

CONSTITUTION OF
DISTRICT COUNCIL NO. 33

BILL OF RIGHTS

The Bill of Rights for union members in the International Constitution shall be the Bill of Rights for this Council.

ARTICLE I
NAME AND HEADQUARTERS

Section 1. This Council shall be known as the Philadelphia-Eastern Pennsylvania Public Employees District Council No. 33 of the American Federation of State, County and Municipal Employees, AFL-CIO.

Section 2. The headquarters of this Council shall be in Philadelphia, Pennsylvania.

ARTICLE II
AFFILIATIONS

This Council shall be chartered by the American Federation of State, County and Municipal Employees, AFL-CIO, and shall affiliate with the Pennsylvania AFL-CIO and the Philadelphia Council of the AFL-CIO.

ARTICLE III
OBJECTIVES

The objectives of this Council shall be the objectives of the American Federation of State, County and Municipal Employees, AFL-CIO.

Section 1. The objectives of this organization are:

- (a) To promote the organization of workers in general and public employees in particular.
- (b) To promote the welfare of the membership and to provide a voice in the determination of the terms and conditions of employment. We are committed to the process of collective bargaining as the most desirable, democratic, and effective method to achieve this -- both as union members and as citizens. We shall also employ available legislative and political action.
- (c) To promote civil service legislation and career service in government.
- (d) To provide research and educational services and activities designed to assist members and affiliates.
- (e) To foster cooperation among affiliates.
- (f) To cooperate with other labor organizations in particular and other segments of our society in general towards the end that the material riches of American Society be more justly distributed and the moral promise of American life be realized.

Section 2. The methods of obtaining the objectives of this Council shall be by collective bargaining and giving a full measure of support to AFSCME, by petitioning, by creating and fostering sentiment favorable to proposed reforms, by cooperating with the State and Local officials, by promoting legislation, and by other lawful means.

ARTICLE IV
MEMBERSHIP AND REVENUE

Section 1. All AFSCME local unions in the City of Philadelphia, Pennsylvania, excluding state employee local unions and those local unions within the jurisdiction of District Council 47; including Local 447, Easton, Pennsylvania, City Employees and Local 1893, Easton School District Employees are required to and shall affiliate with Council 33.

Section 2. The application from each local applying for affiliation with this council should be sent to the secretary-treasurer of the council. Affiliation applications received shall be presented by the secretary-treasurer at the next executive board meeting.

Section 3. In any case where membership dues are transmitted to the council, per capita tax shall be withheld by the secretary-treasurer from payroll deduction for this council and for the International. All affiliated locals shall receive a complete breakdown of their membership deductions and a check for the monies received from the City of Philadelphia, minus District Council No. 33 per capita tax, after each payroll period. Once a month the International per capita tax will be deducted by District Council No. 33 and sent to the International for the local. In all other cases, the financial officer of the local union shall transmit, at the end of each month, the council per capita tax to the council secretary-treasurer.

Section 4. The dues rate for local unions affiliated with this council shall be \$16.00 per member per pay period. The per capita tax for District Council 33 shall be \$9.86 per member per pay period.

Section 5. Local unions who are in arrears in per capita tax to the council for two (2) months shall be suspended from membership in the council; such a suspended local union may be reinstated to membership in the council upon payment of all arrearages with the approval of the executive board.

Section 6. The council treasurer shall notify the International Union President and Secretary-Treasurer of all delinquent or suspended locals and of all reinstatements.

ARTICLE V
MEETINGS

Section 1. The council delegates shall meet the second Tuesday of each month.

Section 2. Special delegate meetings of this council may be called by the council president or the council executive board. One-third of the locals affiliated with the council may at any time call a special meeting by filing a request with the council president which petition shall name the purpose of the meeting and set its date.

Section 3. There shall be proper and adequate notice of all regular and special delegate meetings of this council.

Section 4. All sovereign powers and authority of the council shall originate in the regular and special delegate meetings of the council and all matters of policy shall be determined at the regular and special delegate meetings of the council.

Section 5. A quorum for the transaction of business at all council regular and special delegate meetings shall consist of delegates of one-third of the affiliated local unions.

