

CONSTITUTION

FOR

NEW YORK CITY DISTRICT COUNCIL OF
AFSCME MUNICIPAL LOCAL UNIONS, NUMBER 37

ARTICLE I NAME AND AFFILIATION

The name of this organization shall be the New York City District Council of AFSCME Municipal Local Unions, Number 37, American Federation of State, County and Municipal Employees.

It shall be and remain affiliated with said Federation.

ARTICLE II OBJECTIVES AND METHODS

Section 1.

- a. To unite all AFSCME local unions of employees of the New York City area's public, semi-public, quasi-public and wholly or partially tax supported or tax exempt agencies, institutions and authorities for their mutual protection, support and welfare;
- b. To promote and extend the organization of such employees into local unions of this Federation;
- c. To establish and maintain fair and adequate wages, hours and working conditions for the members of its affiliated local unions;
- d. To draw up and campaign for a legislative program on behalf of the members of its affiliated local unions, to represent them before public bodies, to observe, report on, make recommendations and take action with respect to legislative and executive officials;
- e. To assist its affiliated local unions in winning the fullest measure of recognition and collective bargaining and for this purpose maintain a staff for organization, representation, research and education, as well as legal and accounting services and the necessary technical facilities;
- f. To foster education of and communication among the affiliated local unions and their membership by issuing a periodical publication and by conducting a program of education;
- g. To promote the security of the memberships of affiliated local unions by establishing trust funds, created by union or employer contributions, for the purpose of providing employee benefits, and by entering into trust agreements for their administration;
- h. To support the aims and objectives of the American Federation of State, County and Municipal Employees, of the general labor movement and worthy civic causes;
- i. In general, to assist the affiliated local unions to achieve by their united strength what none could accomplish alone and to do so without abridging the rights of their members as guaranteed in the Bill of Rights of the Federation's

Constitution but not limited thereto, and without infringing on the autonomy and the jurisdiction of any affiliated local union.

ARTICLE III
AFFILIATION AND REVENUE

Section 1. All AFSCME local unions whose members are employed by New York City, New York and its departments, agencies, authorities, and cultural institutions, and AFSCME local unions whose members are employed by the Judicial Conference in the City of New York, except those whose members are employed in State Negotiating Unit #87, shall be affiliated with this council.

Section 2.

- a. Effective July 1, 1997, the basic per capita tax upon members of all affiliated local unions within the jurisdiction of the District Council is \$15.20 per month for regular employees and \$7.95 per month for part-time hourly employees whose average work week is 20 hours or less, of which \$0.25 is earmarked for Help Our Own. Effective July 1, 1998, the basic per capita tax shall be increased to \$18.20 per month for regular employees and \$9.55 per month for part-time hourly employees of which \$0.25 per month shall be earmarked for Help Our Own.
- b. In addition to the basic per capita tax an additional per capita tax shall be due and payable as of January 1 of any year, equal to one-half of one percent of the weighted average, computed on a monthly basis and rounded to the nearest five cents of any and all negotiated pay increases for employees represented by any local union which were received in the 12-month period ended the previous June 30. The treasurer shall determine the amount due. Whenever a local union disagrees with any rate of additional per capita tax determined by the treasurer, the dispute shall be promptly submitted to the executive board for an expeditious hearing and final and binding disposition. All such additional per capita taxes whenever established under authority of this constitution shall continue in effect, on a cumulative basis, in addition to the basic per capita tax and without regard to any change therein. Provided, however, that if the application of the provisions of Article IX, Sections 6 and 7 of the International Constitution produces an increase in the per capita tax due the Council from any local, the council shall waive from that local the amount of per capita tax increase produced by the application of this Section 2b, up to the amount of the International increase.
- c. The additional per capita tax payable in addition to the basic per capita until the next succeeding July 1 by any newly affiliated local union shall be the arithmetic average rounded to the nearest five cents, of all additional per capita taxes payable by all other local unions then affiliated with the district council for the month for which the newly affiliated local union first received dues. Additional per capita rates shall be computed separately for regular employees and for part-time hourly employees whose average work week is 20 hours or less.
- d. Temporary increases in the basic per capita tax not to exceed three months in duration may be levied on the affiliated local unions for special purposes by a two-thirds vote of the delegates present and voting at a regular or special meeting of the council upon 15 days' notice.
- e. When a local union acquires the membership of either part-time hourly employees whose work week is 20 hours or less or of regular employees, such category of employees not having been previously included in the local union's membership, the additional per capita due on such newly included category of members shall be determined by the treasurer pro rata, based on

the average number of hours worked by both categories.

- f. In the case of affiliated local unions which have merged or split, the treasurer shall determine an equitable rate of additional per capita, consistent with the provisions of this section.

Section 3.

- a. Upon the failure of an affiliated local union to pay any part of the per capita tax and assessment due for any month by the fifteenth (15) day succeeding its receipt of the dues checked off by its employer for that month or by the fifteenth (15) day following the end of that month, whichever is later, without permission of the council's executive board, the treasurer shall report the local union as delinquent to the executive board and so advise the local union. Upon the failure of the local union to remit the delinquent amount by the sixtieth (60) day thereafter without the permission of the executive board such local union shall automatically stand suspended from all privileges and benefits of this council and the treasurer shall so advise the local union and the executive board. Such suspension shall continue in effect until all per capita tax and assessments then due the council shall have been paid or the suspension is revoked by the board or by the delegates in council.
- b. Local unions in violation of the Constitution of the International Union or of this district council or of a lawful decision of the delegates in council may be suspended by the executive board from the benefits and privileges of the council pending a hearing and report by a commission appointed in the same manner as a trial body is appointed pursuant to this constitution upon four days' written notice to the local union involved. Such suspension shall remain in force until revoked by the executive board or the delegates in council.
- c. No action taken pursuant to this section shall prevent the bringing of formal charges based upon the same violation, the holding of a trial and the imposition of a penalty, as provided in the International Constitution.

Section 4.

- a. The council, or the executive board, subject to review by the council, may solicit voluntary pledges and donations to the council or to activities sponsored or endorsed by the council. No donation or pledge may be solicited or accepted by the council which is in effect an increase in the regular per capita tax or a voluntary assessment or partakes of the nature of an increase in per capita tax or of an assessment.
- b. The executive board, subject to approval by the council, and in a manner and for a purpose not inconsistent with this constitution, may agree with an affiliated local union or unions that they pay in full or in part the cost of a specific joint project.
- c. All revenues, however derived, intended for specific purposes shall only be expended for the intended projects and shall be accounted for separately from any other funds of the council. At the termination of any project, a special statement reflecting its operations shall be submitted by the treasurer to the delegates. Any remaining surplus shall then revert to the general fund unless specifically allocated otherwise by the executive board.

