

Constitution

for

Ohio Council 8

Preamble

Workers organize labor unions primarily to secure better wages and better working conditions. We hold that they also organize in order to participate in the decisions which affect their work. One of the fundamental tenets of democratic government is the consent of the governed. Unions are an extension of that idea. Union members are both workers and citizens.

Collective bargaining is an expression of citizenship in employment. Participation in the political life of the nation is but another aspect of that citizenship. In the same way that unions are dedicated to the improvement of the terms and conditions of employment, we are equally dedicated to exert ourselves, individually and collectively, to fulfill the promise of American life.

For unions, the workplace and the polling place are inseparable, and the exercise of the awesome rights and responsibilities of citizenship are equally required by both.

Unions are under a solemn obligation: to represent members forcefully and effectively in negotiations with management and to conduct internal union affairs according to democratic standards.

Therefore, we the delegates assembled in official convention of Ohio Council 8 of the American Federation of State, County and Municipal Employees, hereby adopt this Constitution and this Bill of Rights.

Bill of Rights

The Bill of Rights for Union Members contained in the constitution of the International Union shall be the Bill of Rights for this council.

Article I

Name and Headquarters

Section 1. The name of this organization shall be Ohio Council 8 of the American Federation of State, County and Municipal Employees, AFL-CIO.

Section 2. The headquarters of this council shall be located in the Columbus, Ohio, Greater Metropolitan Area.

Article II

Affiliations

This council shall be chartered by and affiliated with the American Federation of State, County and Municipal Employees, AFL-CIO, and shall affiliate with the Ohio AFL-CIO.

Article III

Objectives

The objectives of this council shall be to carry out the objectives of the American Federation of State, County and Municipal Employees, AFL-CIO:

- a. To promote and extend the organization of public employees and private non-profit organization employees within the jurisdiction of the council and to assist

members with organizational problems, publicity and promotional work in general;

- b. To conduct negotiations and bargain collectively for wages, hours, and working conditions for all local unions within the jurisdiction of the council;
- c. To promote legislation and political action through a united effort of all AFSCME locals in the states of Ohio and West Virginia;
- d. To foster cooperation among affiliated locals;
- e. To provide research, educational and organizational services and activities designed to assist members and affiliates;
- f. To represent local union: (1) on grievances which reach the highest level; (2) before legislative and administrative bodies, councils, commissions and committees; and (3) in any other matter to carry out the objectives of the council and the International Union; and
- g. To cooperate with other labor organizations in particular and other segments of our society in general towards the end that the material riches of American society be more justly distributed and the moral promise of American life be realized.

Article IV Membership and Revenue

Section 1. All AFSCME local unions in the State of Ohio, including the following West Virginia locals: 598 – Huntington Area City Employees; 2531 – Huntington Sanitary Board Employees; and 3479 – City of Kenova Employees; and excluding Ohio Local 4 and Ohio Local 11 shall become and remain affiliated with this council.

Section 2. Effective January 1, 2017, per capita tax shall be paid to this council by each affiliated local union at the rate of \$25.85 per member per month. On January 1, 2018, per capita tax shall be paid to this council by each affiliated local union at the rate of \$26.85 per member per month. On January 1, 2019, per capita tax shall be paid to this council by each affiliated local union at the rate of \$27.85 per member per month. On January 1st of each year and thereafter, the per capita tax rate shall be adjusted in accordance with the provisions of the International Constitution. Per capita tax shall be paid on the number of individual monthly dues payments received by the local union during the month, and further, shall be paid by the local union in the same manner for each person paying an agency fee or other similar payments to the local union in lieu of dues. West Virginia locals 598, 2531 and 3479 shall pay dues in accordance with the dues schedule set forth in the agreement by and between the locals, Ohio Council 8 and AFSCME International.

Section 3. The per capita tax for members who have regular schedules of twenty (20) or fewer hours per week shall be paid in accordance with the constitution of the International Union.