ARTICLE VI
AUTHORITY, DUTIES AND RESPONSIBILITIES
OF DISTRICT COUNCIL NUMBER 33

Section 1. The District Council No. 33 by the legal and formal action of its delegates shall have the power to formulate and act upon general policies for the general benefit and welfare of its member local unions, such power being limited to matters which may be generally applicable to all member unions, or majority thereof.

Section 2. The District Council Number 33 shall have the authority in its name to enter into a contract with the employers on behalf of all local unions affiliated with the council. The negotiating committee shall consist of the executive board. The contract must be approved by means of a referendum vote in which approval is expressed by a majority vote of those votes cast by the members of the local unions involved. A detailed explanation must be forwarded with all ballots stating the time and place when the referendum vote shall be announced, also enclosed with the ballot in a self-addressed envelope to return the ballot.

Section 3. The District Council Number 33 shall have the authority to call a strike of any and all of its individual membership, only after a majority vote, of those votes cast, by written secret ballot, of the individual members of the local unions involved. This vote shall be taken not less than 72 hours after written notice of the date, time, place and purpose of such meeting has been properly provided. Notice shall be posted in the appropriate district of all local unions. It shall be the responsibility of all locals to post such notices.

Section 4. No local shall have the authority to call a strike, slow down, walkout, or holiday without first bringing the problem to the executive board of the council. No local has the right to willfully violate a legally negotiated and approved collective bargaining agreement.

Section 5. Local unions affiliated with the council shall not, under any conditions or circumstances, interfere with the internal affairs of any other local union.

Section 6. No officer or member from any affiliated local union of this council shall interfere with the jurisdiction of another local.

Section 7. District Council 33 shall have the authority to set the dues of all its affiliated locals from time to time, by amendment of its constitution.

ARTICLE VII
REPRESENTATION

Section 1. Affiliated local unions shall be entitled to one delegate for each 50 members or fraction thereof in good standing. It shall be the responsibility of the local union officers to submit the names and addresses of all delegates to the secretary-treasurer of the council immediately following their election and at least ten days prior to the time of the regular or special delegates meeting.

Section 2. Each delegate then will receive a council membership card. This card must be presented to the Sergeant-at-Arms for admittance. This card will also be used for voting.

Section 3. The basis of representation in regular and special delegate meetings shall be determined from the per capita tax paid to the council by each affiliated local union preceding the meeting.

Section 4. No local union shall be entitled to representation in any delegate meeting of the council unless all of its per capita tax and other just obligations to the International Union and the council have been paid in full by or on the day of the meeting.

Section 5. Delegates must be on the floor when a vote is taken, and voting by proxy shall not be permitted. All issues except amendments to this constitution shall be decided by a majority vote of the accredited delegates voting.

Section 6. Regardless of the number of delegates, locals shall be entitled to vote on the basis of one vote for each member or fraction thereof. 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 council. The number of votes shall be divided equally among the delegates, with any remaining votes to be cast by the chairman of the delegates as designated by the local. No fractional votes shall be permitted.

Section 7. No organization or person seceded from the AFSCME, or from its local union and no local union or person suspended by AFSCME or the executive board of this council shall be allowed representation or recognition at a council meeting.

ARTICLE VIII OFFICERS AND COMMITTEE

Section 1. The chair officers of this council shall be three (3) in number.

A President
A Vice-President
A Secretary-Treasurer

A candidate for one of the approved offices must presently be a member in good standing and must have been a member of a local union affiliated with the council for at least four (4) years prior to the election.

Section 2. The chair officers shall be elected for a term of four (4) years. No more than one chair officer shall be from the same local.

Section 3. All council elections shall be conducted in accordance with Appendix D Election Code of the International Union Constitution.

Section 4. Nominations for chair officers of the council shall be held at a general membership meeting no later than the second Tuesday in April prior to a scheduled election. Members shall receive 30 days advance notice of any meeting at which nominations will take place. Nominations shall be from the floor. Only those members in good standing within the meaning of Article VIII, Section 1 shall be eligible to be nominated for office.

Section 4a. Elections of chair officers of the council shall be held on the second Tuesday in May, beginning in 1976 and every four years thereafter. Elections held beginning in 2000 shall be by secret ballot vote of the members in good standing of the local unions comprising the council, and shall be conducted by the American Arbitration Association or by a similar third-party organization. All members shall be afforded a reasonable opportunity to vote. At the close of the election, the election committee shall declare the results of the election, after which those elected will be immediately installed in office.

