



NATIONAL COUNCIL OF EEOC LOCALS (C-216) CONSTITUTION AND BY-LAWS

PREAMBLE

For the purpose of promoting unity of action in all matters affecting the mutual interests of governmental civilian employees in general and for the improvement of government service, we, as members of the National Council of EEOC Locals No. 216, of the American Federation of Government Employees, AFL-CIO, hereby adopt this Constitution and By-Laws.

ARTICLE I NAME AND HEADQUARTERS

Section 1 This organization shall be known as the National Council of EEOC Locals, C-216 (Council) of the American Federation of Government Employees (AFGE) and shall be affiliated with the American Federation of Labor and Congress Industrial Organizations (AFL-CIO).

Section 2 This Council shall be composed of affiliated EEOC Locals now organized and chartered together with those which hereafter may be organized and chartered under the provisions of the AFGE National Constitution.

Section 3 The headquarters of this Council shall be the EEOC office of the Council President.

ARTICLE II PURPOSE, OBJECTS AND METHODS

Section 1 The purpose of this Council shall be to promote the general welfare of government employees, promote efficiency, advance plans of improvement, and promote the full participation of women and minorities in activities at all levels throughout the Council. This Council does not discriminate with regard to the terms of membership because of race, creed, color, national origin, sex, age, political affiliation, handicapped condition, marital status, sexual orientation, or preferential or nonpreferential civil service status.

Section 2 This Council does not advocate the overthrow of the constitutional form of government in the United States and is not subject to corrupt influences or influences opposed to basic demo-

cratic principles.

Section 3 This Council shall be governed by the provisions of this Constitution and By-Laws, and the AFGE National Constitution. Consistent with the AFGE National Constitution, the AFGE National President and the Council President shall ensure that all provisions of this Constitution are met, and shall take necessary action to do so.

Section 4 This Council, which holds exclusive recognition under Public Law 95-454, operates as the exclusive bargaining agent for the affiliated locals.

Section 5 The Council may delegate to the affiliated locals the authority to exercise the exclusive rights and responsibilities of representation.

ARTICLE III MEMBERSHIP

Section 1 All locals in the EEOC chartered by AFGE shall be eligible for membership in this Council.

Section 2 Since this Council exercises rights under exclusive recognition pursuant to P.L. 95-454, all locals within EEOC will be required to affiliate with this Council.

ARTICLE IV GOVERNING BODY

Section 1 The Council President, First Vice President, Second Vice President, Treasurer, Secretary and the delegates from the affiliate locals shall constitute the Council's governing body.

Section 2 The law and policies of this Council shall be adopted and promulgated in Council meetings. This Constitution and any amendments thereto, unless otherwise provided, shall become effective immediately upon adoption and approval by the National Executive Council (NEC).

Council meetings shall be the true and legitimate source of all authority. No change in the Council's rules or policies therein adopted or promulgated shall be affected by any officer, committee, or any other body.

Section 3 The Council President, First Vice President, Second Vice President, Treasurer and Secretary shall constitute the Council's Executive Committee (CEC).

ARTICLE V MEETINGS

Section 1 The Council shall meet twice a year at a time, place and date to be determined by the CEC with the appropriate written notification to the delegates. The Council President shall cause the



Secretary to notify the delegates of same, in writing.

Section 2 Special meetings may be called at any time by the President, at the request of a majority vote of officers, or upon request in writing from a representative group of locals, provided, however, at least 15 days notice is given as to the specific purpose of such meeting. Only those items listed in the notice will be discussed or voted on.

ARTICLE VI DELEGATES

Section 1 Representation in this Council shall be by delegates elected by secret ballot by their respective locals in accordance with the member locals' constitutions and the AFGE National Constitution, and duly certified to the Secretary of this Council.

Section 2 The number of delegates to the National Council should be in accordance with Article VI, Section 2 of the AFGE National Constitution. Locals having a membership of 100 or less shall be entitled to one delegate; 101 to 200 members, two delegates; 201 to 300, three delegates, 301 to 400, four delegates, and locals with more than 400 members shall be governed by the AFGE's Constitution.