Section 4. All newly chartered local unions, or existing local unions who fail to remit their council per capita taxes for two or more consecutive months, shall have their dues deductions transmitted directly by the employer to this council. In any case where the dues deduction of an affiliated local union is transmitted directly by the employer to this council, the Council Secretary-Treasurer shall deduct the constitutionally established per capita tax for the council and shall deduct and pay, on behalf of the local union, its constitutionally established per capita tax to the International Union not later than the 15th day of the month following the month in which such dues are received by the council. The Council Secretary-Treasurer shall deduct and pay the constitutionally established per capita taxes to the appropriate central body of the AFL-CIO. After the foregoing deductions have been made, the remaining amount shall be transmitted to the local union together with an accounting of the amounts paid as per capita taxes to the organizations previously listed.

Section 5. Failure of a local union to remit its council per capita tax for any month by the 15th day of the following month, except for good cause, shall result in the local being declared delinquent. Failure of a local to remit its council per capita tax for any month within thirty (30) days after such local has been declared delinquent shall result in the local's automatic suspension from the privileges and benefits of this council. Such suspension shall remain in effect until all overdue per capita tax has been paid, or until the suspension is revoked by the executive board.

Section 6. The Council Secretary-Treasurer shall notify the International Secretary-Treasurer of all suspended locals and of all reinstatements.

Article V Convention

Section 1. All sovereign power of this council shall be vested in the Council Convention when the same is in session.

Section 2. Regular conventions shall be held in each odd-numbered year. The date, time and place for the holding of the convention shall be set by the Council Executive Board; provided, however, that the convention shall begin on a date between the first day of September and the last day of November.

Section 3. Special conventions may be called at any time and upon thirty (30) days' notice by the Council Executive Board. One-third of the affiliated locals can, by resolution properly adopted and forwarded to the Council President, compel the calling of a special convention, for the purpose or purposes set forth in the resolution. A special convention also may be called by the International President or by an authorized representative of the International President.

Section 4. The basis of representation at any Council Convention shall be the average number of members and agency fee employees on which per capita tax was actually paid to the council by each affiliated local union for the twelve-month period ending with the fifth full month prior to the opening of the convention. In the case of any local organized or affiliated after the beginning of the twelve-month period, the basis of representation shall be the average number of members and agency fee employees on which per capita tax was actually paid to the council for the full number of months for which per capita tax has been paid.

Section 5. Representation will be based on the number of members and agency fee employees in each local. The formula used for ascertaining the number of delegates for each local shall be as follows:

One hundred members and agency fee employees or fewer,
one delegate
More than 100 but not exceeding 200 members, 2 delegates
More than 200 but not exceeding 300 members, 3 delegates
More than 300 but not exceeding 400 members, 4 delegates
More than 400 but not exceeding 500 members, 5 delegates
More than 500, one additional delegate for each 250 additional members or fraction thereof.

Local unions may elect one alternate delegate for each delegate.

Section 6. Regardless of the number of delegates, locals shall be entitled to vote on the basis of one vote for each member and agency fee employee or fraction thereof. Locals entitled to more than one delegate may send fewer than their quota of delegates and the delegates present may cast the entire vote of the local on all recorded votes and elections coming before the convention. The number of votes shall be divided equally among the delegates with any remaining votes to be cast by the chairperson of the delegation, as designated by the local. No fractional votes shall be permitted.

Section 7. Each delegate must be a member in good standing of the local such delegate represents. Any member of the Council Executive Board who is not elected as a

delegate representing a local union shall nevertheless be entitled to all the rights and privileges of a delegate except the right to vote.

Section 8. At least ninety (90) days prior to each convention, the Council Recording Secretary shall send to each local union a Convention Call, accompanied by the appropriate number of credential forms. In the case of a convention at which election of officers is to take place, this shall be indicated in the Convention Call.

Section 9. No local union shall be entitled to representation in any convention of the council unless all of its per capita tax and other just obligations to the council and the International Union have been paid in full by or on the day credentials are presented at the convention. A local union which would be deprived for representation in full or in part pursuant to the provisions of this Article solely because of an employer's refusal or delay in remitting dues deductions in the normal fashion shall be allowed such representation and voting strength as the convention upon the report of the Credentials Committee shall determine to be equitable.

Section 10. To vote, delegates must be present on the floor when a vote is taken. Voting by proxy shall not be permitted. All issues shall be decided by a majority vote of the accredited delegates voting, except as otherwise specifically provided by this constitution.