ARTICLE IV
MEETING OF THE COUNCIL DELEGATES

- Section 1. The highest governing body of the council shall be the meetings of the

council delegates. The dates, times and places of its regular and special meetings shall be set by the council. A regular meeting must be held in every calendar month, except in the months of July, August and December.

Section 2.

- a. Special delegates' meetings of the council may be called by the president or by decision of the executive board, only by written notice mailed by first class mail to all delegates not later than the third business day before the day of such special meeting, stating the date, time, place and purpose of such meeting.
- b. A special meeting of the council delegates may also be called by one-third of the affiliated local unions or by local unions representing one-third of the council's average membership filing a petition therefore with the president, stating the purpose of such meeting. Within three days following the receipt of such petition the council president must call such special meeting, to be held no later than 12 days after the receipt of such petition. Unless it is otherwise provided herein, the president, in the president's discretion, may call any special meeting for the same day and time as a regular meeting or another special meeting.
- c. A quorum for the transaction of business at any regular or special meeting of the council shall consist of at least one delegate from not less than one-third of the affiliated local unions entitled to vote at that meeting.
- d. When unforeseeable circumstances make the holding of any scheduled meeting of the council impossible, the president of the council, by three days' written notice mailed by first class mail or by telegram to all delegates, may change the date of such scheduled meeting, stating the reason therefore, and setting a new date no longer than ten days before or no later than ten days after the originally scheduled meeting.

Section 3. The delegates in council shall be the highest governing body of this council. Excepting as to such matters which this constitution declares to be the prerogative of the executive board or where it specifically eliminates the right of the council delegates to approval or review, all things done by the executive board or by any officer are subject to review by the delegates in council and to their order.

Section 4. The council shall meet openly with due regard for order and decorum. The president with the consent of the council shall appoint a sergeant-at-arms and as many assistants as the president deems necessary. The sergeant-at-arms and the sergeant-at-arms' assistants shall assist the president at the president's discretion in the maintenance of order in connection with the meetings of the council and of its committees.

Section 5. The secretary shall keep or cause to be kept accurate minutes of every council meeting which shall reflect all transactions at such meetings and record the vote on all decisions. Any delegate may have the delegate's vote recorded upon request. The minutes of council meetings shall be reproduced and must be mailed to all delegates along with the notice of the next regular meeting.

Section 6. Voting on all matters at meetings of the council shall be ordinarily on the basis of one vote for every delegate present. A roll call shall be held on the demand of any delegate, if seconded by one delegate from each of four other local unions. On a roll call the delegates present from any local shall cast the entire vote it is entitled to according to its voting strength and should any local's delegates disagree, such voting strength shall be proportionately divided among them. No fractional votes may be cast. Any indivisible votes remaining shall be cast by the local union president, if present, or in local union president's absence by one of the local's delegates determined by lot.

Section 7. The council on recommendation of the executive board may seat fraternal delegates with voice but without vote from an authorized organization of retired members.

ARTICLE V COMMITTEES

Section 1.

- a. The president with the approval of the executive board and the consent of the council shall appoint no fewer than eight delegates to a credentials committee designating one of them its chairperson. The council's secretary shall act as secretary of the credentials committee and be one of its members. No committee member shall be a delegate from the same local union as another committee member, nor be a member of the committee on laws and rules.
- b. The credentials committee shall meet at such times as it may find necessary. At such meetings the chairperson shall submit to the credentials committee all challenges and other pertinent communication received, as provided for in this constitution.
- c. If a challenge is received the credential committee shall examine all documents submitted and hear any parties at interest with full regard to due process but without unreasonably delaying its recommendation. The credentials committee shall make a report and recommendation to the council on the challenge against any delegate.
- d. After hearing the credentials committee's report and recommendation the delegates in council, by majority vote, shall act on the seating of the delegate or delegates. The council shall be the final judge of the qualifications of all its delegates.
- e. Whenever a local union wishes to protest against the voting strength it has been assigned by the treasurer, pursuant to this constitution, and it has been unable to resolve the matter satisfactorily with the treasurer, it may bring its protest in writing to the credentials committee. It shall be dealt with similarly to a delegate's challenge. The credentials committee may require the treasurer to produce all accounting records necessary for its purposes.

Section 2.

- a. The president, with the approval of the executive board and the consent of the council, shall appoint no fewer than eight delegates to a committee on laws and rules, designating one to be its chairperson and one to be its secretary. No committee member shall be a delegate from the same local union as another committee member, nor be a member of the credential committee.
- b. This committee shall receive promptly from the secretary all written proposals for the amendment of this constitution received by the secretary, give them consideration and shall hold hearings thereon which shall be open only to council delegates, or to accredited representatives of affiliated local unions. Adoption of amendments shall be as prescribed elsewhere in this constitution. The committee may combine similar proposals, or originate its own proposals.
- c. The committee on laws and rules may draw up rules of procedure to be adopted by the council and make recommendations with respect to amendments proposed to such rules or propose changes on its own motion.
- d. The committee on laws and rules, when in its opinion the constitution of the council is being violated or is in danger of being violated, shall call the matter

to the attention of the executive board by notification to the president.

Section 3. The executive board of the council shall be the council's committee on budget. It shall act in this capacity as provided elsewhere in this constitution, and when acting in such capacity, it shall be subject to the same rules as other constitutional committees.

Section 4. The committees set forth in Sections 1, 2 and 3 above, shall be known as the constitutional committees of the council.

Section 5.