Section 4b. Not less than 30 days prior to the election, the council shall mail to each member at his or her last known home address a written notice stating the date, time and place of the election. This notice may be combined with the notice of the nomination meeting required by this section.

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

Section 6. Chair officers shall be elected by secret written ballot and must obtain a majority of the votes cast in order to be elected. If no candidate receives a majority, then a new ballot shall be prepared which shall contain only the names of the two candidates receiving the greatest number of votes and a run-off election shall be held.

Section 7. Vacancies among chair officers shall be filled for the remainder of the unexpired term by a majority vote of the executive board.

Section 8. Each chair officer shall, upon assuming office, subscribe to the Obligation of an Officer contained in Appendix B or the International Constitution.

Section 9. The following shall be the standing committees of the council: Executive Committee, Finance Committee, Organizing Committee, Education and Research Committee, Health and Welfare Committee, Pension Committee and Legislation Committee.

Section 10. The president shall at his discretion appoint other special or standing committees as he deems necessary, with the approval of the executive board.

Section 11. All committee members and chairmen shall be appointed by the president with executive board approval, except the executive committee, which members shall be members of this committee by virtue of the office they hold.

Section 12. Sergeant-at-Arms: There shall be two (2) sergeants-at-arms to be elected on the second Tuesday of April, 1968. They shall hold office for four (4) years. They shall be subject to Article VIII, Section 5. No more than one (1) sergeant-at-arms shall come from the same local.

Section 13. Removal from Office:

Any officer may be removed from office for the following reasons and in the following manner:

- (a) absence without reasonable cause from three (3) consecutive meetings which may be either special or regular meetings.

- (b) the basis for filing of charges stated in Section 2 of Article X of the International Constitution.
- (c) suspension of officer or staff employees must be in accordance with Article IX, Section 36 of the International Constitution.
- (d) the manner and method of removal must comply with Article X of the International Constitution. Any officer who may be removed from office shall be accorded all rights of appeal set forth in Article X of the International Constitution.

ARTICLE IX
DUTIES OF CHAIR OFFICERS
COMMITTEES AND THE EXECUTIVE BOARD

Section 1. The president is the chief executive officer and administrative officer of this council. He must give his full time to the council. He shall conduct the affairs of the council in accordance with this constitution and in accordance with policy decisions of the delegate meetings and the council executive board. He shall preside at all meetings of the council and of the executive Board. He shall attend all conventions of the AFSCME and Pennsylvania AFL-CIO and he shall be the delegate to the Philadelphia AFL-CIO Council by virtue of his office. He shall be ex-officio member of all committees. He shall sign all checks, authorizations for expenditures, contracts and other official documents of the Council. He shall be the spokesman for the council enunciating policy and issuance of public statements and shall report same to the executive board. He shall report periodically to the membership and at the conclusion of his term, he shall submit a report to the council and executive board regarding his official acts during his term of office.

Section 2. The vice-president shall assist the president in the performance of his duties. In the absence of the president, or in his temporary inability to serve, the vice-president shall perform all duties customarily performed by the president, with the approval of the executive board. In the event that the secretary-treasurer is unable to serve, the vice-president, with the approval of the executive board, may be authorized to sign all checks in his place.

Section 3. The secretary-treasurer must give his full time to the council. He shall keep records of the proceedings of the executive board and delegates meetings of the council. He shall deposit all monies received to the credit of the council in a bank or banks selected by the executive board. All disbursements shall be made by check. All checks must be signed by the secretary-treasurer and countersigned by the president. The secretary-treasurer shall be responsible for the annual affiliation fee of the council to the International Union, and where appropriate, he shall transmit International per capita tax to the International Secretary-Treasurer. The secretary-treasurer shall keep an accurate record of disbursements and shall submit his books and records for independent audit by a certified public accountant when required by the council which shall be at least once every year, and a report of the audit shall be made at the executive board meeting and to the delegates. He shall keep an accurate record of receipts and disbursements and shall submit monthly to the delegates an operating statement of the financial transactions of the council. He shall act as custodian of all properties of the council. He shall, at the expense of the council and through the AFSCME Union, give a surety bond for an amount to be fixed by the executive board, in accordance with Article IX, Section 19 of the International Constitution. He, with the president, shall be in charge of the employees and their duties and equipment. He, with the president, shall sign all legal documents of the council.