Section 11. Any resolution to be introduced to the convention shall be signed by the president and the recording secretary on an affiliated local union or by one or more certified delegates and shall be submitted, in writing, to the Council Recording Secretary at the Council office. Such resolution must be received not later than twenty (20) days prior to the date of the opening of the convention. No resolution can thereafter be introduced except by permission of two-thirds of the convention; provided, however, that the Council President or the Council Executive Board may introduce a resolution for consideration by the convention at any time the convention is in session.

Section 12. All delegates and alternates to the Council Convention shall be elected in accordance with the provisions of Appendix D, Elections Code, of the International Union Constitution. The names of such delegates shall be certified by the appropriate officers of the locals to the Council Recording Secretary at least ten days prior to the time of the convention.

Section 13. No delegate may represent more than one local union.

Section 14. No employee (hourly or salaried) of the council and/or the International Union shall serve as a delegate from any local union; provided, however, the Council President and the Council First Vice-President may serve as a delegate from their local union.

Section 15. Expenses of delegates attending council conventions shall be the responsibility of their respective local union.

Section 16. A quorum for the transaction of business shall consist of delegates representing not less than one-fourth of the affiliated locals which are entitled to representation at the Council Convention.

Section 17. In any special convention, every local union president shall be considered a delegate automatically, except in a local union where the local constitution makes specific provision for a different automatic delegate. Nothing in this section shall be deemed to prohibit any local union which is entitled to more than one delegate from electing additional delegates.

Article VI

Officers and Elections

Section 1. The officers of this council shall be a president, a first vice-president, a secretary-treasurer, a recording secretary, two regional vice-presidents from each region as set forth in Section 3 of this Article, and up to two (2) at-large vice-presidents from local unions chartered to represent child care providers as set forth in Section 4 of this Article and these officers shall constitute the Council Executive Board. In addition, there shall be elected three

(3) trustees, who shall have a voice but no vote on matters brought before the executive board and there shall be appointed, with approval of the executive board, two retirees of the council who shall have a voice but no vote on matters brought before the executive board.

Section 2. The president, first vice-president, secretary-treasurer, recording secretary, and three (3) trustees shall be elected at-large.

Section 3. For the purpose of electing vice-presidents, the State of Ohio shall be divided into eight (8) regions and two (2) vice-presidents from each region shall be elected by the delegates representing local unions within that region. Except as provided in Section 11 of this Article, no more than one (1) vice-president shall be elected for the same local union within any Region.

The regions are as follows: Akron, Athens, Cincinnati, Cleveland, Columbus, Dayton, Toledo and Youngstown.

Akron Region - Local unions whose jurisdiction falls within the counties of Ashland, Coshocton, Holmes, Medina, Portage, Stark, Summitt, Tuscarawas and Wayne.

Athens Region - Local unions whose jurisdiction falls within the counties of Athens, Gallia, Guernsey, Jackson, Lawrence, Meigs, Monroe, Morgan, Noble, Perry, Pike, Scioto, Vinton and Washington. Including West Virginia locals 598 – Huntington Area City Employees, 2531 – Huntington Sanitary Board Employees and 3479 – City of Kenova Employees.

Cincinnati Region - Local unions whose jurisdiction falls within the counties of Adams, Brown, Butler, Clermont, Clinton, Hamilton, Highland and Warren.

Cleveland Region - Local unions whose jurisdiction falls within the counties of Cuyahoga, Geauga, Lake and Lorain.

Columbus Region - Local unions whose jurisdiction falls within the counties of Crawford, Delaware, Fairfield, Franklin, Hocking, Knox, Licking, Madison, Marion, Morrow, Muskingum, Pickaway, Richland, Ross, Union and Fayette.

Dayton Region - Local unions whose jurisdiction falls within the counties of Auglaize, Champaign, Clark, Darke, Greene, Logan, Mercer, Miami, Montgomery, Preble and Shelby.

Toledo Region - Local unions whose jurisdiction falls within the counties of Allen, Defiance, Erie, Fulton, Hancock, Hardin, Henry, Huron, Lucas, Ottawa, Paulding, Putnam, Sandusky, Seneca, Van Wert, Williams, Wood and Wyandot.

