



Clarify Revisions to Local Constitution

To: General Membership
(Meetings on February 13 and March 12, 2024)

From: Minh Dan Vuong, AFSCME 189 Policy Committee Chair

Date: February 5, 2024

Recommendation

The General Membership is requested to approve a clarification to the proposed changes to the AFSCME 189 Constitution. Specifically:

In the absence of the President or their inability to serve, one Vice President shall perform all duties otherwise performed by the President; **this duty shall fall to one available Vice President in order of who has held the office of Vice President the longest.**

Background

Revisions to the AFSCME 189 Constitution were proposed at a General Membership meeting on November 14, 2023 and December 12, 2023. On January 9, 2024, the AFSCME 189 General Membership meeting voted by majority to adopt these revisions.

These constitutional changes are currently awaiting approval by the AFSCME International Union. AFSCME International requested us to clarify which Vice President would fill in for the President in the President's absence.

Enclosed is the text of the proposed new Constitution approved by the General Membership in January 2024, with the new proposed clarification highlighted.

Proposed Constitutional Amendments for AFSCME 189

Footnotes and comments are not part of the official text of the constitution

Article I Name

- Section 1. The name of this organization shall be Portland, Oregon, Municipal Employees, Local Number 189 of the American Federation of State, County and Municipal Employees.
- Section 2. The short names of this organization shall be AFSCME Local 189 and AFSCME 189.

Article II Affiliations

- Section 1. This local union shall be affiliated with the American Federation of State, County and Municipal Employees; Oregon AFSCME, Council 75; the Oregon AFL-CIO; and the Northwest Oregon Labor Council of the AFL-CIO. ¹
- Section 1. Changes in Affiliates may be approved by a two-thirds vote of the local union.

Article III Objectives

- Section 1. Improve the wages, hours, and working conditions for Members.
- Section 2. Defend the terms of collective bargaining labor agreements.
- Section 3. Represent the interests of Members in employee relations matters.
- Section 4. Provide member services and educate Members.
- Section 5. Organize represented employees to become Members and leaders.
- Section 6. Advocate for policies that benefit Members and the labor movement, including economic and social justice.
- Section 7. Support, on a local basis, the missions of Affiliates.

Article IV Membership and Dues

- Section 1. All employees² of the City of Portland, Oregon, are eligible for Membership in this local union, except elected officials, supervisors, and confidential employees, and subject to the requirements of the Constitution of the International Union.
- Section 2. All employees of the Port of Portland, Oregon, are eligible for Membership in this local union, except elected officials, supervisors, and confidential employees, and subject to the requirements of the Constitution of the International Union.
- Section 3. The local union may establish Special Membership categories, including rules governing the rights and obligations of Special Members, for groups of people for whom regular Membership is inappropriate based upon the nature of the workers' employment relationship or limitations of their legal rights in the workplace.³

¹ Refer to the International Constitution (2022), Article IX, Section 20 and Section 25

² Refer to the International Constitution (2022), Article III; and ORS 243.650(19), which defines public employees to exclude elected officials, supervisors, and confidential employees.

³ Refer to the International Constitution (2022), Article III, Section 1, Subsection H

- Section 4. Application for Membership shall be made on a standard application form. Unless such form includes a valid authorization for payroll deduction of dues, the application shall be accompanied by the current month's dues.
- Section 5. The dues rate of the local union shall be 1.27 percent of base wages,⁴ as defined in the Council 75 Constitution, subject to the minimum amounts as provided in the Council 75 Constitution, plus 0.5 percent.
- Section 6. If a member remains eligible for Membership and pays dues by the 15th day of the month in which they become due, that individual shall be considered in good standing. To the extent possible, dues will be deducted by the employer. In the event of the failure of the employer to properly deduct the dues, the Member is responsible to remit the dues within 15 days of receipt of their paycheck. Membership dues shall be payable monthly in advance to the local Treasurer and in any event shall be paid not later than the 15th day of the month in which they become due. Any Member who fails to pay dues by the 15th day of the month in which they become due shall be considered delinquent, and upon failure to pay dues for two consecutive months shall stand suspended. Any person who is paying dues through a system of regular payroll deduction, bank draft, or similar system, shall, for so long as such person continues to pay through such deduction method, be considered in good standing.⁵
- Section 7. A Member suspended under the above section may be reinstated to Membership in the local union on payment of all arrearages.

