

# CONSTITUTION

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# CONSTITUTION

## PREAMBLE AND BILL OF RIGHTS

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 them at 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 the 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 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. Amidst unparalleled abundance, there should be no want. Surrounded by agricultural surpluses of all descriptions, there should be no hunger. With advanced science and medical research, sickness should not go untreated. A country that can shoot rockets to the moon can provide adequate education for all its children.

For unions, the work place and polling place are inseparable, and the exercise of the awesome rights and responsibilities of citizenship are equally required at 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 members of the Wisconsin State Employees Union, Council 24, in convention assembled, adopt this Constitution and this:

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## BILL OF RIGHTS FOR UNION MEMBERS

1. No person otherwise eligible for membership to this union shall be denied membership, on a basis of unqualified equality, because of race, creed, color, national origin, sex, political belief, or sexual preference.
2. Members shall suffer no impairment of freedom of speech concerning the operations of this union. Active discussion of union affairs shall be encouraged and protected within this organization.
3. Members shall have the right to fair and democratic elections, at all levels of the union. This includes due notice of nominations and elections, equal opportunity for competing candidates, and proper election procedures which shall be constitutionally specified.
4. Members shall have an equal right to run for and hold office, subject only to constitutionally specified qualifications, uniformly applied.
5. Members shall have the right to a full and clear accounting of all union funds at all levels. Such accounting shall include, but not be limited to, periodic reports to the membership by the appropriate fiscal officers and periodic audits by officers elected for that purpose or by independent auditors not otherwise connected with the union.
6. Members shall have the right to full participation, through discussion and vote, in the decision-making processes of the union, and to pertinent information needed for the exercise of this right. All members shall have an equal right to vote and each vote cast shall be of equal weight.
7. Charges against a member or officer shall be specific and shall be only on grounds provided in the International Constitution. Accused members or officers shall have the right to fair trial with strict adherence to due process. The accused shall be considered innocent until proven guilty.

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## ARTICLE I NAME

**Section 1.** The name of this union shall be the Wisconsin State Employees Union, Council 24 of the American Federation of State, County and Municipal Employees, AFL-CIO.

**Section 2.** The headquarters of this Wisconsin State Employees Union, Council 24, shall be in Dane County, Wisconsin.

## ARTICLE II OBJECTIVES

**Section 1.** The objectives of this Council shall be:

- A. To promote the organization of workers in general and state employees in particular.
- B. To promote the welfare of the membership and to provide a voice in the determination of the terms and conditions of employment. We are committed to the process of collective bargaining as the most desirable, democratic, and effective method to achieve this. Both as union members and as citizens, we shall also employ available legislative and political action.
- C. To promote civil service legislation and career service in government.
- D. To provide research and educational services and activities designed to assist members and affiliates.
- E. To foster cooperation among member local unions.
- F. To cooperate with other labor organizations in particular and other segments of our society in general towards the end that the material riches of American society be more justly distributed and the moral promise of American life be realized.

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G. To demonstrate to the people of this State the value of state service.

## ARTICLE III AFFILIATIONS

**Section 1.** This Council shall be affiliated with the AFSCME, AFL-CIO, as a State Council of State Employees Local Unions and with the Wisconsin State AFL-CIO.

## ARTICLE IV MEMBERSHIP AND PER CAPITA TAX

**Section 1.** All AFSCME state employee local unions in the State of Wisconsin are eligible to and shall affiliate with this Council.

**Section 2.** The appropriate fiscal officer of each affiliated local union shall, at the end of each month, remit to the Council treasurer at the Council office a per capita tax of twelve dollars and forty-five cents (\$12.45) per member. Per capita tax shall be paid on the number of individual monthly dues payments received by the local during the month, and an amount equal to the per capita tax rate herein established shall be paid by the local union in the same manner for each person making service or other similar payments to the local union in lieu of dues under fair share or agency shop provisions or agreements. The appropriate fiscal officer shall certify that the report is accurate. Failure of a local union to remit its per capita tax for any month by the 15th day of the following month shall result in the local's being declared delinquent. Failure of a local union to remit its per capita tax for any month within sixty (60) days after such local is declared delinquent shall result in the suspension of the local; and the Council treasurer shall notify the local union, the International President, and the International Secretary Treasurer of such suspension.

**Section 3.** In addition to the per capita tax set forth in Section 2, local unions are required to pay their proportionate share of negotiations. Locals are responsible for the costs of wages and travel of the bargaining committee members as presently computed by the Council in accordance

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with the cost-sharing policies established by the executive board and the convention.