- a. The president with the approval of the executive board and the consent of the council shall appoint the members and the officers of such other committees as the council deems necessary. They may be selected as the council directs and need not be confined to council delegates only but shall be other-wise governed by the provisions of this Article.
- b. Committees of the council may originate proposals within their purview and submit them to the delegates in council. Any such committee shall first submit its proposals to the executive board in order to permit consideration of any such proposal by the executive board prior to the regular meeting of the council at which a vote is taken on the proposal. Except as expressly authorized in this Article, no committee, however, may hold hearings, print and circulate proposals or address itself to the affiliated local unions except by authorization of the executive board or the delegates in council. Any matter within the purview of any committee which is presented to the council may be acted upon by the delegates only after referral by the chair to the appropriate committee and after its report and recommendation thereon have been received; provided, however, that except where it concerns a constitutional committee, a matter may be acted upon without such referral upon a motion specifying the reason passed by a vote of two-thirds of the delegates present and voting.
- c. If after the referral of a matter to a constitution committee, two succeeding council meetings are held without the receipt of a report from such committee, the committee may be discharged from further consideration of such matter at a subsequent council meeting upon a motion to discharge passed by a two-thirds vote of the delegates present and voting, provided that the maker of such motion to discharge has mailed notice of the maker's intention to do so by first class mail to the president, the secretary and the committee chairperson five days or more before such council meeting.
- d. All committees shall keep minutes of their meetings which shall reflect accurately all business transacted and all decisions made, indicating the votes thereon. Any committee member may have his or her vote recorded upon request. Committee minutes shall be reproduced and submitted for acceptance at the next following committee meeting. Copies of such minutes must be made available to any council delegate for inspection and copying upon request.
- e. The president, with the consent of the delegates, may discharge any member or officer of any committee for cause. The term of office of any member or officer of any committee of the council shall be coterminous with that of the president who appointed the member unless the member or the member's committee is discharged earlier.

ARTICLE VI
REPRESENTATION OF LOCAL UNIONS

Section 1.

- a. Affiliated local unions shall be entitled to delegates on the basis of membership as follows: 200 or fewer, two (2) delegates; more than 200 but not exceeding 300, three (3) delegates; more than 300 but not exceeding 400, four (4) delegates; more than 400 but not exceeding 500, five (5) delegates. A local union with a voting strength in excess of 500 shall be entitled to one additional delegate for every one thousand additional votes or major fraction thereof. The local president shall ex-officio be one of the delegates from each local union. The delegates other than the local president must be elected by the local union at large and for the same term as the local president and are required to possess the same qualifications as the local president. There shall be no alternates.
- b. Upon the election of any delegate or local union president the affiliated local union shall deliver to the treasurer of the council a credential for the delegate signed by the local union president and secretary, stating the delegate's name, post office address, the extent of the delegate's term, which of the local union's delegates the delegate is replacing, if applicable, and certifying that the delegate's election was properly conducted under the applicable provisions of the constitutions of the local union, this council and of the Federation. The council treasurer shall submit all credentials to the chairperson of the credentials committee upon their receipt.

Section 2.

- a. The voting strength of any affiliated local union shall be based on the average per capita tax paid membership of such local union for the twelve months ending December 31 or June 30, whichever is last past. Local unions who have not been affiliated and paid per capita tax for such twelve-month period shall have their average computed only on the basis of the months they have been affiliated. Local unions who have been affiliated and paid tax for less than three months shall be entitled to a maximum of a hundred votes or their actual voting strength represented by their per capita tax, whichever is less. In the case of local unions which have merged or split, the credentials committee shall recommend an equitable adjustment of voting strength to the council consistent with the provisions for voting in such circumstances set forth in the International Constitution.
- b. The treasurer of the council shall issue a certified report of such voting strength as soon as possible after each December 31 and June 30 to the council delegates and to every affiliated local union. The total of average per capita tax paid memberships of all affiliated locals shall be included in the report and those locals who have a membership of more than 5 percent of this total shall be indicated. Within sixty days of the issuance of this report any local union shown to have an excess delegate or delegates shall recall the same and its president and secretary shall certify the fact to the council secretary for submission to the credentials committee. No delegate who is the president of the delegate's local union or a member of or a nominated candidate for the council executive board shall be subject to re-call for this reason. The recall shall be in inverse order of the votes received by all other delegates elected from that local union in the last preceding regular election for delegate, or by lot, unless the local union constitution provides another method. No member of the executive board shall be deprived of the member's office because of a reduction in voting strength of the local union of which the member is a delegate. In the case of a local union's failure to act, upon recommendation of the credentials committee the council delegates, by

majority vote, may withdraw all recognition from the local union's whole delegation except for the delegates exempt from such recall by this section.

ARTICLE VII ELECTION OF OFFICERS

Section 1.

- a. The officers of this council shall be a president, a secretary, a treasurer, an executive director and no fewer than twenty-five (25) vice-presidents, without priority. No two vice-presidents shall be members of the same local. Together they shall constitute the executive board. All these officers shall be elected as hereinafter prescribed for a term of three years, commencing with the 1988 election, to hold office until their respective successors shall have been duly elected and installed.
- b. At the regular October meeting of the council in every third year, commencing with 1988, the president with the consent of the council, shall appoint an Elections Committee from among the delegates and designate one of its members to be chairperson. No elections committee member may be a candidate for council office at this election and shall be removed from the committee should such member become a candidate for council office.
- c. The election committee shall conduct the election as directed by the International and council constitutions. Wherever provisions of this constitution conflict with provisions of the International Constitution governing nominations and elections in councils, the latter shall prevail.

Section 2.

- a. The delegation of any affiliated local union that has a membership of more than 5 percent of the total of average memberships of all affiliated local unions as of the preceding June 30, computed as herein prescribed and certified by the treasurer, shall nominate and elect one vice-president. In addition to the officers set forth in Section 1(a) above, the President of the Retiree's Association shall, ex officio, be a member of the council's executive board with all the rights, duties, and privileges of a vice-president but without the right to vote. The remaining vice-presidents shall be nominated and elected as provided hereinafter.
- b. At the regular November meeting of the council in every third year, commencing with 1988, after adoption of all pending minutes but before the consideration of any other business, the president shall turn over the chair to the chairperson of the Elections Committee.
- c. The chairperson shall call the delegations of each of the local unions that have a membership of more than 5 percent of the total of average memberships of all affiliated local unions to come forward in the order of their charter numbers. With the chairperson of the Elections Committee presiding and the secretary of the council recording in the council minutes, each such delegation shall nominate and elect one vice-president of the council, each such delegate being entitled to one vote. To be eligible for election as vice-president of the council under this subsection, a nominee must have been a member of said 5 percent local union for at least one year continuously at the time of the election.
- d. In case no candidate receives a majority of the votes cast, a runoff shall be held between the two candidates who received the largest number of votes. If then no candidate receives a majority or if a challenge has been made that

cannot be disposed of forthwith, this particular election shall be adjourned to the next regular meeting of the council as a special order before the general election.

Section 3.