Section 4. The sergeants-at-arms shall aid the president in keeping order. They shall supervise the entrance of each delegate. Each delegate shall present a delegate membership card which is provided by District Council; if he has no card he is not to be admitted.

Section 5. The executive board shall consist of the chair officers of the council and two (2) delegates from each local union. It shall be the responsibility of each local union to submit the names and addresses of the delegates who will represent the local on the executive board. In the event that only one (1) member is present, he will be allowed to cast the two (2) votes.

- (a) No person shall be eligible for membership on the executive board unless he is a member in good standing of a local union affiliated with the council and unless that local is in good standing with the council. He and his local union must continue in good standing.
- (b) Vacancies on the executive board shall be filled for the remainder of the unexpired term by the local union of which said executive board member shall be affiliated by procedure as set forth in the constitution of said local union.
- (c) The president and the executive board shall be the governing body of the council except when meetings of the council are in session. All matters affecting the policies, aims and means of accomplishing the purpose of the council not specifically provided for in this constitution or by delegates at a regular or special meeting shall be decided by the executive board.
- (d) The board shall meet at least once a month prior to the delegate meeting. The board may hold special meetings at the call of the president or a majority of the members of the board. A quorum for meetings, including special meetings, shall consist of at least board member delegates from one-third of the affiliated member local unions.
- (e) The executive board shall be the negotiating committee for the council. All matters affecting the policies, aims and means of accomplishing the purpose of this council not specifically provided for in this constitution shall be decided by the executive board.
- (f) The executive board of this council shall be the trial body.
- (g) The executive board may delegate such authority as is in conformity with this constitution to any employee of council whom it may hire.
- (h) With the exception of the president and the secretary-treasurer, no full-time employee of this council shall be a member of the council executive board.
- (i) Expenditures of funds of the council shall be authorized or approved by the executive board, subject to the approval of the delegates.
- (j) The executive board shall report its activities and actions at each meeting of the delegates.
- (k) The council executive board shall establish annual salaries and expenses for the president and the secretary-treasurer, and all full-time staff employees of the council, which

salaries shall be not less than the salaries and expenses as of April 1, 1973.

Section 6. All committees shall meet at the call of the president, the chairman or a majority of the members of the committee. A report of all actions taken shall be made to the executive board and then to the delegates at the next following meeting. A majority of the members of the committee shall be required for a quorum.

Section 7. The Finance Committee shall evaluate, from time to time, the financial conditions of the council and present its evaluation and recommendations to the council at least once a year.

Section 8. The Organization Committee shall from time to time, review the organizing program of the council and shall recommend to the executive board such changes in policies and practices as the committee deems advisable.

Section 9. The Education and Research Committee shall provide such research and educational services and activities that shall assist the council and affiliated locals.

Section 10. The Health and Welfare Committee shall be appointed by the president and the executive board. They shall be in charge of health and welfare fund and set policy of the health and welfare plan with the approval of the executive board.

Section 11. Pension Committee: It shall be their responsibility to keep up with the pension system and to keep the council advised, and to make recommendations to the president and executive board when necessary to improve the pension system.

Section 12. Executive Committee: The members of this committee shall consist of the president of the council, the vice-president, the secretary-treasurer and the International vice-president, if he or she is a member of the executive board and a delegate to District Council 33.

ARTICLE X ROBERT'S RULES OF ORDER

Section 1. Robert's Rules of Order, Revised, shall be the guide 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 the American Federation of State, County and Municipal Employees.

ARTICLE XI INTERNATIONAL CONSTITUTION

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.

ARTICLE XII AMENDMENTS

Section 1. This constitution may be amended, revised or otherwise changed only by a majority vote of the delegate votes cast on such amendment. Any new amendment shall take effect only upon written approval of the International President.

Section 2. Proposed amendments to this constitution shall be submitted in writing to the council executive board at least ten days

prior to the meeting of the council at which a vote is to be taken. The council executive board shall review the proposed amendments and make recommendations to the next delegate meeting of the Council, providing proper and adequate notice has been given to all locals of the proposal to amend.

APPROVED BY:



GERALD W. McENTEE
International President

Date 3/7/00