Article V Powers of the Membership

- Section 1. The Membership, when in session in a Membership meeting, is the highest decision-making body and will lead this local union and make decisions in accordance with the International Union's Constitution and Bill of Rights.⁶
- Section 1. General Membership meetings of this local shall be held once each month, at a time and place to be fixed by the Membership or the local Executive Board.
- Section 2. Special Membership meetings may be called by the local President, the Executive Board, or by petition filed with the President and signed by five percent of the Members of the local. Special meetings may also be called by the International Union President or their authorized representatives.
- Section 3. The quorum for Membership meetings of this local shall be twenty Members in good standing.⁷
- Section 4. The rules contained in the current edition of Robert's Rules of Order Newly Revised may govern Membership meetings of this local union when they are applicable and when they are not inconsistent with this Constitution and special rules of this local union or of the American Federation of State, County and Municipal Employees.
- Section 5. Membership meetings may be conducted by audio and/or video teleconferencing. When using teleconferencing, the meeting shall be readily accessible to all participants and the method of teleconferencing shall provide all participants the opportunity to hear and speak with each other simultaneously.⁸

⁴ Council 75 Constitution defines base wages to exclude overtime, shift differential, language differential, longevity and other amounts added to base compensation to the extent that the employer is able to separate these amounts.

⁵ Refer to the International Constitution (2022), Article III, Section 5

⁶ Refer to the International Constitution (2022), Bill of Rights, Section 7

⁷ Refer to the International Constitution (2022), Article IX, Section 17

⁸ Refer to the International Constitution (2022), Article IX, Section 51, which also does not permit elections by teleconference meeting; and AFSCME 189 Policy 204

Section 6. Votes by ballot may be conducted through electronic means and electronic ballots.⁹

Section 7. The following powers are reserved to the Membership:

- (1) Ratification of a labor agreement shall be by vote of Members in the affected bargaining unit.¹⁰
- (2) Authorization of a strike shall be by vote of Members in the affected bargaining unit.
- (3) Authorization of pursuing interest arbitration shall be by vote of Members in the affected bargaining unit.

Article VI Officers, Nominations, and Elections

Section 1. The Officers of this local shall be:

- (1) A President.
- (2) One or more Vice Presidents, whose number shall be calculated by the Executive Board or Election Committee prior to the nominating meeting by providing one Vice President for each 1,500 represented positions, or fraction thereof.
- (3) A Treasurer.
- (4) A Recording Secretary.
- (5) A Chief Steward.
- (6) An Organizer.
- (7) A Communications Editor.
- (8) To be eligible for office in Article VI, Section 1, candidates shall have been a Member in good standing for two years immediately before the election. This requirement does not apply to candidates whose bargaining unit was added to this local union within the two years preceding the election. For a Member who is transferred or promoted into this local from another local of the American Federation of State, County and Municipal Employees, this requirement can be satisfied by their combined membership in good standing in both locals.¹¹
- (9) The Officers in Article VI, Section 1 shall be elected by the Membership.
- (10) The Officers in Article VI, Section 1 shall be elected for two-year terms beginning February 1 of odd-numbered years and ending January 31 of odd-numbered years.¹²

Section 2. The Officers of this local shall also include:

- (1) Chapter Chairs, whose number shall be calculated by the Executive Board prior to the nominating meeting by providing at least one Chapter Chair for each bargaining unit and based on the needs of this local; additional Chapter Chair positions may be added and filled by the Executive Board between elections if new bargaining units join this local union or the size of bargaining units changes substantially.
- (2) To be eligible for office in Article VI, Section 2, candidates shall have been a Member in good standing for one year immediately before the election. This requirement does not apply to candidates whose bargaining unit was added to this local union within the one year preceding the election. For a Member who is transferred or promoted into this local from another local of the American Federation of State, County and Municipal Employees, this requirement can be satisfied by their combined membership in good standing in both locals.
- (3) The Officers in Article VI, Section 2 shall be elected by Members from the bargaining unit which their office represents.

⁹ Refer to the International Constitution (2022), Appendix D, Section 2, Subsection G

¹⁰ Refer to the International Constitution (2022), Bill of Rights, Section 7

¹¹ Refer to the International Constitution (2022), Article IX, Section 18; and Appendix D, Section 1, Subsection D; and Appendix D, Section 2, Subsection A

¹² Refer to the International Constitution (2022), Article IX, Section 18; and Appendix D, Section 2, Subsection C

