unexpired term, by vote of the executive board. If a vacancy occurs between meetings of the executive board, the Executive Committee shall have the authority to appoint a member of the executive board to fill the position on an interim basis, for a period of no greater than ninety (90) days. When a vacancy occurs all locals in the council, or the involved sector for sector vice-presidents, shall be notified of the vacancy. Candidates for vacant sector vice-president positions must be from the appropriate sector, and shall be elected by members of the executive board from that sector.

Article VII Auditing Committee

Section 1. The Auditing Committee of Council 75 shall consist of three (3) trustees.

- A. at each convention trustees shall be elected to serve for a term of two years. Trustees shall possess the same qualifications for office as are set forth for executive board officers. The chair will be selected by the trustees.
- B. the Auditing Committee shall meet prior to each executive board meeting to review monthly financial reports and shall make a report to the executive board on the financial condition of the council along with recommendations

they feel appropriate.

- C. the Auditing Committee shall be responsible for insuring there is at least annually an independent professional audit of the finances of the council, including the finances concerning any health and welfare, pension, insurance or other benefit programs covering employees of the council and that such audit is forwarded to the executive board.
- D. in conducting any audit the Auditing Committee shall have the authority, without the necessity of prior approval of the executive board, to employ independent professional assistance.
- E. the Auditing Committee shall also examine the financial records and C.P.A. report prior to the convention and report their findings and recommendations to the convention.
- F. the financial books, accounts and other records of the affiliated locals shall be open to inspection at any time by representatives of the Council 75 president, treasurer, or trustees.

additionally, an audit of a local's financial books, accounts and other records may be requested in writing, by any member or officer of that affiliated local. The member or officer must be in good standing with both their local and Council 75.

annually, Oregon AFSCME Council 75 shall conduct a random audit of up to 15% of the member locals. Locals that have been audited by the International in that calendar year may use the audit to satisfy this requirement.

audits shall be conducted in accordance with the AFSCME International Financial Standards Code and generally accepted accounting, administrative and management principles.

upon completion of the audit, the council shall issue a report to the requester and all Executive Board members of the local regarding the findings of the audit. This report will advise the affiliated local of any deficiencies or improprieties found, any actions required to remedy such deficiencies or improprieties and any recommended actions to improve the financial practices of the affiliated local.

should the affiliated local fail to provide access to financial books, accounts, or other records within a reasonable time as determine by Council 75, the council will refer the matter to the International for adjudication.

Section 2. Vacancies in office shall be filled for the remainder of the unexpired term by vote of the executive board.

Article VIII
Executive Director

Section 1. The executive director shall be employed by the executive board and shall serve at the pleasure of the board.

The executive director shall be the council's administrative and executive officer, and shall devote full time work status to the council. The duties of this office shall include the following:

- A. the executive director shall be the chief executive and administrative officer of the council and shall conduct the affairs of the council in accordance with this constitution and the constitution of the International Union, and in accordance with the policy decisions of the convention and the Council Executive Board. The executive director shall, with the approval of the executive board, procure suitable offices for the transaction of the council business. The executive director shall, under the policies established by the executive board, employ, terminate, fix the compensation and expenses, and direct the activities of such office and professional staff and representatives as are required to carry out effectively the functions of this council. The executive director shall, with the approval of the executive board, engage such technical and professional services, including legal counsel and auditing services as may be required. The executive director shall report regularly to the Council Executive Board on all official actions taken. The executive director shall also be authorized to act as signer on checks drawn on Council 75 accounts in the event either the president or treasurer is unavailable for such action.
- B. in advance of each fiscal year, shall submit to the executive board a proposed budget for the coming year, setting forth the anticipated income and the source thereof and the anticipated expenditures and their purposes. The proposed budget shall be subject to the revisions and approval by the executive board and made a part of the monthly treasurer's report.
- C. serve as a non-voting member of the executive board.
- D. perform all other duties assigned to this office by the convention, executive board and executive committee.

Article IX
Miscellaneous Provisions

Section 1. This council shall at all times be subject to the provisions of the constitution of the American Federation of State, County and Municipal Employees, AFL-CIO.

Section 2. Except to the extent specified in this constitution, no officer or employee of the council shall have the power to act as an agent for or otherwise bind the council except to that extent specifically authorized in writing by either the council convention or the executive board.

Section 3. The rules contained in the current edition of Robert's Rules of Order Newly Revised shall govern this council in all cases to which they are applicable and in which they are not inconsistent with this constitution and special rules of this council or of the American Federation of State, County and Municipal Employees.

Section 4. All judicial procedures shall be conducted in accordance with Article X of the International Constitution. A judicial board will be established.

Section 5. All officers and employees of this council shall be bonded at the expense of the council through the International Union office. The minimum bond shall be no less than ten (10) percent of the assets handled by the council annually.

Section 6. No person may serve simultaneously as an employee of this council and a voting member of either the executive board, the Executive Committee or the Auditing committee.

**Article X
Amendments**

This constitution may be amended, revised or otherwise changed only during the council convention, by a simple majority vote of those voting on such proposed change, and such change shall become effective upon being passed, unless otherwise provided for in the amendment, and only upon written approval of the International President.