## ARTICLE V THE CONVENTION

**Section 1.** All sovereign powers of this Council shall be vested in the convention when the same is in session.

**Section 2.** Regular conventions of this Council shall be held in July of each year on a date, time and place to be selected by the Council executive board. Notice of each regular convention shall be issued by the Council secretary, acting in the name of the executive board, at least sixty (60) days prior to the holding of any such regular convention.

**Section 3.** Special conventions may be called by the Council executive board. One-third or more member locals may at any time require a special convention by filing a petition therefore with the Council president and secretary, which petition shall specify the subject or subjects to be considered at the special convention. In such an event, the Council secretary shall issue a call for the special convention to be held on a date and at a time and place determined by the Council executive board. Such special convention shall be held no sooner than thirty (30) days and no later than sixty (60) days after the filing of the petition. The convention call shall specify those subjects included in the petition and any additional matters added to the agenda by the executive board and no other subjects may be acted upon by the special convention. Special conventions may also be called by the International President or his/her authorized representative.

**Section 4.** The basis of local union representation at regular and special conventions shall be determined from the average per capita tax actually paid to the Council, including payments for employees making fair share or agency shop payments in lieu of dues, for the twelve months ending with the third full month prior to the opening of the convention.

**Section 5.** Locals shall be entitled to delegates on the following basis:

100 members or less--two delegates

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more than 100 but not more than 200 members--three delegates  
more than 200 but not more than 350 members--four delegates  
more than 350 but not more than 550 members--five delegates  
more than 550 but not more than 800 members--six delegates  
more than 800 but not more than 1,200 members--seven delegates  
more than 1200 but not more than 1,500 members--eight delegates  
more than 1,500--one additional delegate for each 1,000 additional members or fraction thereof.

Regardless of the number of delegates, locals shall be entitled to vote on the basis of one vote for each member or fraction thereof.

Locals entitled to more than one delegate may send fewer than their quota of delegates and the delegates present may cast the entire vote of the local on all recorded votes and elections coming before the convention. The number of votes shall be divided equally among the delegates, with any remaining votes to be cast by the chairperson of the delegation, as designated by the local. No fractional votes shall be permitted.

**Section 6.** 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 7.** A delegate representing a local union must be a member in good standing of the local he/she represents, except as hereinafter provided. Two or more local unions may unite in sending to the convention a delegate who is a member of one of such locals, and the delegate may cast the votes to which the locals are individually entitled. No delegate may represent more than three local unions.

**Section 8.** The Council shall not be responsible for the expenses of any delegate attending any Council convention. In the event an executive board member becomes a seated delegate during a convention, the Council shall not be responsible for the expenses of that member from that point in time through the conclusion of the convention.

**Section 9.** Delegates elected to attend conventions or bargaining unit conferences shall be certified by the local union president and secretary on

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official credential forms provided by Council which shall be enclosed with the convention call or bargaining conference call.

**Section 10.** Resolutions, including proposals to amend the Constitution, to be introduced for consideration at any convention shall be signed by the president and the secretary of a subordinate body. For the purpose of this section, "subordinate body" means a local.

## ARTICLE VI BARGAINING UNIT CONFERENCES

**Section 1.** There shall be established within this Council a series of bargaining unit conferences. One such conference shall be established for each bargaining unit for which this Council and/or its affiliated locals are the certified bargaining agents.

**Section 2.** A regular meeting of each bargaining unit conference shall be held in June of each even-numbered year. Locals shall be entitled to delegates and votes in such meetings based on the same formula used for determining delegates and votes at Council conventions; provided, however, that the figures used for any such meeting shall be based on the number of members included in the bargaining unit which is included in the jurisdiction of each bargaining unit conference separately. In the case of any statewide local whose jurisdiction falls exclusively within a single bargaining unit, the number of delegates who will be elected to cast such local's vote in such bargaining unit conference shall be determined in accordance with the local's constitution. Delegates must meet the same eligibility requirements provided for convention delegates and must, in addition, be employed in the jurisdiction of the bargaining unit which is included in the jurisdiction of the Bargaining Unit Conference. In the election of local union delegates to bargaining conferences, only members employed within the unit the delegate represents shall be eligible to vote.

**Section 3.** Each bargaining unit conference shall allow a local union president, vice president, or his/her designee to attend any bargaining unit conference, as an observer, without voting rights, if the local he/she represents has any members which fall into that bargaining unit.

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**Section 4.** Special meetings of any bargaining unit conference may be called by the executive director of the Council and may be called under rules and procedures adopted by any regular or special meeting of the bargaining unit conference. Unless a bargaining unit conference specifically adopts different rules, the delegates to any special meeting shall be those persons who were delegates to the most recent meeting of the conference.

