

CONSTITUTION OF



As amended at the

34th AFSCME Council 13 Convention

**Harrisburg, Pennsylvania
April 29-30, 2006**

CONSTITUTION

OF THE

**PENNSYLVANIA PUBLIC EMPLOYEES
COUNCIL NUMBER 13**

**AMERICAN FEDERATION OF STATE, COUNTY
AND MUNICIPAL EMPLOYEES**

PREAMBLE

We are organizing this Council because we believe that only through unity and common step can we better our wages and secure the rights and working conditions essential to human dignity.

We are organizing this Council because we believe that as a corps of public employees, united behind strong leadership, we will bring to government employment the security and the equity that are prerequisites to productivity and efficiency.

We are organizing this Council because we believe that we are more effective as one voice than as a babble of thousands. Cohesion, purposefulness, uniformity in style and goals, and mutual trust will be our weapons in negotiations with the state we serve.

We are organizing this Council because our service to mankind must necessarily include a service to ourselves. We cannot fulfill our obligation as keepers of the public trust if we do not first assure that there is justice in our work relationships.

A union is a democratic body, and collective bargaining is the natural expression of workers' democracy; but selflessness and dedication to the common good are the ingredients that serve to make that democracy work.

We shall serve the union and through it, ourselves and our fellow citizens. In this way shall the union be a trust between the public employees of the Commonwealth of Pennsylvania and its citizens.

As members of the American Federation of State, County and Municipal Employees, in convention assembled, we do adopt this Constitution.

ARTICLE I NAME AND HEADQUARTERS

Section 1. This organization shall be known as the Pennsylvania Public Employees Council Number 13 of the American Federation of State, County and Municipal Employees.

Section 2. The headquarters of this organization shall be in Harrisburg, Pennsylvania.

Section 3. This Council shall be affiliated with the Pennsylvania AFL-CIO.

ARTICLE II OBJECTIVES

Section 1. The basic objectives of this Council shall be to carry out, on a state-wide basis, the objectives of the American Federation of State, County and Municipal Employees.

Section 2. The specific objectives of this Council shall be as follows:

- A. To cooperate with the International Union and with the District Councils and local unions in the Commonwealth of Pennsylvania in planning and carrying out organizing programs.

- B. To carry out, in cooperation with the District Councils and locals, a unified state legislative program.
- C. To initiate and coordinate a state-wide program of political action, aimed at involving as many members of affiliated local unions as possible, for the purpose of carrying out the legislative and collective bargaining goals of this Council.
- D. To represent state employees, in cooperation with the appropriate District Council, on grievances which reach the highest level.
- E. To act in cooperation with the appropriate locals and District Councils, as the collective bargaining agent for all public employees in matters affecting members within the jurisdiction of more than one District Council.
- F. To plan and carry out training programs for the officers, stewards, and members of the District Councils and locals.
- G. To prepare, publish, and distribute a newspaper or other periodic publication and such special publications as may be desirable to the end that the membership of this organization may be constantly informed of activities of the organization and of matters of interest or concern to them as union members.
- H. To provide for the affiliated District Councils a uniform, centralized record-keeping service, such service to include membership listings, payroll and expense records, and such other records of routine financial transactions as can best be handled in a centralized fashion.

- I. To serve, in general, to coordinate the efforts of all District Councils, local unions and members within the jurisdiction of this Council to the end that all efforts to achieve the legitimate goals of the membership shall be carried out in a unified fashion; and to give full support to the efforts of the affiliated locals and District Councils in the achievement of such goals.

ARTICLE III MEMBERSHIP AND AFFILIATION FEES

Section 1. The membership of this Council shall consist of all District Councils and all local unions in the Commonwealth of Pennsylvania chartered by the American Federation of State, County and Municipal Employees, except those councils and their affiliated locals which are specifically exempted from such membership by the International Executive Board of the American Federation of State, County and Municipal Employees.