Youngstown Region - Local unions whose jurisdiction falls within the counties of Ashtabula, Belmont, Carroll, Columbiana, Harrison, Jefferson, Mahoning and Trumbull.

In any case where the membership of a local union is employed in more than one (1) region, the votes of that local union shall be cast in the region where the major portion of the membership of the local union is employed.

Section 4. Provided that the total average number of child care provider members statewide exceeds sixteen hundred (1,600) members, then two (2) at-large vice presidents shall be elected at-large by delegates representing local unions chartered to represent child care providers. In the event the total average number of child care provider members statewide is less than sixteen hundred (1,600) members but exceeds one thousand (1,000) members, then one (1) at-large vice president shall be elected at-large by delegates representing local unions chartered to represent child care providers. In the event the total average number of child care provider members statewide is less than one thousand (1,000) members, there shall be appointed, with the approval of the executive board, one (1) child care provider representative to the executive board who shall have a voice but no vote on matters brought before the executive board. The current number of at-large vice presidents representing child care providers shall be adjusted one hundred twenty (120) days prior to the opening of the 2017 biennial convention based upon the average number

of members and agency fee payers on which per capita tax was actually paid to the council by each affiliated local union representing child care providers for the twelve (12) month period ending with the fifth full month prior to the opening of the 2017 biennial convention and for each successive convention thereafter. No more than one (1) at-large vice-president shall be elected from the same local union.

Section 5. All officers and trustees shall be elected to a term of office of four years (4) in odd-numbered years at the biennial Council Convention with the next election scheduled in 2003.

Section 6. Nominations and elections shall take place at the convention; at the pre-convention incumbents shall remain in office until the election is completed and the results reported to the convention. At that time, the newly-elected officers shall be installed.

Section 7. All matters concerning nominations and elections in this council shall be subject to the provisions of Appendix D, Elections Code, of the International Union Constitution.

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

Section 9. Vacancies in the office of first vice-president, secretary-treasurer, recording secretary, and trustees shall be filled by vote of the executive board for the remainder of the unexpired term.

Section 10. Should any officer be absent from three consecutive executive board meetings without excuse acceptable to the board, that office shall be declared vacant and filled in accordance with this constitution.

Section 11. Effective at the conclusion of the 2003 Ohio Council 8 Convention, any incumbent officer or trustee of Ohio Council 8, except the president and the first vice-president, who retires during their term of office, shall lose eligibility for full membership status as an executive board member or trustee at the conclusion of the next regularly scheduled meeting of the Ohio Council 8 Executive Board following the effective date of their retirement. The resulting vacancy in office shall be filled pursuant to the provisions of Article VI, Section 8, or Article VI, Section 13, as applicable.

Section 12. No member shall be eligible to hold office unless all accounts and per capita tax due the council and the International Union are paid in full by the local union of which the member holds membership, and unless the member is in good standing in a local or locals affiliated with the International Union for at least two (2) years preceding the election. No employee (hourly or salaried) of the International Union or of any subordinate body shall be eligible to be a candidate for any council office except the office of president and first vice-president. No retired member shall be eligible to be a candidate for any council office. Any employee (hourly or salaried) of the International Union or of any subordinate body, who wishes to be a candidate for president or first vice-president, shall first resign from employment with the International Union or subordinate body prior to the nominations of president and first vice-president.

Section 13. No more than one (1) member of the executive board, including the trustees, shall be elected from the same local union. For purposes of this provision, each chapter of Local 101 in the Dayton Region shall be considered a local union.

Section 14. If a vacancy occurs in the office of regional vice-president, the vacancy shall be filled in accordance with the constitution of Ohio Council 8 and the following procedure:

- a. A Special Regional Convention shall be called of all local union presidents within the region. The date, time and place of the Special Regional Convention shall be established by the Council President; provided, however, that except as provided below, such Special Regional Convention shall be held no later than 120 days after the vacancy occurs.

- b. Local union presidents shall be entitled to cast the entire vote of the local union membership based upon the average membership of the local union for the twelve-month period preceding the sixty days prior to the scheduled meeting.
- c. Local union presidents or the vice-president in their absence must be in attendance at the Special Regional Convention to vote. No proxy voting or carrying of votes by other local unions shall be permitted.
- d. If said vacancy occurs within 180 days of a regular convention where an election is to be held, no Special Regional Convention shall be called and the delegates to the regular convention shall elect a regional vice-president.