**Section 5.** Each bargaining unit conference will, for its unit:

- (a) determine the bargaining proposals;
- (b) assign initial priorities to those proposals;
- (c) adopt procedures for establishing the bargaining team;
- (d) give the bargaining team clear authority and instruction.
- (e) receive and act on reports on matters concerning the bargaining process and other matters of direct concern to the unit.

**Section 6.** Each bargaining team will, for its unit:

- (a) keep the chief negotiator fully informed of the unit's proposals and priorities.
- (b) modify or drop those proposals and priorities as it deems necessary.
- (c) determine whether to tentatively agree to any proposal by the employer.
- (d) keep the bargaining unit informed on the progress of negotiations or lack thereof.

**Section 7.** Tentative agreement on an entire contract for any unit can only be achieved by majority vote of the bargaining team. Once a tentative agreement on an entire contract has been reached, the bargaining team will report to the bargaining unit conference, with each member of the team giving his/her recommendation for acceptance or rejection.

**Section 8.**

- (a) Once a tentative agreement on an entire contract has been reached, the bargaining unit conference can only make a

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recommendation of either acceptance or rejection of the tentative agreement to the membership of the unit.

(b) Each delegate to a bargaining unit conference shall be entitled to one vote on actions taken under this section.

(c) Each bargaining unit conference shall elect two representatives to count the ballots for that unit after the last ratification meeting.

**Section 9.** The contract shall be ratified by a simple majority of members voting in each unit.

## ARTICLE VII OFFICERS AND ELECTIONS

**Section 1.** At the convention held in each even-numbered year, the convention shall elect a president, a vice-president, a secretary, and a treasurer--no two of whom shall be members of the same local union. These four officers, together with the executive board members elected in accordance with the provisions of Section 2 of this Article, shall constitute the Council executive board.

**Section 2.** At the June meeting of each bargaining unit conference held in each even-numbered year, the delegates shall elect one or more executive board members. Any bargaining unit conference representing 2,000 members or less shall elect one executive board member. Any bargaining unit conference representing more than 2,000 members shall elect one board member for each 2,000 members or fraction thereof. Employees paying fair share or agency shop fees in lieu of dues shall be included in the computation to determine the number of executive board members to be elected. The results of these elections shall be officially reported at the July convention, and those elected shall then be installed.

**Section 3.** Each bargaining unit conference shall nominate and elect a minimum of one (1) alternate to fill the unexpired term of executive board member in the event a vacancy occurs among the representatives of that bargaining unit. If a vacancy occurs and there are no alternates remaining for the unit in which said vacancy occurred, the executive director shall call a

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special bargaining unit conference to elect an executive board member to fill the unexpired term.

**Section 4.** Nominations shall be made in open meeting and no nominating committee shall be used.

**Section 5.** Officers shall be elected by secret ballot, except where unopposed, in full compliance with the elections code found in Appendix D of the International Union Constitution. Ballots shall be prepared in such a fashion as to ensure the secrecy of each delegate's and local's balloting rights.

**Section 6.** Should the office of president become vacant, the vice president shall succeed to the office for the remainder of the unexpired term. Vacancies in the office of vice president, secretary, or treasurer shall be filled for the remainder of the unexpired term by vote of the executive board. Vacancies in the office of executive board member shall be filled by the elected alternate of the bargaining unit conference in which the vacancy occurred. However, if there are no alternates remaining in the unit in which said vacancy occurred, the executive director shall call a special bargaining unit conference to elect an executive board member to fill the unexpired term.

**Section 7.** If a new bargaining unit conference is established as a result of the certification of a new bargaining unit, a meeting of the new bargaining unit conference shall be called within ninety (90) days thereafter for the purpose of electing the appropriate number of executive board members to serve until the next regularly scheduled election.

**Section 8.** To be eligible for the office of president, vice president, secretary, or treasurer, a nominee must be employed within the jurisdiction of a local affiliated with this Council and must have been, for one year preceding the election, a member in good standing of a local or locals affiliated with this Council. To be eligible for election as an executive board member by a bargaining unit conference, a nominee must be employed within the jurisdiction covered by such bargaining unit and must have been, for one year preceding the election, a member in good standing of a local or locals affiliated with this Council; provided, however, that the one-year

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membership requirement shall not act as a bar to the eligibility of any nominee until one year after the first regularly scheduled election by any bargaining unit conference. No executive board member may continue in office if he/she becomes ineligible for the office to which he/she was elected.