Section 2. Each District Council affiliated with this Council shall pay an annual affiliation fee of \$5.00.

Section 3. The monthly membership dues of all members effective July 1, 1988 shall be 1.5% of basic salary. Where possible, dues will be by payroll deduction and checks (made payable to Council 13) for the dues will be transmitted, by the employer, directly to Council 13.

Section 4. From the amount received through such payroll deductions, Council 13 shall, once each month, transmit to the local union that share of the membership dues determined by the Council 13 Treasurer in accordance with the procedure in

Section 5. From the remainder, Council 13 shall, on behalf of the local union, transmit (1) the amount necessary to pay the International Union per capita tax to the International Secretary-Treasurer; (2) the amount necessary to pay the Pennsylvania AFL-CIO per capita tax to the Treasurer of such organization; and (3) the amount necessary to pay the appropriate AFL-CIO Local central body per capita tax to the principal financial officer of such organization.

Section 5. The amount per member transmitted to the local union as of July 1, 1995 shall be \$4.41 per month. For fiscal year 1996-97 through fiscal year 2000-01, the amount per member transmitted to the local union shall increase annually by \$0.10.

1996	\$.10	\$4.51
1997	\$.10	\$4.61
1998	\$.10	\$4.71
1999	\$.10	\$4.81
2000	\$.10	\$4.91
2001	\$.10	\$5.01

This amount will bring the amount per member transmitted to the local union as of July 1, 2001 to \$5.01.

Section 6. Each month twenty-five cents (\$.25) per member shall be allocated to Council 13 to the Benefits Fund. The Benefits Fund shall be used for the purpose of:

1. Offsetting convention expenses incurred by Council 13 and to defray the costs of sending local delegates to certain conventions as follows:

- (a) Biennially - PA AFL-CIO Convention \$275.00
- (b) Annually - Council 13 Convention \$250.00
- (c) Biennially - AFSCME International \$600.00

The above amounts shall be paid to any local providing proof of attendance of a delegate to any of the above conventions. Payment will be made for only one delegate per local for each convention. No funds will be paid to locals who elect to send no delegates.

The amounts stated above shall be considered minimum amounts. The Council 13 Executive Board shall have the authority to increase these amounts at any time they determine reasonable and necessary. Any reserves allocated to offset convention expenses shall be reallocated to the Benefits Fund.

- 2. The Benefits Fund shall also be used to provide certain benefits for members only as determined by the Benefits Committee. The Benefits Committee shall be a special committee appointed by the Council President, subject to the approval of the Council Executive Board.
- 3. The Benefits Fund shall also be used to create a strike fund.

Section 7. The assets, liabilities, and fund balances of all of the District Councils affiliated with Council 13, as of June 30, 1988, shall be merged into those of Council 13. The Council 13 Executive Board shall, on an annual basis thereafter, adopt a budget which shall include provision for the payment of all necessary operating expenses of all such District Councils. The budget, so adopted, shall be fiscally prudent in accordance with Council 13's anticipated annual income.

Section 8. In any situation where members are working a regular schedule which consists of twenty or fewer hours per week, the distribution of such dues shall provide twenty-five cents (\$.25) less for the local union and the distribution to the International Union shall be that amount provided for in the Constitution of the International Union.

Section 9. In the case of any local union where the payroll deductions are not made payable to Council 13 or the dues are collected from the individual members by an officer of the local union, the appropriate fiscal officer of such local union shall, at the end of each month, transmit to Council 13 the amounts prescribed for in Section 3 of this Article. Failure of any such local to remit the required amount by the fifteenth day of the month following the month in which such payment was due shall result in the local's being declared delinquent. Failure of any such local to remit the required amount within sixty days after such local is declared delinquent shall result in the suspension of the local by this Council. The International Secretary-Treasurer shall be notified of all such suspensions and of reinstatements.

ARTICLE IV THE CONVENTION

Section 1. All sovereign powers of this Council shall be vested in the Convention, when in session.