- a. The chairperson shall call, in order, for nominations for the offices of president, secretary, treasurer and executive director. To be eligible for the office of president, secretary or treasurer a nominee must have been a member of one or more local unions under the jurisdiction of the council for at least two years continuously at the time of the election.
- b. Thereafter, the chairperson shall call for nominations for the remaining positions in the office of the vice-president and only delegates from those affiliated local unions which each have a membership of less than 5 percent of the total of average memberships of all affiliated local unions shall be entitled to nominate and elect the remaining vice-presidents. These remaining positions shall either number no less than five more than those to be filled from locals each having more than 5 percent of the total of average memberships of all affiliated local unions or they shall be a sufficient number to bring the total of all vice-presidential posts to 25, whichever is greater. To be eligible for election as a vice-president of the council under this subsection, a nominee must have been a member of one or more local unions under the jurisdiction of the council for at least one year continuously at the time of the election.

Section 4.

- a. The election of officers other than vice-presidents to be elected from locals having more than 5% of the total average memberships of all affiliated local unions shall be held at the regular January meeting of the council in every third year, commencing with 1989. Where there are no more candidates than there are positions to be filled, the chairperson of the Elections Committee shall so announce and request the president to declare the candidate or candidates elected. Otherwise, voting shall be by secret ballot, listing candidates alphabetically, beginning with a name drawn by lot by the chairperson of the Elections Committee. One ballot shall be printed bearing the names of the candidates for the position of president, secretary, treasurer and executive director, to be issued to and voted on by all local union delegations present, casting the votes they would be entitled to on a roll call. Another ballot shall be printed bearing the names of the candidates for vice-president nominated as in Section 3b above, to be issued to and voted on only by the delegations from local unions present who had not already voted for a vice-president under Section 2, casting the votes they would be entitled to on a roll call.
- b. In the elections for vice-presidents pursuant to Section 3b above if there are no more candidates than there are positions to be filled and if there is no candidate who is a member of the same local union as another, including such candidates already elected under Section 2c above, the chairperson of the Election Committee shall so announce and request the president to declare all such candidates elected. Otherwise, voting shall be by secret ballot listing the local unions of all candidates. After the Elections Committee has completed its count it shall eliminate all candidates from the same local union except the one with the highest vote. From the remaining list of candidates a number equal to the positions of vice-president still to be filled shall be declared elected, in the order of their vote.
- c. After completing its count, including that of any runoff necessary, the chairman of the Election Committee shall report the results to the January meeting of the council.

- d. Before the adjournment of the meeting, without prejudice to any unresolved protests, each officer declared elected at the November and January meeting shall subscribe to the "Obligation of an Officer" and hand it or cause it to be handed to the secretary to be part of the minutes of the meeting. By this act and without regard to any other or later ceremony the vice-presidents as a group and the other officers individually shall be lawfully installed in their respective offices thereby relieving and displacing their predecessors. In case of inability of any officer to execute the obligation at the meeting, the officer shall do so as soon as the officer is able. No officers shall exercise any of the functions of office until receipt of the officer's obligation by the secretary.

Section 5.

- a. In case of a vacancy in the offices of president, secretary or vice-president, a special election for the unexpired term shall be held promptly. All provisions of the council and International Constitutions must be observed except that nomination and election may take place at the same meeting, and that the latest report of voting strength required to be certified by the treasurer will apply to all aspects of such special election. In case of a vacancy in the offices of executive director or treasurer, the executive board, by majority vote of its members present and voting, may fill the position for the remainder of the unexpired term and until such time shall designate an acting director or acting treasurer after any absence or disability of the incumbent has exceeded 45 calendar days.
- b. Whenever the certified report of voting strength required to be submitted by the treasurer reveals that any affiliated local union has reached a membership of more than 5 percent of the total of average tax paid memberships of all affiliated local unions since the last regular council election the delegates in council upon the written request of such local union may order an election to be held for a vice-president from such local union provided no member of such local union is then a member of the executive board in any capacity and notwithstanding any provision of this constitution limiting the number of board members. Such an election shall be conducted as if to fill a vacancy and any vice-president so elected shall serve as if the vice-president was filling an unexpired term.

ARTICLE VIII
DUTIES OF OFFICERS

Section 1.

- a. The president must be and remain during the term of office, employed in a position under the jurisdiction of any local union affiliated with the council.
- b. The president shall act at all times in a manner which will maintain and benefit the council and its affiliated local unions. The president shall be kept informed on the day to day conduct of the council's affairs and the president may command any such information from all officers and employees. The president shall report to the council or the executive board any condition which in the president's opinion requires their attention.
- c. By virtue of the president's election, the president shall: preside over the meetings of the council and of its executive board; call special meetings of the council and of the executive board; appoint the members and officers of committees and of the trial body as provided in this constitution and be a member ex-officio of all committees except the Elections Committee; countersign checks in the absence or incapacity of the treasurer. By virtue of

the president's election the president shall be the council's alternate to all conventions of the Federation beginning during the president's term of office.

Section 2.

- a. The secretary must be and remain during the term of office, employed in a position under the jurisdiction of any local union affiliated with the council.
- b. The secretary shall: keep or cause to keep the minutes of all executive board and council meetings as prescribed in this constitution; mail or cause to be mailed the minutes of all council and board meetings as prescribed in this constitution; act as the secretary of the credentials committee and of the trial body; perform the duties and exercise the powers of the president during the president's absence or incapacity; and perform such other duties as the president may properly request or which the council or board may lawfully direct.

Section 3. There shall be no fewer than twenty five (25) vice-presidents of the council elected as prescribed in this constitution. A vice-president must be and remain, during the term of office, employed in a position under the jurisdiction of the local union of which the vice-president is a member at the time of the election.

Section 4.

- a. The treasurer must be and remain during the term of office, employed in a position under the jurisdiction of any local union affiliated with the council.
- b. The treasurer is the chief financial officer of the council and the custodian of all its properties. The treasurer shall receive and receipt for all monies of the council. The treasurer shall maintain and have custody over all accounts of the council and all other documents and papers pertaining to the treasurer's office. The treasurer shall, in the name of the council, deposit all funds in the treasurer's possession in a bank or banks approved by the executive board and money so deposited shall be withdrawn only by check. The treasurer shall prepare checks for the payment of all liabilities of the council which have been approved in writing by authorized persons and which are for purposes authorized by this constitution or by the council delegates or the executive board. The treasurer shall countersign all checks so prepared. The treasurer is responsible to the delegates in council that no expenditures are made which have not been authorized. The treasurer may, with the approval of the executive board, designate a deputy or deputies to sign in the treasurer's stead. The treasurer and such authorized deputy or deputies shall be covered by surety bonds in amounts to be determined by the executive board and at the expense of the council.
- c. The treasurer shall receive from the executive director a copy of the executive director's proposed annual budget at least ten days in advance of its submission to the committee on budget. The treasurer shall submit in writing the treasurer's evaluation thereof together with any criticisms, objections, or comments the treasurer deems proper at the time it is submitted to the committee. The treasurer shall prepare a monthly report of the council's financial condition and its income and expenses, which shall be submitted to the executive board together with any comments or suggestions the treasurer deems necessary. The treasurer shall remit the annual affiliation fees to AFSCME. The treasurer shall submit the council financial books and records for audits ordered under the provisions of this constitution and the constitution of AFSCME and make such books and records available at all reasonable times for inspection by members of the executive board, by duly authorized officers of any affiliated local union and, upon a showing of just cause, as required by applicable law, by any member of a local union affiliated with the

council.