**Section 9.** The Executive Board shall also include one (1) non-voting retiree member. This member shall have been a Council 24 member in good standing at the time of his/her retirement from state service, and a current member of AFSCME Retirees Chapter 7. This member shall be elected by the AFSCME Retirees Chapter 7, with only former Council 24 members being eligible to vote. His/her term of office will run concurrently with the other Executive Board members as set forth in Section 1.

## ARTICLE VIII DUTIES OF OFFICERS AND EXECUTIVE BOARD

**Section 1.** The president shall preside at all meetings of the executive board and at all meetings of the convention. He/she shall be a member ex-officio of all convention or board committees except the election committee. He/she shall appoint all standing and special committees of the Council, with the approval of the executive board. He/she shall sign all authorized orders on the treasurer and countersign all checks drawn against the funds of the Council. He/she may, with the approval of the Council executive board, designate a deputy to sign such documents in his/her stead. At each convention, he/she shall submit a report to the delegates regarding the progress and standing of the Council and regarding his/her official acts. The president shall be the executive director's alternate to meetings of the State AFL-CIO organization and to other organizations with which the Council may be affiliated.

**Section 2.** The vice president shall assist the president in the performance of his/her duties and, in the absence of the president or his/her inability to serve, the vice president shall preside at all meetings and perform all duties otherwise performed by the president.

**Section 3.** The secretary shall keep, or cause to be kept, a record of the proceedings of all conventions and of all executive board meetings. Such regular convention records shall be sent to all delegates and local presidents

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no later than one hundred twenty (120) days after the regular convention. Such special convention records shall be sent to all delegates and local presidents no later than ninety (90) days after the special convention. The secretary shall perform such other duties as the executive board or the convention may direct or as are required by this constitution. The secretary shall send, or cause to be sent, a record of all meetings and actions of the executive board to members listed on local leadership lists as provided to the Council by the member locals. Such report shall be sent within two weeks of such meeting or action.

**Section 4.** The treasurer shall receive and take charge of all money, property and securities of the Council. He/she shall deposit all money received to the credit of the Council in a bank or banks selected by the executive board and insured by the Federal Deposit Insurance Corporation, and money so deposited shall be withdrawn only by check signed in accordance with this constitution. He/she shall prepare and sign checks for such purposes as are required by the constitution or are authorized by the convention or the executive board. He/she may, with the approval of the executive board, designate a deputy to sign such checks in his/her stead. He/she shall keep, or cause to be kept, an accurate record of receipts and disbursements and shall, once each month, submit to the executive board a monthly operating statement of the financial transactions of the Council for the previous month. He/she shall prepare and submit to each affiliated local union a quarterly operating statement at regular three-month intervals.

**Section 5.** The executive board shall be the governing body of this Council when the convention is not in session. All matters affecting the policies, aims, and means of accomplishing the purposes of this constitution not specifically provided for in this constitution or by action of the delegates at a regular or special convention shall be decided by the executive board. The executive board shall meet at the call of the president or at such times as seem expedient to a majority of the members of the board. A majority of the members of the board shall constitute a quorum.

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## ARTICLE IX EXECUTIVE DIRECTOR AND STAFF

**Section 1.** The executive board shall employ a full-time executive director of the Council, and shall set the executive director's salary and determine other conditions of employment. The executive board shall actively pursue an equal opportunity/affirmative action plan in discharging these responsibilities.

**Section 2.** The executive director shall be the Council's chief administrative and executive officer. He/she shall serve on a full-time basis. He/she shall serve as a non-voting member of the executive board and shall be an ex-officio member of all committees of the Council. Subject to this constitution and to Council policies as adopted by the convention, the executive board, or the appropriate bargaining unit conference, the executive director shall:

- A. carry out the policies of the Council and be responsible for their being carried out by the Council staff;
- B. be the Council's official spokesperson except where the executive board may otherwise direct;
- C. direct negotiations with employers;
- D. direct organizing activities within the Council's jurisdiction;
- E. be the chief administrator of representation elections;
- F. be responsible for the contents of the Council's publications.

**Section 3.** In advance of each fiscal year, the executive director shall submit to the executive board a proposed budget for the coming fiscal year, setting forth the anticipated income and the sources thereof and the anticipated expenditures and their purposes. He/she shall transmit copies of the proposed budget to the president and the treasurer at least fifteen (15) days prior to their submission to the executive board. The treasurer shall submit to the executive board and the president and treasurer of each local, at least ten (10) days prior to its meeting, copies of all proposed budgets

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along with any criticisms, objections or comments on the budget deemed necessary or proper. The proposed budget shall be subject to revision and adoption by the board and the executive director shall adhere to the provisions of the budget as adopted by the executive board. Where there is necessity for substantial modification in the budget, the executive director shall make recommendations to the board for such modification. The board may, at its discretion, make such modifications in the budget from time to time, as it deems necessary.