Section 3 Official AFGE Credential Form C-3 will be issued to delegates and alternate delegates elected by individual locals under their Constitution and By-Laws. Proxy delegates will be only permitted for annual or semi-annual meetings when it is not feasible for a local to send a delegate; provided, however, a delegate may not carry proxies from more than three locals.

Section 4 Locals entitled to more than one delegate may send less than their quota of delegates to the Council meetings, and the delegates present may cast the entire vote of the locals so represented on all questions and elections coming before the Council.

Section 5 Alternate delegates elected in a secret ballot election may be seated in the absence of the elected delegate(s) upon presentation and approval of their credentials.

Section 6 This Council is entitled to two delegates to the AFGE National Convention. The President shall serve automatically by virtue of election to the office. The second delegate shall be elected by plurality vote of the Council prior to the AFGE National Convention.

ARTICLE VII OFFICERS

Section 1 To be a candidate for, or be elected to Council office, a person shall be a member in good standing of an affiliated local be a member for one year of an AFGE local immediately preceding the closing of the nomination process, and not be a member of any labor organization not affiliated with the AFL-CIO. A person shall not be a candidate for more than one office.



Section 2 The Council's elected officers shall be a Council President, First Vice President, Second Vice President, Treasurer and Secretary, to be elected triennially by the delegates to the Council.

Section 3 The term of office for all officers shall be for three years, or for the balance of an unexpired term, beginning in 2004.

Section 4 In the case of a vacancy in the office of President, the First Vice President shall fill the office for the unexpired term and a special election will be held for the office of First Vice President. Interim vacancies in any other office shall be filled by special election after due notice to delegates at the first regular meeting following such notice, or the Council President may appoint a temporary officer to fill such vacancy until the next regular meeting.

Section 5 No officer or agent of the Council shall engage in any business or financial activities with or on behalf of this Council which conflict with his/her fiduciary obligation to the Council or its constituency.

ARTICLE VIII ELECTION OF OFFICERS

Section 1 The officers of the Council are to be nominated, elected and installed at a Council meeting to be held in August every three years.

Section 2 The officers of this Council shall be elected by secret ballot and by a majority vote of delegates based upon the membership strength of their respective locals for the previous twelve-month period.

Section 3 Not less than 30 days prior to the election, notice thereof shall be mailed to all known presidents, treasurers, and delegates at their last known address.

Section 4 Adequate safeguards to ensure a fair election shall be provided. Each candidate shall be afforded an opportunity to have a reasonable number of observers who are members present throughout the election procedure, including the tally of ballots.

Section 5 The delegates shall elect an Election Committee to conduct the election.

Section 6 A reasonable opportunity shall be given for the nomination of candidates, and every member in good standing and otherwise qualified shall be eligible to be a candidate and to hold office and otherwise support the candidate or candidates of his/her choice, without being subject to penalty, discipline, or improper interference or reprisal of any kind by this Council or any member thereof. Only delegates may nominate candidates.

Section 7 This Council shall comply with a reasonable request of any candidate in aid of such person's candidacy, to distribute by mail or otherwise, at the candidate's expense, campaign literature to all known local presidents, treasurers, and delegates in good standing, and refrain from discrimi-



nation in favor of or against any candidate with respect to the use of lists of known local presidents, treasurers, and delegates. Whenever this Council or its officers authorize the distribution by mail or otherwise to known local presidents, treasurers, and delegates of campaign literature on behalf of any candidate, or of this Council itself, with reference to such election, similar distribution at the request of any bona fide candidate shall be made by this Council and its officers, with equal treatment as to the expense of such distribution.

Section 8 No monetary or other resources of this Council, AFGE or any employer shall be contributed or applied to promote the candidacy of any candidate in an election. Such monies may be utilized for notices, factual statements of issues not involving candidates, and any other expenses necessary for the holding of an election.

Section 9 The votes cast by the delegates of this Council shall be counted and the results published. The Secretary of this Council shall preserve for one year the ballots and all other records pertaining to the elections.