- d. The treasurer shall receive such assistance and information from the council officers and staff as the treasurer may reasonably require to carry out the treasurer's duties; keep the executive director advised of the current financial and budgetary conditions of the council and upon request so advise any member of the executive board; and carry out such other assignments as the executive board may direct. The treasurer shall receive reimbursement for time lost on council business as authorized by the executive board.
- e. The treasurer may be assigned by the executive board to work for the council on a released time or leave of absence basis. The executive board shall fix the treasurer's compensation. Any contrary provision of this constitution notwithstanding, such compensation shall not disqualify an incumbent treasurer from being a candidate for reelection or for any other office.
- f. The treasurer shall perform such duties as are necessary to conduct the council's review of local union finances as provided for in this constitution. The treasurer shall cause to be provided annual training sessions for local union officers in local union accounting, bookkeeping and record-keeping. In conjunction with the International Union, the council's treasurer shall annually provide local unions with an established written financial standards code setting forth all necessary and required accounting processes.

Section 5.

- a. The executive director is the council's administrative and executive officer. The executive director must be or become promptly after the executive director's election a member in good standing of a local affiliated with the council. The executive director position is on a full-time basis. The compensation of the executive director shall be fixed by the executive board. The executive director may be a delegate to the council, to the AFSCME convention and other union affiliations if elected thereto by the executive director's local union but may not occupy any other local union office.
- b. Subject to this constitution, the council's policies, the decisions of the delegates in council and of the executive board, the executive director shall: carry out all decisions of the delegates in council and of the executive board and be responsible for the observance by the staff of such decisions; be the council's official spokesperson, except where the executive board may otherwise direct; direct negotiations with employers and organizing activities within the council's jurisdiction; be the chief administrator of representation elections; and be responsible for the contents of the council's publications.
- c. Subject to the approval of the executive board, the executive director shall engage, assign, promote and supervise staff for purposes of organization, service, education, research, publications and similar activities. The executive director shall have the right to terminate the employment of or otherwise discipline any such staff member. Provided the staff member is not covered by the grievance procedure of a union contract approved by the executive board, a staff member may appeal the staff member's dismissal to the executive board in writing. The board may grant the staff member a hearing or delegate this function to a committee. The board's decision in the matter shall not be subject to review. No executive board member shall exercise any direction over any council staff member or employee except through the executive director. The executive director shall engage, assign, promote and supervise clerical, technical and housekeeping employees, and shall negotiate with their unions, subject to the approval of the executive board. The executive director shall have the right to terminate the employment of any such

employee. The executive director may, with the approval of the executive board, retain professional and consultant services.

- d. In advance of each fiscal year the executive director shall submit to the executive board sitting as the council's committee on budget a proposed budget for the coming fiscal year, setting forth the anticipated income and the sources thereof and the anticipated expenditures and their purposes. The executive director shall transmit a copy of the proposed budget to the treasurer at least 10 days prior to its submission to the executive board. The proposed budget shall be subject to revision and adoption by the committee on budget and the executive director shall adhere to the provisions of the budget as adopted by the committee. Where there is necessity for substantial modification of the budget the executive director after making such modification shall promptly report to the executive board for its approval. The committee in its discretion may from time to time make such modifications in the budget as it deems necessary.
- e. The executive director shall sign all checks, authorizations for expenditures, contracts and other official documents of this council. The executive director may, with the approval of the executive board, designate a deputy or deputies to sign such documents in the executive director's stead. The executive director and the executive director's authorized deputy or deputies shall be covered by surety bonds in amounts to be determined by the executive board and at the expense of the council.
- f. Subject to prior approval of the executive board, the executive director may designate no more than two associate directors as the executive director's assistants, one of whom shall perform the executive director's functions during the executive director's short-term absence or incapacity of not more than 45 calendar days. The executive director shall report regularly and fully to the delegates in council and to the executive board on the executive director's activities and the executive director's proposed plans. By virtue of the executive director's election and if otherwise qualified the executive director shall be the council's delegate to conventions of AFSCME held during the executive director's term of office and be a delegate or representative to the council's other affiliations.
- g. The executive director shall perform such other duties and acts which the council delegates or the executive board may direct.
- h. No staff member or employee of this council may remain an officer or member of the executive board of any affiliated local union or a delegate to this council nor may a staff member or employee become a candidate for these offices. A staff member or an employee of the council may become a delegate to the International Convention only from the affiliated local union of which the staff member or employee is a member. No more than one staff member or employee of the council may be an International Convention delegate from an affiliate local union with a total membership of 500 or less; no more than two staff members or employees may be International Convention delegates from an affiliated local union with a total membership from 501-2,000 and no more than three staff members or employees may be International Convention delegates from an affiliated local union with a total membership of 2,001 or more. A staff member or employee may be a delegate from the affiliated local union of which such person is a member to central labor bodies or federations or their conventions but only one such staff member or employee from any one affiliated local.
- i. Except where the staff member or employee is entitled to vote as a member or

be a candidate to become a delegate as provided herein, no staff member or employee of this council may participate otherwise in any way or take sides in any local union or council election and all individuals are prohibited from soliciting the staff member or employee or causing the staff member or employee to be solicited to do so.

- j. Neither the executive director nor any member of the council's staff may use such person's association with this council or permit it to be used by other organizations, campaigns or causes, not sanctioned by council policy or decisions without the permission of the executive board. Staff members shall not interfere with the functions of local union officers and executive boards or assume their functions. Any complaint of a local union's executive board or of a policy committee against a council staff member must be taken up with the executive director. In case of dissatisfaction with the director's disposition, the matter may then be brought before the council executive board whose decision shall not be subject to review. No local union officer or executive board member shall exercise any direction over any council staff member or employee except through the executive director.

ARTICLE IX THE EXECUTIVE BOARD

Section 1. When the council is not in session but subject to all its decisions and policies and to this constitution, the executive board shall be the governing body of this council. The executive board shall be composed of the president, secretary, executive director, treasurer, and all vice-presidents.