Section 2. The Convention shall meet annually at such time, date, and place as shall be determined by the Executive Board; provided, however, that such convention shall begin at some time between March 1st and June 30th. A special convention

may be called at any time by the Council Executive Board or by the International President. One-third of the locals affiliated with the Council may at any time require a special convention by filing a request therefor with the Council President, which request shall name the purpose of the meeting and a date which shall be no sooner than seventy days subsequent to the date of filing such request.

Section 3. No less than sixty days prior to the opening of any convention, the Council 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 and, in the case of a special convention, the purpose or purposes. A copy of the call shall be sent to all affiliated local unions and District Councils, together with the appropriate number of blank credential forms.

Section 4. The basis of representation for local unions shall be the average number of members on which per capita tax has been paid for the twelve months ending with the month of December preceding any regular convention or ending with the fourth full month preceding the opening of any special convention. For local unions formed or affiliated with this Council after the beginning of the twelve-month period, the basis shall be the average for that portion of the period during which the local was affiliated with the Council.

Section 5. Locals shall be entitled to delegates on the basis of membership as follows: 100 or fewer, one delegate; more than 100 but not exceeding 200, two delegates; more than 200 but not exceeding 300, three delegates; more than 300 but not exceeding 400, four delegates; more than 400, one additional delegate for each 1,000 additional members or fraction thereof.

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 Convention. The number of votes shall be divided equally among the delegates, with any remaining votes to be cast by the chairman of the delegation, as designated by the local. No fractional votes shall be permitted.

Section 7. Each District Council shall be entitled to one delegate and one vote and the Council 13 Retiree Chapter shall be entitled to one delegate and one vote. Any local affiliated after the end of the twelve-month period used as the basis for representation shall be entitled to one fraternal delegate without vote. Any member of the Council Executive Board who is not elected as a delegate representing a local union or a District Council shall nevertheless be entitled to all the rights and privileges of a delegate except the right to vote.

Section 8. Each delegate must be a member in good standing of the local he represents, the President of the Council 13 Retiree Chapter or, in the case of a delegate representing a District Council, of a local affiliated with such District Council. No delegate may represent more than one local or one District Council. Delegates shall be elected by their respective organizations in accordance with the provisions of Appendix D - Elections Code of the International Union Constitution. Locals and District Councils may, if they wish, also elect one alternate for each delegate.

Section 9. Resolutions to be introduced for more consideration at the Convention shall be signed by the President and the Secretary of a local union or a District Council or by one or more certified delegates. Such resolution shall be prepared and signed in duplicate and mailed or delivered to the Council Secretary at the Council headquarters at least ten days prior to the opening of the convention. No resolutions may be introduced thereafter unless consent is given by a two-thirds vote of the convention; provided, however, that the Council Executive Board may introduce a resolution for consideration by the Convention at any time prior to the convening of the Convention on the second day of said convention.

ARTICLE V OFFICERS AND ELECTIONS

Section 1. The Convention as a whole shall elect a President, a Secretary, a Treasurer, and no two of these officers shall be members of local unions affiliated with the same District Council. The Convention as a whole shall also elect four Trustees, and no two of these shall be members of local unions affiliated with the same District Council. The Convention as a whole shall elect an Executive Director.

Section 2. The election of the officers enumerated in Section 1 of this Article shall take place at the founding convention of this Council, and those elected shall serve until the holding of elections at the regular 1974 convention. Beginning at the 1974 convention, all such officers shall be elected for a term of three years.

Section 3. Each District Council shall, at the first meeting or election held after each Council 13 convention at which elections have been held, elect one member of a local union affili-

ated with said District Council to serve as a Vice-President of Council 13.

Section 4. At the 2007 regular convention and every three years thereafter, delegates from local unions representing employees of different types of employers shall, in separate elections, elect six additional members of the Council 13 Executive Board. These additional Board members shall be elected by and shall represent on the Board the following groups:

1. State employees
2. City employees
3. County employees
4. School District employees
5. Healthcare employees
6. Employees of other political subdivisions and quasi-public, non-profit, and private agency employees.