Section 15. If a vacancy occurs in the office of at-large vice-president, the vacancy shall be filled in accordance with the constitution of Ohio Council 8 and the following procedure:

- a. A Special Convention shall be called of all local union presidents from local unions chartered to represent child care providers. The date, time and place of the Special Convention shall be established by the president; provided, however, that except as provided below, such Special Convention shall be held no later than one hundred twenty (120) days after the vacancy occurs.
- b. Local union presidents shall be entitled to cast the entire vote of the local union membership based upon the average membership of the local union for the twelve-month period preceding the sixty days (60) prior to the scheduled meeting.
- c. Local union presidents or the vice-president in their absence must be in attendance at the Special Convention to vote. No proxy voting or carrying of votes by other local unions shall be permitted.
- d. If said vacancy occurs within one hundred eighty (180) days of a regular convention where an election is to be held, no Special Convention shall be called and the delegates to the regular convention shall elect an at-large vice-president.

Article VII Delegates to Conventions

The Council Executive Board shall elect delegates to represent this council at conventions of organizations with which this council is affiliated. The Council President by virtue of holding that office shall be a delegate to all conventions. The Council First Vice-President by virtue of holding that office shall be a delegate or alternate delegate, as the case may be, to all conventions. If the president or first vice-president is unable to attend, the Council Executive Board shall elect from among its membership a delegate to take the place of the president or first vice-president. The delegates shall attend all sessions of such conventions, present such resolutions or proposals as are ordered to be presented by the convention of this council or by the Council Executive Board, and shall submit a report of their official activities.

Article VIII Duties of the Officers

Section 1. The president shall be the full-time paid chief executive and administrative officer of the council and conduct affairs of the council in accordance with this constitution and in accordance with the policy decisions of the convention and the executive board. The president shall preside at all conventions and at all meetings of the executive board. The president shall appoint all standing and special committees of the council and establish their duties, subject to approval by the executive board. The president shall be an ex-officio member of all committees except election committees. The president shall sign all checks drawn on the funds of the council and sign other official documents of the council. The

president, with the approval of the executive board, may designate a deputy to sign checks and official documents. The president shall report regularly to the executive board and to the Council Convention of official activities and on the progress of the council. The president, under policies established by the executive board, shall employ, terminate, fix the compensation and direct the activities of such staff as are required to carry out effectively the functions of this council. In advance of each fiscal year, the president shall submit to the executive board a proposed budget for the coming year, setting forth the anticipated income and its source and the anticipated expenditures and their purposes. The proposed budget shall be subject to revision and approval by the executive board. The fiscal year for this council shall begin on the first day of January and end on the last day of December. The president and/or a designated representative shall have the authority to attend any meeting of an affiliated local union. The president, with the approval of the executive board, shall procure suitable offices for the transaction of council business. The president shall engage such technical and professional services including legal counsel as may be required. The president shall perform such other duties as may be required by this constitution, the convention or the executive board and which may be necessary for the proper administration of the affairs of the council, consistent with this constitution.

Section 2. The first vice-president shall be a full-time paid officer of the council. The first vice-president shall assist the president in the work of that office, and shall perform such duties as the Council President may assign, or as may be required by the constitution, the convention, or the executive board. In the absence or in the temporary inability of the president to serve, the first vice-president shall preside at all meetings and perform all other duties normally performed by the president. In the event of a vacancy in the office of president, the first vice-president shall automatically succeed to such office for the remainder of the unexpired term.

Section 3. The secretary-treasurer shall receive and take charge of all money and property of the council. The secretary-treasurer shall deposit all money in a bank which is insured by the Federal Deposit Insurance Corporation in the name of the council, and money so deposited shall be withdrawn only by check signed in accordance with this constitution. The secretary-treasurer shall draw and sign checks for such purposes as are required by this constitution or are authorized by the Council Convention or the executive board. The secretary-treasurer, with the approval of the executive board, may authorize a deputy to sign instead. The secretary-treasurer shall keep or cause to be kept an accurate record of receipts and disbursements and shall render a report thereon at each meeting of the Council Executive Board. The secretary-treasurer shall report fully on the financial standing of the council to each affiliated local union not less often than quarterly.