Section 2. The executive board must hold at least one regularly scheduled meeting in every calendar month. The president shall call special meetings whenever the president deems it necessary or upon the written request of the executive director or treasurer or one-third of the board members. A majority of all board members in office shall constitute a quorum. Failure on any board member's part to attend three consecutive meetings of the board and/or of the council without excuse acceptable to the board, shall be sufficient cause for the council to declare the board member's office vacant. Except as specifically provided in this constitution, the acceptance of any full-time salaried employment with the council or with the International Union by any board member shall automatically and immediately vacate the board member's office. Reimbursement of lost time in any calendar year, stipends or per diem allowances for functioning on any council or International Union instrumentality shall not be deemed salaried employment, but must be promptly reported to the executive board and recorded in its minutes. The executive board may make such allowances to the board members for their service on the board as it deems proper and pay compensation to the executive director and the treasurer as authorized in this constitution and such payments shall not bar them from their respective offices.

Section 3.

- a. The secretary shall keep or cause to be kept minutes reflecting accurately and fully all transactions and proceedings of the board, recording the votes numerically on all decisions and recording the vote or views of any member on request.
- b. The secretary shall mail or cause to be mailed minutes of all board meetings to all delegates within a reasonable time after the adjournment of any executive board meetings but in any case they must be in the hands of the delegates the day before the next regular council meeting.

Section 4. The executive board shall create a subcommittee on finance. The finance subcommittee shall be composed of the executive director, the treasurer, who shall serve as

chairperson, the president, and four other members of the executive board. The finance subcommittee shall meet at least once each month. At each regular monthly meeting of the finance subcommittee, the treasurer shall submit a report of the council's financial condition and its income and expenses together with any comments or suggestions the treasurer deems necessary. At each regular monthly meeting of the finance subcommittee, the executive director shall submit for approval proposed expenses arising from other than normal and regular operations. Recurring expenses once authorized may be paid without further authorization as long as they remain materially unchanged. The proceedings of each regular monthly meeting of the finance subcommittee shall be reported by the treasurer to the executive board for its approval at its next meeting immediately following that of the finance subcommittee. Minutes of the finance sub-committee shall be kept on file by the treasurer and shall be available for inspection by any council delegate upon request.

ARTICLE X RELATIONSHIP OF LOCALS AND COUNCIL

Section 1.

- a. With the approval of the executive board, local unions may form policy committees to deal with the joint problems of several locals with the same or similar employers and/or the problems of similar and related job titles represented by more than one local union.
- b. Policy committees may elect their own officers and adopt their own rules not in contravention of this constitution and the council's policies. They may exercise such powers as are delegated to them by the council executive board.
- c. Policy committees shall keep minutes and distribute them in the same manner as required of all council committees. Voting strength at policy committee meetings shall be based on each local union's paid membership in the area of the committee. The treasurer, on request, shall certify the appropriate figures to the policy committee and the participating local unions. Any participating local union may appeal from a decision of the policy committee to the executive board only on the grounds that the decision contravenes this constitution or the council's policy or exceeds the authority delegated to the policy committee by the executive board. The board's decision in the matter shall not be subject to review.

Section 2.

- a. The delegates in council or the executive board, subject to review, shall have authority to establish policy binding all affiliated local unions in matters of basic trade union concern, such as union and job security, representation rights and labor-management matters. The delegates in council or the executive board subject to review shall have authority to establish council policy with respect to legislation on other matters, on political endorsements and community relations but such policy need not bind individual affiliated locals. No local union, however, shall originate or support any legislation without first having made a timely request for the concurrence of the executive board or the delegates in council at a meeting. After having made such timely request for concurrence the local may endorse, originate or support such legislation as it may deem fit. No local union shall endorse any candidate for nomination or election to any public office unless the council has endorsed such candidate or has failed to take a position on such candidacy by a date three months prior to such nomination or election. If the council fails to so act or if it has acted and the local union wishes to take a different position, the local union may endorse

such candidate as it deems fit upon prior notification to the executive board or the delegates in council at a meeting.

- b. The delegates in council shall recommend to the respective locals the acceptance or rejection of collective bargaining contracts, memoranda of understanding or any other agreements affecting terms and conditions of employment which are city-wide in nature. A summary of the provisions of the collective bargaining contract or other agreement and the delegates' recommendation shall be published in the council's regular publication and may be distributed by mail or otherwise to the members of the affected locals. The members shall vote to accept or reject the contract or agreement in accordance with the procedures set forth in Article XIV. The vote shall be reported to the executive director in writing and read at and recorded in the minutes of the next delegates' meeting following the completion of the vote. In determining the total vote, each vote cast shall be of equal weight. A majority shall constitute acceptance or rejection.
- c. No support, in money, kind, or labor may be given by the council to any public office holder or to any candidate for nomination or election to public office without the approval of the executive board. No endorsement of any such candidate may be made except by the delegates in council, except that the executive board may endorse when time is of the essence.
- d. The executive board may make no decision of any kind specifically affecting an affiliated local union or its membership without first affording a hearing to the local union and giving it reasonable notice thereof, except as provided in Article III, Section 3 of this constitution.
- e. Members of affiliated local unions who are paid stipends, salaries or expenses by the council while on leave of absence or released time shall be employed in the jurisdiction of their own local union only with the concurrence of their local union executive board.

Section 3.

- a. Any local union contemplating a major demonstration or other action which may involve the council or may eventually require its support must report such intention to the executive director in advance of any such action. No council resource of any kind whatever, financial, staff or otherwise may be employed in furtherance or support of any such action without the prior approval of the executive board. The board's authorization must clearly specify the mutually agreed on terms of respective organizational and financial responsibility. If the demonstration or action results in a settlement, such settlement must have the prior concurrence of the council executive board if in the board's opinion it affects locals and members of locals other than the local or locals participating in the action.
- b. The council shall be a party to any negotiations and a signatory of any written instrument resulting therefrom between any local or locals and an employer if the agreement in the opinion of the executive board affects members of a local or locals other than the contracting local or locals and the execution of such instrument must have the prior approval of the executive board.

Section 4.

- a. The council as trustee is the custodian of local union per capita and membership records. They may not be used by the council or their use permitted to others except the local union to which the records belong for any purpose which is not sanctioned by the council or the executive board.

- b. An up-to-date list of all council delegates and their post office addresses shall be given upon demand to any council delegate.

Section 5.