Section 5. To be eligible for office, a member must be in good standing for one year immediately preceding the election in a local union properly affiliated with this Council; provided, however, that the one year requirement shall not apply at the founding convention. No retired member shall be a candidate for office. No full-time staff employee of the International Union or of any subordinate body shall be a candidate for any office except that of Executive Director.

Section 6. Officers shall be elected by secret ballot vote and the balloting shall be so conducted as to afford to all delegates a reasonable opportunity to vote. All matters concerning nominations and elections in this Council shall be subject to the provisions of Appendix D, entitled Elections Code, of the International Union Constitution.

Section 7. Vacancies in office shall be filled for the remainder of the unexpired term by vote of the Council Executive Board; provided, however, that if a vacancy occurs among the Vice-Presidents, such vacancy shall be filled by action of the District Council which the Vice-President represented on the Council 13 Executive Board.

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

ARTICLE VI DUTIES OF OFFICERS

Section 1. The Council President shall preside at all Executive Board meetings. He shall appoint all standing and special committees, subject to approval of the Executive Board, except as otherwise provided in this constitution. He shall be a member ex-officio of all committees. He shall co-sign all checks drawn on the accounts of the Council, but shall, with the approval of the Council Executive Board, designate an alternate to sign in his stead. He shall carry out such other duties as are provided in this constitution or as the Executive Board may direct. He shall report at each convention on his activities.

Section 2. The Council Secretary shall keep or cause to be kept a record of the proceedings of all conventions and of all meetings of the Council Executive Board. He shall carry on the correspondence relating to his office and shall carry out such other duties as are provided in this Constitution or as the Executive Board may direct.

Section 3. The Council Treasurer shall receive and receipt for all monies of the Council. He shall deposit 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, and money so deposited shall be withdrawn only by checks properly authorized and signed. He shall prepare and sign checks for such purposes as are required by the constitution or are authorized by the Convention or the Executive Board. He may, with the approval of the Council Executive Board, designate a deputy or deputies to sign such checks in his stead. He shall submit monthly to the Council Executive Board and quarterly to each affiliated District Council and Local union an operating statement of the financial transactions of the Council. He shall carry on the correspondence relating to his office and shall carry out such other duties as are provided in this Constitution or as the Executive Board directs.

Section 4. The Executive Director is the Council's chief administrative and executive officer. He shall give his full time to the Council, and shall receive compensation and expenses as established by the Council Executive Board.

- A. He shall, under policies established by the Executive Board, employ, terminate, fix the compensation and expenses and direct the activities of such staff as are required to carry out effectively the functions of his office.
- B. He shall appoint the Director of each affiliated District Council, subject to the approval of the Executive Board of such District Council.
- C. He shall be the Council's official spokesman, and shall

be responsible for the contents of the Council's publications.

- D. He shall, by virtue of his election, serve as the Council's delegate to conventions of the International Union and to conventions and conferences of all other bodies with which this Council is affiliated.
- E. He shall serve as chairman of all negotiating committees in bargaining with the Commonwealth of Pennsylvania.
- F. In advance of each fiscal year, the Executive Director shall submit to the Executive Board a proposed budget for the coming fiscal year, setting forth the anticipated income and the sources thereof and the anticipated expenditures and their purposes. He shall transmit a copy of the proposed budget to the Council President and the Council Treasurer at least ten days prior to its submission to the Executive Board. The proposed budget shall be subject to revision and adoption by the Executive Board.
- G. He shall be an ex-officio member of all committees of this Council.
- H. He shall carry on the correspondence relating to his office and shall carry out such other duties as are provided in this Constitution or as the Executive Board may direct.
- I. He shall be the permanent Chairman of the Council 13 Convention.