- (4) The Officers in Article VI, Section 2 shall be elected for two-year terms beginning February 1 of odd-numbered years and ending January 31 of odd-numbered years.
- Section 3. There shall be three Trustees. The Trustees shall be elected by the Membership to three-year terms of office beginning February 1, except that in the initial election, one shall be elected for a one-year term, one for a two-year term, and one for a three-year term.
- Section 4. No retired Member shall be a candidate for office. An individual can only hold one office named in Article VI, Section 1, Section 2, and Section 3 at a time.
- Section 5. Nominations shall be made at a General Membership meeting of the local.¹³ At least fifteen days' advance notice shall be given to the Membership prior to the nomination meeting.¹⁴ A nominating committee may be appointed or elected to make nominations, but whether or not such a nominating committee is used, nominations shall be permitted from the floor at the nomination meeting. All nominations for Officers shall generally be conducted in November and elections shall generally be held in January.¹⁵
- Section 6. Officers shall be elected by secret ballot vote, and the balloting shall be conducted so as to afford to all Members a reasonable opportunity to vote. At least fifteen days' advance notice shall be given to the Membership prior to the holding of the election.¹⁶ An election committee shall be appointed or elected to verify candidate eligibility, create ballots, administer balloting, present clear and neutral information to the Membership, fairly count votes, report results, and recommend resolutions to protests.¹⁷
- Section 7. All matters concerning nominations and elections in this local union shall be subject to the provisions of the International Union Constitution.^{18,19}
- Section 8. Vacancies in any office in Article VI, Section 1, Section 2, or Section 3 shall be filled for the remainder of the unexpired term by vote of the Executive Board.²⁰
- Section 9. The local union may appoint Stewards as Officers of the local union and prescribe the duties of Stewards.
- Section 10. Every Officer shall, upon assuming office, subscribe to the Obligation of an Officer contained in the International Union Constitution.²¹
- Section 11. Officers shall maintain their Membership status in good standing throughout their term in office.²²

Article VII Duties of Officers

- Section 1. The President shall preside at all meetings of the local union and of the Executive Board. The President shall serve as a member of all committees except an election committee. The President shall countersign all checks drawn against the funds of the local. The President shall appoint all standing committees and all special committees of the local, subject to the approval of the Executive

¹³ Refer to the International Constitution (2022), Appendix D, Section 2, Subsection E

¹⁴ Refer to the International Constitution (2022), Appendix D, Section 2, Subsection D; requirement for mailed notice to home addresses

¹⁵ Refer to the International Constitution (2022), Appendix D, Section 2, Subsection I, regarding timing of election and election by meeting or referendum

¹⁶ Refer to the International Constitution (2022), Appendix D, Section 2, Subsection I

¹⁷ Refer to the International Constitution (2022), Appendix D, Section 2, Subsection B

¹⁸ Refer to the International Constitution (2022), Article IX, Section 52 and Appendix D

¹⁹ Refer to the International Constitution (2022), Appendix D, Section 2, Subsection K, requiring majority vote and run-off

²⁰ Refer to the International Constitution (2022), Appendix D, Section 2, Subsection L

²¹ Refer to the International Constitution (2022), Article IX, Section 53 and Appendix B

²² Also refer to the International Constitution (2022), Article III, Section 2, Subsection I regarding retiring members retaining membership until the end of term in office

Board. The President shall report periodically to the Membership regarding the progress and standing of the local and regarding their official acts. In addition, the President shall be an automatic delegate to all conventions,²³ seminars, and similar functions. The President shall attend all General and Special Membership meetings and Executive Board meetings. The President shall appoint delegates to caucuses and committees of affiliated unions and federations.

- Section 2. The Vice Presidents shall assist the President in the work of the President's office, ~~and~~. In the absence of the President or their inability to serve, one Vice President shall perform all duties otherwise performed by the President; **this duty shall fall to one available Vice President in order of who has held the office of Vice President the longest.**²⁴ Each Vice President is authorized to act as co-signer of checks drawn on the local funds in place of either the President or the Treasurer. Vice Presidents shall attend all General and Special Membership meetings and Executive Board meetings.
- Section 3. The Treasurer shall receive and receipt for all monies of the local union. The Treasurer shall deposit all money received in the name of the local union in a bank or banks selected by the Executive Board, and money deposited shall be withdrawn only by an authorized cosigner and the Treasurer. The Treasurer shall prepare and sign checks for such purposes as are required by the Constitution or are authorized by the Membership or the Executive Board. The Treasurer will prepare and submit an annual budget for the local for approval by the Membership. The Treasurer shall keep an accurate record of receipts and disbursements and shall, submit to the Membership a monthly operating statement of the financial transactions of the local for the previous month. The Treasurer shall provide required financial report to the International Union. The Treasurer shall act as custodian of all properties and vendor contracts of the local union. The Treasurer shall attend all General and Special Membership meetings and Executive Board meetings.
- Section 4. The Recording Secretary shall keep a record of the proceedings of all Membership meetings and of all Executive Board meetings. The Recording Secretary shall carry on the official correspondence of the local, except as the Executive Board may direct otherwise. The Recording Secretary shall perform such other duties as the Executive Board may require. The Recording Secretary shall be authorized to act as co-signer of checks drawn on the local funds. The Recording Secretary shall attend all General and Special Membership meetings and Executive Board meetings. The Recording Secretary is authorized to correct scrivener's errors; renumber any article, section, and subsection; and to correct any references to other portions in this Constitution.
- Section 5. The Chief Steward shall be responsible for all activities relating to the enforcement of the collective bargaining agreements; recruitment and appointment of Stewards. The Chief Steward shall be responsible to ensure that all Stewards are adequately trained. The Chief Steward shall approve all Steward nominations made by the Chapter Chairs and will have final responsibility for dismissing any Steward who is not performing the duties in accordance with their position. The Chief Steward shall attend all General and Special Membership meetings and Executive Board meetings.
- Section 6. The Organizer shall be responsible for contacting new employee in the local's bargaining units, collecting Membership applications, preparing and distributing new member packets, regularly contacting represented non-members, identifying potential union activists and generally promoting participation in the local union activities. The Organizer shall attend all General and Special Membership meetings and Executive Board meetings.
- Section 7. The Communications Editor shall facilitate the writing, editing, production and distribution of Member communications. The Communications Editor shall attend all General and Special Membership meetings and Executive Board meetings.