ARTICLE IX OFFICERS' DUTIES

Section 1 The President shall function as the presiding officer of the Council and shall exercise supervision of the affairs of the Council subject to the approval of the CEC. It shall be the duty of the President, in accordance with the mandates of the Council, to plan and pursue policies which will promote the welfare of the Council; keep the membership fully advised of his/her activities; preside at Council conventions and at meetings of the CEC; and sign all official documents pertaining to his/her office. The Council President is authorized to designate representatives to participate in national negotiations, or Memoranda Of Understandings and settlement agreements, at the National level. The Council President may hire and fire employee(s), subject to the approval of the CEC, providing the delegates to the Council or the CEC has given prior approval, either by adoption of an annual budget that provides for employee(s), or by authorizing the expenditure of funds for employee(s). Employees of the Council must have a service or employment contract, and will be advised before hiring that the contract incorporates the following: (1) any such service or employment contract must be submitted in writing for prior review and approval by the CEC, (2) it does not extend beyond the term of office of the Council President or is otherwise specifically limited to a lesser duration, (3) it is subject to an approved budget and availability of funds, (4) it may not cause deficit spending, (5) it may be terminated for just cause, including a disciplinary or performance-based removal, or in the event of insufficient funds, for lack of work, or for other valid reason, subject to approval of the CEC, and (6) by entering into a contract, the Council and the employee agree that the National Office of the AFGE is neither a party to the contract nor responsible for any matter arising from the contract, including the enforcement or termination of the employment.

Section 2 The First Vice President shall preside at any meeting of the Council at which the President is absent. In the absence of the President and First Vice President, the Second Vice President will preside. In the absence of these three officers, the body may elect a temporary chairman for that meeting.



Section 3 The Secretary shall keep a record of the minutes of all meetings, and keep all official records of the Council except those that are specifically assigned to others. He/she shall keep the Constitution up to date, and shall keep the official roster of member locals and delegates up to date and notify them of all regular or special meetings. In the absence of the Secretary, the presiding officer may appoint a temporary secretary for that meeting who will keep a record of the minutes and furnish them to the Secretary.

Section 4 The Treasurer shall receive, receipt for, disburse, and keep account of all monies received or disbursed for the Council; deposit money in bank(s) to the credit of the Council; and render an account at all meetings and whenever otherwise requested to do so by the President. Any surplus funds may be deposited only in bank(s) or in state chartered credit unions throughout the United States which operate on the same basis, or in a federally ensured savings and loan association, whenever such investment shall be authorized by a regular meeting of the Council. The Treasurer shall submit his/her books to an Audit Committee for an audit of the books annually, and at the end of his/her official term.

Section 5 The Treasurer shall sign and the President shall countersign checks covering proper expenditures for the Council. In the absence of either the Treasurer or the President, the First Vice President shall sign.

ARTICLE X COUNCIL EXECUTIVE COMMITTEE

Section 1 It shall be the duty of the CEC to watch all legislative matters directly affecting the interest of bargaining unit employees in EEOC and to devise and initiate such legislative actions as the Council may direct. It shall be the duty of the CEC to devise and initiate such actions as may be necessary in the interim between Council meetings, but such actions shall not be inconsistent with the objectives of the AFGE and/or the Council and shall be subject to Council approval.

Section 2 Accurate minutes of all actions and votes of the CEC shall be kept and shall be made available to each local president and delegate.

Section 3 Expenditures by the Council President in excess of \$500 per month must have prior approval of the CEC and as authorized by the budget approved by the delegates or by separate vote of the Council's delegates. All expenditures authorized by the CEC will be reported in writing at the next regular meeting of the Council. A copy of such report will be made available to any delegate upon request.

ARTICLE XI CONTRACT RATIFICATION

Section 1 Any Collective Bargaining Agreement (CBA) reached will be tentative, subject to ratification by a majority of member locals. The delegates to the National Council have no authority to



ratify a national agreement.

Section 2 The Council President or his/her designee shall cause and approve the tentative contract to be sent to each local president with directions to hold a regular or special membership meeting within a specified reasonable time for the purpose of voting to ratify or not to ratify the contract.