Section 5. The Council Executive Board shall consist of all officers, except Trustees, who are elected at conventions of Council 13 and of all Vice-Presidents, as elected by the respective District Councils. The Executive Board shall be the highest governing body of this Council except when the Convention is in session and shall possess all the powers of the Convention except the power to amend this Constitution. The Executive Board shall meet regularly every other month and shall hold special meetings at the call of the Council President or of a majority of the members of the Board. Special meetings may also be called by the International President or his authorized representatives. A quorum for the transaction of business at meetings of the Executive Board shall consist of a majority of the members of the Board. The unexcused absence of any member of the Board from three consecutive Board meetings shall cause his office to be declared vacant and the vacancy shall be filled in accordance with the provisions of this Constitution.

Section 6. The Trustees shall designate a certified public accountant who shall, once each year, audit the books and records of the Council and the Trustees shall see that the results of such audit are communicated to all affiliated district councils and local unions.

ARTICLE VII STANDING AND SPECIAL COMMITTEES

Section 1. There is established a Committee on Financial Administration and Personnel. This Committee shall consist of the Executive Director of Council 13, who shall serve as Chairman; the Treasurer of Council 13, who shall serve as Secretary; and the Secretary-Treasurer of each affiliated District Council. The Committee shall meet periodically, at the

call of the Chairman or of a majority of the Committee's members. It shall be the duty of the Committee: (1) to establish and periodically re-examine the financial administrative procedures of the Council; (2) to establish, subject to the approval of the Council Executive Board, uniform job evaluation and salary and expense standards for Council 13 and the affiliated District Councils; and (3) to report regularly to the Council Executive Board and annually to the Convention on the activities of the Committee.

Section 2. There is established a Committee on political and legislative activity, which shall be known as the PEOPLE (Public Employees Organized to Promote Legislative Equality) Committee. This Committee shall consist of the Executive Director of Council 13, who shall serve as Chairman, and one member to be designated by each District Council. This Committee shall work actively to: (1) promote the legislative program of this Council; (2) organize and promote voter registration and get-out-the-vote campaigns; and (3) encourage the highest possible degree of membership participation in support of candidates for office favorable to the goals of this Council. The PEOPLE Committee is authorized to solicit and accept voluntary contributions from AFSCME members for use in political campaigns and, in so doing, shall act in partnership with the PEOPLE Committee of the International Union.

Section 3. Other standing or special committees shall be appointed by the Council President, subject to the approval of the Council Executive Board. In making such appointments, due consideration shall be given to providing representation to the several District Councils and/or, where appropriate, to representation by local unions having particular interests in the subject matter assigned to a particular committee.

ARTICLE VIII 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.

Section 2. Except to the extent specified in this constitution, no officer of the Council shall have the power to act as an agent for or otherwise bind the Council in any way whatsoever. No member or group of members or other person or persons shall have the power to act on behalf of or otherwise bind the Council except to the extent specifically authorized in writing by the Executive Director of the Council or the Executive Board of the Council.

Section 3. 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 of the American Federation of State, County and Municipal Employees.

Section 4. Wherever used in this Constitution, masculine pronouns shall include the corresponding pronouns of the feminine gender.

ARTICLE IX AMENDMENTS

Section 1. This Constitution may be amended by proposals properly introduced at the Convention and approved by a two-thirds vote of the Convention. Provided, that any amendment

which is submitted to the Council Secretary at the Council headquarters not later than 120 days prior to the opening of the Convention, a copy of which shall be mailed by him to each affiliated District Council and local union not less than 90 days prior to the opening of the Convention, may be approved by majority vote of the Convention.

Section 2. The Council Executive Board shall review and make a recommendation to the Convention on any proposal to amend the Constitution.

Section 3. Any amendment to this Constitution, unless otherwise provided in the amendment, shall become effective upon final adjournment of the Convention at which the amendment is adopted, subject to the provisions of the International Union Constitution.

APPROVED BY:

GERALD W. McENTEE
International President

Date 6/8/06

Executive Director

DAVID R. FILLMAN

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