- a. Every local union shall submit to the council's treasurer a copy of an annual financial statement, audited by an independent certified public accountant; a copy of the local union's International Revenue Service Form 990, Return of Organization Exempt from Income Tax, or any appropriate successor form, or such verification of the filing of the form as is acceptable to the council's treasurer; and a copy of the verification that local union is covered under the International Union's surety bond. These reports shall be submitted to the council's treasurer on an annual basis on or before six months subsequent to the end of the local union's fiscal year. The council's treasurer may extend the time for filing if good cause is known.
- b. The council's treasurer shall review records submitted pursuant to Section 5(a) to insure that the local union's record meet applicable International Union, council, and generally accepted accounting requirements. If the records do not conform with prescribed standards, the council treasurer shall assist the local union in correcting the deficiencies. The council treasurer shall notify the International President or Secretary-Treasurer of any local union which fails or refuses to submit to the council treasurer the required records or has failed or refused to correct any deficiencies within 90 days of the date of receipt of the required records.

ARTICLE XI
MISCELLANEOUS PROVISIONS AND DEFINITIONS

Section 1. Robert's Rules of Order, Newly Revised, shall be the guide in all cases to which they are applicable and in which they are not inconsistent with this constitution, the International Constitution or special rules of this council.

Section 2. Except to the extent specified in this constitution no officer of the council shall have the power to act as 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 president, executive director or executive board of the council.

Section 3. The executive board shall determine which officers and employees are to be bonded under the provisions of the International Constitution or of public law and for what amounts.

Section 4. The application of the provisions of this constitution shall at all times be subject to the International Constitution and to the provisions of any applicable public law. If any article, section, subsection, sentence, clause or phrase of this constitution is found by any court of final and competent jurisdiction to be illegal or invalid, for any reason whatsoever, such finding shall not affect the validity of the remaining portions of this constitution. The delegates in council hereby declare that they would have adopted this constitution and each article, section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more of the same shall be declared illegal or invalid.

Section 5. The provisions of this constitution shall be liberally construed, except where the contrary is specifically enjoined. They shall be interpreted in a manner designed to protect fully the fundamental rights of the affiliated local unions.

Section 6. The terms "union," "local," "local union," "affiliated local" and "affiliated local

union" are used in this constitution interchangeably to mean a local union of AFSCME affiliated with District Council 37 pursuant to the provisions of this constitution.

Section 7. The terms "International," "International Union," "Federation," and "AFSCME" are used interchangeably in this constitution to designate the American Federation of State, County and Municipal Employees.

Section 8. The term "council," "district council," "Council 37" and "District Council 37" are used interchangeably in this constitution to mean the affiliated local unions acting as a body through their delegates and the executive board pursuant to this constitution.

Section 9. The terms "board" and "executive board" are used interchangeably in this constitution to mean the duly elected officers of the council acting as a body pursuant to this constitution.

Section 10. The terms "council policy" or "council program" as used in this constitution are intended to mean council resolutions, policies and programs which have not been amended or rescinded nor rendered obsolete by the passage of time or by events.

Section 11. Wherever in this constitution the term "employed in a position under the jurisdiction of the local union" or a similar term is used as a qualification for a council office it is intended to mean a union member who is employed on a job within the grant of jurisdiction of the member's local union for the customary number of hours every week or who is on leave of absence from such job for reasons of health or vacation or who is on leave of absence or released therefrom to be an officer or employee of the local union and whose salary in full or in part is paid by either the employer or the union or both.

Section 12. Wherever in this constitution the term "staff member or employee of this council" or "salaried employment with this council" is used in order to define a disqualification from elective office or from specified activities in this council it is intended to mean one who, in either salary or fees derives a substantial part of his or her livelihood from the council or from funds controlled or managed in whole or in part by the council.

ARTICLE XII AMENDMENTS AND EFFECTIVE DATES

Section 1. Amendments to this constitution or to the council's rules or procedures proposed either by any delegate or the committee on laws and rules shall be submitted in writing at any regular or special council meeting, read, entered in the minutes and referred to the committee on laws and rules. The committee shall present its report to the executive board for its action at least 60 days before the council meeting at which it will submit it to the delegates. The secretary shall mail the report, together with the recommendations, if any, of the executive board no later than 30 days before the council meeting to all delegates by first class mail. A two-thirds vote of the delegates present and voting is required for adoption of any amendment.

Section 2. This constitution and any of its amendments shall become effective upon the granting of written approval by the International President.

ARTICLE XIII CODE OF ETHICAL PRACTICES

Section 1. This Code of Ethical Practices shall be applicable to the council and all its related entities, including, but not limited to, the District Council 37 Benefits Trust Fund, and to all local unions affiliated with the council and any related entities, all of which shall be referred

to collectively herein as the council.

Section 2. All officers and managerial employees of the council, whether elected or appointed, are under high fiduciary duty and a sacred trust to honestly and faithfully serve the best interests of the membership.

Section 3. No officer or managerial employee of the council shall own or have a personal financial interest which is inconsistent with such officer's or employee's fiduciary duties. In particular, it shall not be permissible for any officer or managerial employee of the council to:

- (a) have a significant financial interest in any firm which bargains collectively with the council;
- (b) own or have a significant financial interest in any firm which does business or seeks to do business with the council;
- (c) make a decision, or cause a decision to be made, concerning a business relationship with a firm in which a parent, spouse, spousal equivalent or dependent child of that relationship, child, grandparent, grandchild, brother, sister, first or second cousin, mother-in-law, father-in-law, sister-in-law, brother-in-law, son-in-law, daughter-in-law, step sibling or step or foster parent or child, or business partner of such officer or managerial employee has a significant financial interest.

Section 4. No officer or managerial employee of the council shall accept any gift or personal payment that is of greater than nominal value from any employer which bargains collectively with the council, other than regular pay or benefits for work performed as an employee of such employer, or from any business or professional firm which does business or seeks to do business with the council.

Section 5. No officer or managerial employee of the council who serves in a fiduciary position with respect to, or who otherwise exercises responsibilities or influence in the administration of, a retirement, health or welfare benefit fund or plan shall have a significant financial interest in any investment manager, insurance carrier, broker, consultant or other firm doing business or seeking to do business with such fund or plan. For the purpose of this provision, a benefit "fund" or "plan" means a fund or plan sponsored by the council or any local union affiliated with the council.

Section 6. No officer or managerial employee of the council shall convert any funds or other property belonging to the council to such individual's personal use or advantage.

Section 7. Unless otherwise provided for in applicable law, no person who has been convicted of any felony involving the infliction of grievous bodily injury, any crime of dishonesty or any crime involving misuse or abuse of such person's position or employment in a labor organization or an employee benefit fund shall serve as an officer or managerial employee of the council.