Section 3 Each local president, for a reasonable period prior to the meeting, shall make the tentative contract available for inspection by members. Any employee whose rights are directly affected by the contract must be provided a copy upon request.

Section 4 Only dues paying members shall be allowed to participate in the ratification process. The vote may be by a show of hands or by secret ballot. The membership shall be given reasonable advance notice by posting or other means of the voting process.

Section 5 The local president shall submit via the most expeditious method the results of his/her local's vote to the Council's Secretary.

Section 6 Ratification must be by majority vote of the membership strength of affiliated locals voting. If ratification is not effectuated, then negotiations of the tentative Contract will be reopened.

ARTICLE XII REPORTING AND FINANCIAL REQUIREMENTS

Section 1. Standards of Conduct: The Council Subscribes to the Standards of Conduct for Labor Organizations as provided for in 5 U.S.C. §7120, as amended, with particular reference to subsection (a) thereof which provides as follows:

- (a) the maintenance of democratic procedures and practices including provisions defining and securing the right of individual members to participate in the affairs of the organization, to receive fair and equal treatment under the governing rules of the organization, and to receive fair process in disciplinary proceedings;
- (b) the exclusion from office in the organization of persons affiliated with Communist or other totalitarian movements and persons identified with corrupt influences;
- (c) the prohibition of business or financial interests on the part of organization officers and agents which conflict with their duty to the organization and its members; and
- (d) the maintenance of fiscal integrity in the conduct of the affairs of the organization, including the provisions for accounting and financial controls and regular financial reports or summaries to be made available to members.

Section 2 This Council will comply with the reporting requirements of 5 U.S.C. §7120(c), as amended, and regulations promulgated thereunder where applicable, and applicable provisions of



IRS regulations.

Section 3 All financial reports will be submitted to the National Office.

Section 4 The Council must be bonded for at least ten percent of all the monies that are handled by the Council in the year. In accordance with Article XIX, Section 6 of the AFGE National Constitution, the National President shall negotiate on behalf of the Council a blanket position bond in the amount of \$5,000 to cover up to five people who handle the Council's funds for the protection of the Council. In the event that the Council needs, desires or is required by the Labor-Management Reporting and Disclosure Act of 1959, as amended, to be bonded for additional amounts or for additional people who handle the Council's funds, it shall be incumbent upon the Council to bear the additional expense of such additional bond. The Council will be responsible for payment of all charges for all bonding of the Council, including the initial \$5,000 blanket position bond negotiated by the National President, and the Council shall own all bonding paid for by the Council. In order for the bond to be effective, the Council must file within 90 days after the close of its fiscal year a copy of the AFGE form for the annual audit and a copy of the Department of Labor required form.

Section 5 Copies of all official publications will be submitted to the National Office at time of publication.

ARTICLE XIII REVENUE

Section 1 Per capita tax to this Council shall be \$4.72 per month (\$2.36 per pay period) per member, payable monthly. Failure to pay such per capita tax will result in the same penalties, as failure to pay per capita tax to the AFGE.

ARTICLE XIV SPECIAL COMMITTEES

Section 1 Special committees may be established. With the exception of the Election Committee, members of such committees shall be appointed by the President, subject to approval of the CEC.

ARTICLE XV COMPLAINTS

Section 1 Complaints against any of the Council officers or delegates arising out of or resulting from an individual's conduct or status as a Council officer on matters concerning the operation of the Council, excluding Council officer elections (which are processed in accordance with the procedures set forth in Appendix A of the AFGE National Constitution), will be processed as follows:

- (a) Constituent locals or members thereof shall register a complaint first with the Council President. A committee of investigation and, if probable cause is found, a trial committee shall be appointed by the Council President, or the CEC if the Council President is the ac-



cused. The Council President or the CEC, as appropriate, shall ensure that neither the committee of investigation nor the trial committee includes the complainant(s) or the accused, and in no case will the committee of investigation and the trial committee be composed of any of the same members. No member shall be eligible to serve on the CEC or trial committee for the hearing of charges under this Article if he or she is directly or indirectly involved in the matter which gave rise to the charges upon which the accused is to be tried, and the committees otherwise shall be impartial. A hearing on the complaint shall be conducted consistent with applicable provisions of Article XVIII of the AFGE National Constitution.