Section 4. The recording secretary shall keep or cause to be kept a record of the proceedings of the convention and of meetings of the executive board, recording faithfully each motion that is made and the disposition of such motion. The recording secretary shall perform such other duties as are required by this constitution or by the convention or the executive board.

Section 5. The Council Executive Board shall be the governing body of the council between conventions. All matters affecting the policies, aims and means of accomplishing the purposes of the council not specifically provided for in this constitution or by action of the Council Convention, shall be decided by the executive board. The executive board shall meet not less often than quarterly. Special meetings may be called by the Council President or by a majority of the members of the executive board. Special meetings also may be called by the International President or by an authorized representative of the International President. A report on all actions of the executive board shall be made at each Council Convention. A majority of the members of the executive board shall be required for a quorum.

Section 6. The trustees shall make or cause to be made at least annually an audit of the finances of the council, and shall report to each Council Convention and to each affiliated local union the results of such audit.

Section 7. The president of Ohio Council 8, subject to the approval of the executive board, shall provide for the political and legislative program of Ohio Council 8 by establishing a formal structure that includes the involvement of all local unions affiliated with the council. This authority shall include, but not be limited to, developing either an internal process within

Ohio Council 8 or a unified effort supported by the International Union and involving some or all AFSCME affiliates within Ohio and West Virginia to accomplish the political and legislative goals of the council.

- a. The program shall establish as many districts in the states of Ohio and West Virginia as is necessary to carry out the political and legislative objectives of Ohio Council 8 and the International Union.
- b. Each district shall be established on a geographical basis taking into account AFSCME Local Union and membership composition and other factors including political district boundaries or the boundaries of governmental political subdivisions of the states of Ohio and West Virginia.
- c. The program shall provide for the selection of leadership to carry out the political and legislative objectives of the council, and shall provide for participation of all local unions in an equitable and systematic manner. Among the duties expected of each district, but not limited to, are the endorsement of local political candidates, voter registration campaigns and assistance in achieving the legislative agenda of Ohio Council 8 and the International Union.
- d. The president of Ohio Council 8 may assign a staff representative to each district to serve in a liaison capacity between the district and Ohio Council 8.

Section 8. The executive board shall establish salaries and expense allowances for the full-time paid officers and expenses for other members of the executive board.

Article IX Miscellaneous Provisions

Section 1. This council shall at all times be subject to the provisions of the constitution of the American Federation of State, County and Municipal Employees.

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

Section 3. The rules contained in the current edition of Robert's Rules of Order Newly Revised shall govern this council in all cases to which they are applicable and in which they are not inconsistent with this constitution and the legally adopted special rules of this council or the American Federation of State, County and Municipal Employees.

Article X Amendments

Section 1. This constitution may be amended by proposals properly introduced at the Council Convention and approved by a two-thirds vote of the Council Convention. Such proposals shall be submitted, in writing, to the Council Recording Secretary at the council office, and must be received not later than twenty (20) days prior to the date of the opening of the Council Convention and shall be signed by the president and the recording secretary of an affiliated local union or by one or more certified delegates. No proposal to amend the constitution can thereafter be introduced except by permission of two-thirds vote of the Council Convention.

Section 2. Any proposed amendment which is submitted to the Council Recording Secretary at least ninety (90) days prior to the opening of the Council Convention shall be reproduced in full and mailed to each affiliated local union not later than sixty (60) days prior to the opening of the Council Convention, and any proposed amendment which is so introduced and distributed may be approved by a majority vote of the Council Convention.

Section 3. The Council Executive Board shall review and make a recommendation of the Council Convention on any proposal to amend the constitution.

Section 4. Any amendment approved by the Council Convention shall be immediately submitted to the International President and such amendment shall take effect only upon written approval of the International President.

Approved by:

A handwritten signature in black ink that reads "Lee Saunders". The signature is written in a cursive style with a large, stylized "L" and "S".

LEE SAUNDERS
President

Approval date: July 1, 2019