Section 8. The procedures for enforcing this Code of Ethical Practices shall be as follows:

- (a) The president shall appoint a standing Ethical Practices Committee ("EPC") consisting of three vice presidents of the council, and one local president not serving on the Executive Board, who will serve one year terms and may not be re-appointed until all other vice presidents and local presidents have served on the Committee. The president shall also appoint one executive officer of the council, other than a vice president, who shall chair the EPC. The chair shall be appointed to a two year term and the holder of that office may not be appointed to a subsequent term as chair until each of the executive officers, other than the

vice presidents, has been appointed to one term as chair of the EPC.

(b) The EPC shall appoint an independent Ethical Practices Compliance Officer (“EPC Officer”) to insure compliance with this Code. The EPC Officer shall serve for a five year term and may be appointed to serve one additional term. The position may be full or part-time and may be compensated at a per annum, per diem or hourly rate. Such officer have experience work on behalf of labor unions other than AFSCME and have a legal, accounting or law enforcement background. The EPC shall provide the EPC Officer with a reasonable and sufficient budget to perform the duties set forth herein, to hire staff as needed and to maintain the Officer’s independence and the membership’s perception that the Officer is independent. By vote of four members of the committee, the EPC can terminate the officer for just cause.

(c) The EPC Officer shall:

1. Promulgate and disseminate rules and guidelines for the enforcement of this code, subject to the ratification of the council delegates;

2. Investigate charges of violations of this code in accordance with procedures set forth in (d);

3. In the absence of a charge, and with notice to the EPC, initiate an investigation where the EPC Officer has reasonable suspicion that an Ethical Code violation has occurred. The investigation shall be conducted as set forth in (d) for investigating a charge; and

4. Report on the disposition of all completely investigated charges to the EPC.

(d) 1. A charge of a violation of this Code of Ethical Practices may be filed only by a member of a local union affiliated with District Council 37. Such charge must be specific and must, to the extent possible, be supported by substantiating documentation.

2. Unless it is clear on the face of the charge that it does not allege a violation of this Code of Ethical Practices, the EPC Officer shall be authorized and required to investigate each charge that is filed. If, after an investigation, the EPC Officer finds reasonable cause to believe that a violation of this Code of Ethical Practices has occurred, or is occurring, the Officer shall so notify the District Council 37 Executive Director, the EPC, the International President, the charging party, if any, and the subject of the investigation.

3. Pursuant to the procedures of the International Constitution, any member may bring charges on the basis of the finding of the EPC Officer that a violation of the Code might have occurred. If no member otherwise brings such charges, the EPC may file charges with the appropriate trial body and take such action as is necessary and appropriate to pursue the allegations contained in the EPC Officer’s report.

Nothing contained herein shall limit the rights of members otherwise provided for in the International Constitution.

ARTICLE XIV RATIFICATION OF COLLECTIVE BARGAINING AGREEMENTS

Section 1. All collective bargaining agreements, memoranda of understanding or other agreements which are city-wide in nature or which affect terms and conditions of employment of more than one local union shall be subject to ratification by the members covered by such agreements in accordance with this article.

Section 2. The Executive Director, or his or her designee, shall promptly determine whether, pursuant to Section 1 of this article, an agreement needs to be ratified. A decision not to conduct a ratification vote may be challenged by a member affected by the agreement. The aggrieved member must file a written complaint with the Ethical Practices Officer appointed pursuant to Article XIII no later than seven days after the member knew, or should have known, that an agreement was to be executed but would not be presented to the membership for a ratification vote. Within two weeks following receipt of the complaint, the Ethical Practices Officer shall review the complaint and determine whether a membership ratification vote is required pursuant to Section 1 and order whatever relief is deemed necessary. The decision of the Ethical Practices Officer shall be final.

Section 3. All votes on the ratification of collective bargaining agreements, as required by Section 1, shall be conducted under the supervision of an independent, outside monitoring agency, firm or qualified individual ("independent monitor") in accordance with the independent monitor's rules, if any, and the minimum standards set forth herein. No officer or employee of the Council or of any affiliated local union shall be permitted to interfere with the independent monitor in performing its responsibilities in carrying out these procedures. The costs of the ratification vote shall be borne by the Council.

Section 4. The balloting in any ratification vote shall be conducted by secret written mail ballot and verified by the independent monitor.

Section 5. In any vote conducted pursuant to this Article, the ballots shall be prepared by or under the supervision of the independent monitor supervising the election. All ballots shall indicate the local number of the member casting the ballot and the ballot package shall include the recommendation of the delegates in council.

Section 6. The independent monitor shall mail the ballot to each member's home address. Members shall be allowed at least fifteen days from the date of mailing within which to mark and return their ballots. A double-envelope system shall be used to protect the secrecy of the ballots and voters shall be provided with a postage-paid envelope, pre-addressed to the independent monitor as may be supervising the election, or to such other neutral location as may be selected by the monitor, to be used for the return of the ballots.

Section 7. The votes in any ratification conducted pursuant to this article shall be tabulated by the independent monitor conducting the ratification vote and the results shall be reported on an aggregate and local-by-local basis. A majority of the valid ballots cast shall be required for ratification. Each member of the Council executive board and each president of a local union having members affected by such agreement shall have the right to observe the mailing and counting of the ballots or to designate another member to observe instead.

Section 8. a. Any member covered by such agreement may challenge the announced result of a ratification vote by filing such challenge with the Ethical Practices Officer no later than seven days after the date on which the result of the vote is announced. Such challenge shall be referred to the Ethical Practices Officer who shall promptly investigate the challenge and issue a report and recommendation to the Ethical Practices Committee. The report shall be made available to any member covered by the agreement on request. The Ethical Practices Committee shall review the report and issue a written decision either accepting the Ethical Practices Officer's report, rejecting the report or ordering a hearing. The hearing shall be conducted according to procedures established by the Ethical Practices Committee.

b. If the Ethical Practices Committee determines that there were violations in the conduct of the ratification vote that affected the outcome of that vote, the committee shall direct that the ratification vote be return and may, in its discretion, direct that such rerun be conducted in accordance with such additional procedural safeguards as may be required by the committee. Any member covered by the agreement whose ratification has been challenged under these procedures may file an appeal of the Ethical Practices Committee ruling to the council executive board. Such appeal must be filed within seven days after the

decision of the Ethical Practices Committee is issued. Any decision of the executive board may be further appealed to the next meeting of the council delegates for which adequate notice can be given for final council review.

Section 9. The provisions of this article shall not limit the rights of members otherwise provided for in the International Constitution.