The trial committee's findings of fact and decision shall become effective after 45 days of its publication or service by mail to all constituent locals, unless disapproved by a majority of them during that 45-day period. A committee of investigation's findings of no probable cause or trial committee's decision exonerating the accused shall not be subject to Council approval, or be subject to any further action within the Council or the AFGE.

(b) The trial committee shall render a decision suspending the accused for a specific time from his/her office, removing him/her from the office, barring him/her from holding any office for a specified time, and/or suspending for a specified time or expelling him/her from membership, or finding him/her not guilty as accused. After decision of the trial committee, an officer suspended or expelled from office and/or membership shall have the appeal right to the NEC set forth in Article XVIII, Section 9, of the AFGE National Constitution, by service upon the National Secretary-Treasurer within 15 days of receipt of the trial committee's decision.

(c) The NEC shall review the case and affirm or reverse the decision, reduce the penalty, or return the case to the Council for a new trial before a different trial committee. If the decision of the NEC should affirm any adverse action taken against the appellant by the Council, upon receipt of the NEC's written decision, the appellant may further appeal to the next AFGE National Convention.

ARTICLE XVI AMENDMENTS

Section 1 This Constitution and By-Laws shall become effective and remain so when it is approved by the NEC of AFGE.

Section 2 Any proposed amendment to this Constitution shall be submitted to the Secretary in writing not less than 30 days prior to a regular Council meeting. The Secretary shall notify all known local presidents, treasurers, and delegates of the proposed amendment not less than 15 days prior to the date upon which action will be taken to amend.

Section 3 To amend the Constitution, it will require a two-thirds vote of the delegates at a regular or special Council meeting.

Section 4 Amendments may be adopted between regular meetings through mail ballot by a two-



thirds vote of member locals.

Section 5 The Council may adopt an amendment concerning a change in dues structure only by a majority vote and by secret ballot of the delegates in good standing voting at a regular or special Council meeting after reasonable notice has been given of the intention to vote upon such question, or by a majority vote of the members of constituent locals in good standing voting in a membership referendum conducted by secret ballot.

BY-LAWS

Section 1. Regular meetings of this Council will be held twice a year at a time and place to be announced by the CEC.

Section 2. The regular order of business will be:

- (a) Roll call of officers
- (b) Reading of the minutes of the previous meeting
- (c) Report of financial condition by the Treasurer
- (d) Reports of committees
- (e) Unfinished business
- (f) New business
- (g) Comments for the good of the Council
- (h) Adjournment

Section 3. A quorum of this Council shall consist of not less than 50% of the member locals holding membership in the Council. A quorum of any committee shall consist of a majority of the members thereof.

Section 4. Unless otherwise specified by law (e.g., secret ballot election or dues) or by constitution, all questions before this Council will be decided by vote of the delegates present, first by voice vote, and then by showing of hands, and then by roll call if requested by 25% of the delegates. For a roll call vote, the delegates present may vote the entire strength of the membership.

Section 5. The time allowed for debate of any particular issue before this Council and the time allowed for speeches will be governed by circumstances and by majority vote of those present. Any limitation as to time allowed for debate may be extended by a majority of those present and voting.

Section 6. Nomination, election and installation of officers shall take place in August of the election year. Installation of newly elected officers shall be the last order of business of the meeting.

Section 7. *Roberts Rules of Order Newly Revised* shall govern the proceedings of all meetings of this Council, when not inconsistent with the provisions of this Constitution and By-Laws.



Section 8. These By-Laws may be amended by a two-thirds vote of the delegates as provided in Article XVI.

Section 9. Copies of this Constitution and By-Laws shall be available to all locals in good standing upon request to the Secretary.

Approved: June 5, 2003
(Date)

President: _____

Secretary: _____