²³ Refer to the International Constitution (2022), Article IV, Section 10

²⁴ Clarification requested by AFSCME International February 5, 2024

- Section 8. The Chapter Chairs shall be lead Stewards over their particular chapters and they shall assume any other duties assigned to them by the President. They shall recruit potential Stewards and bring them forward to the Chief Steward for training and appointment as Stewards. They shall coordinate chapter meetings and act as liaison between the Executive Board and the chapter. They shall facilitate communications between the Executive Board and chapter. They shall assist the Organizer in contacting new members. They shall recruit and support volunteers to maintain all bulletin boards. Chapter Chairs shall attend all General and Special Membership meetings and Executive Board meetings as required by the President.
- Section 9. The Trustees shall make or cause to be made Audits of the local's finances, and shall report to the Membership on the results of such Audit.
- Section 10. Compensation for officers and continuance in office shall be subject to the following limitations: Officers shall attend all required meetings or receive an excused absence from the President; the Membership or Executive Board may create rules for excused and unexcused absences.

Article VIII Executive Board

- Section 1. The Officers in Article VI, Section 1 and Section 2 shall constitute the Executive Board.
- Section 2. The Executive Board shall be the governing body of the local union except when Membership meetings of the local union are in session. All matters affecting the policies, aims and means of accomplishing the purposes of the local not specifically provided for in this Constitution or by action of the Membership at a General or Special Membership meeting may be decided by the Executive Board. The Executive Board shall meet at the call of the President or of a majority of its members. A report on all actions taken by the Executive Board shall be made to the Membership at the next following meeting.
- Section 3. A majority of the members of the Executive Board shall be required for a quorum.
- Section 4. Executive Board meetings are generally open to members for observation, except the President or the Executive Board may designate certain agenda items as closed session discussion.
- Section 5. The Executive Board shall define which bargaining units, worksites, or workgroups each Chapter Chair represents.

Article IX Executive Committee

- Section 1. The Officers in Article VI, Section 1 shall constitute the Executive Committee.
- Section 1. The Executive Committee is an advisory body for the President.

Article X Financial Management

- Section 1. The Executive Board shall implement a system of financial controls and monitor the system.
- Section 2. The local union may establish reserve accounts for purposes of long-term financial stability and/or the defense and negotiation of collective bargaining labor agreements.
- Section 3. Audits of the local's finances, including any health and welfare, pension, insurance or other benefit programs covering Members of this local union, shall be performed semi-annually.

Article XI Miscellaneous Provisions

- Section 1. This local union shall at all times be subject to the provisions of the Constitution of the American Federation of State, County and Municipal Employees.²⁵

²⁵ In accordance with the International Constitution (2022), Article IX, Section 50 and Section 54

Section 2. Except to the extent specified in this Constitution, no officer of the local union shall have the power to act as agent for or otherwise bind the local union 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 local union except to the extent specifically authorized in writing by the President of the local union or by the Executive Board of the local union.²⁶

Article XII Amendments

Section 1. This Constitution may be amended by a two-thirds vote of the members voting on such proposed change and such change shall take effect only upon written approval of the International Union President. Proposed amendments to this Constitution shall be made at a General or Special Membership meeting of the local union and voted on at a subsequent Membership meeting of the local union. At least fifteen days' advance notice shall be given the Membership prior to the vote. A written copy of the proposed amendment shall be furnished to every eligible voter at the meeting at which the vote is taken.²⁷

Approved by:

LEE SAUNDERS
International President

Approval date: _____

²⁶ In accordance with the International Constitution (2022), Article IX, Section 50

²⁷ Refer to the International Constitution (2022), Article IX, Section 19 and Section 49