**Section 4.** The executive director, subject to the approval of the executive board, shall employ, assign and supervise staff employees for purposes of organization, services, education, research, publications, and similar activities. He/she shall have the right to terminate the employment of or otherwise discipline any such staff member. After an application, interview, and background check of qualified candidates, both internally and from outside of the AFSCME organization, and subject to the approval of the executive board, the executive director may designate one applicant as an assistant director, and such assistant director shall perform the functions of the executive director during the absence of the executive director.

**Section 5.** The executive director shall employ, assign, and supervise clerical, technical, and housekeeping employees, and shall have the right to terminate the employment of any such employee. He/she may, with the approval of the executive board, retain professional consultant services.

**Section 6.** The executive director shall actively pursue an equal opportunity/affirmative action plan in hiring and appointing all employees of Council 24. He/she shall report to the annual convention the progress and status of these efforts.

**Section 7.** The executive director shall sign all contracts and other official documents of this Council. He/she shall sign collective bargaining contracts and/or agreements of affiliated locals only after proper ratification by the membership covered by the contract and/or agreement. He/she shall be covered by surety bond in an amount to be determined by the executive board at the expense of the Council and in accordance with the International Union constitution.

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**Section 8.** The executive director shall be the Council's delegate to meetings of the state AFL-CIO organization and to other organizations with which the Council may be affiliated. He/she shall report regularly and fully to the convention and to the executive board on his/her activities and the standing and progress of the Council. He/she shall perform such other duties as may be directed by the convention or the executive board.

**Section 9.** The executive director or his/her designee shall be responsible for sending the constitutional amendments passed at each ruling convention. The executive director or his/her designee shall be responsible for the printing of the amendments approved by the International Union and sending such printed materials to local leadership no more than two months after final approval from the International president.

**Section 10.** No staff member or employee of this Council may remain an officer or member of the executive board of this Council or of any affiliated local union or a delegate to this Council, nor may he/she become a candidate for these offices. A staff member or an employee of the Council may become a delegate to the International convention. A staff member may be a delegate from the affiliated local union of which he/she is a member to central labor bodies or federations, but only one such staff member from any one affiliated local. Except where he/she 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 him/her or causing him/her to be solicited to do so.

**Section 11.** 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 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 be then brought before the Council's executive board whose decision shall not be subject to review by the Council delegate body.

**Section 12.** Provided he/she is not covered by the grievance procedure of a union contract approved by the executive board, a staff member who is

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dismissed may appeal his/her dismissal to the executive board in writing. The board shall grant him/her a hearing or delegate this function to a committee. The board's decision in this matter shall not be subject to review.

**Section 13.** The employment of a staff member into any position above the entrance grade or salary shall require the approval of the executive board.

**Section 14.** No Council executive board member and no local union officer or executive board shall exercise any direction over any Council staff member or other employee except through the executive director.

## ARTICLE X 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 president of this Council or by the executive board of this Council.

**Section 3.** Robert's Rules of Order, Revised, shall be the guide in all cases to which they are applicable and in which they are not inconsistent with this constitution and special rules of this Council or of the American Federation of State, County and Municipal Employees.

**Section 4.** The books and records of this Council shall be audited at least annually by a certified public accountant selected by the executive board, and all officers and employees of this Council are under obligation to give full cooperation toward the completion of such audit. A copy of the audit report shall be sent to each executive board member and to each affiliated local union as promptly as possible, following completion of the audit.

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**Section 5.** Wherever used in this constitution, masculine pronouns shall include the corresponding pronouns of the feminine gender.

## ARTICLE XI AMENDMENTS

**Section 1.** This constitution may be amended by either of the two following methods:

(a) Proposed amendments to this constitution shall be submitted in writing to the executive board at least thirty (30) days prior to the regular or special convention at which a vote is to be taken. The proposed amendments and the recommendations of the executive board shall be submitted to the convention. A two-thirds vote of the delegates present and voting at the convention shall be necessary for adoption.

(b) A proposed amendment which is not submitted to the executive board at least thirty (30) days prior to the convening of a regular convention may be initiated on the floor of the convention upon the consent of a majority of the delegates present at the convention. Such an amendment, however, shall require a two-thirds vote of the delegates present and voting for passage.

**Section 2.** Amendments to this constitution shall become effective upon adoption by the convention and approval by the International President.

As Amended 7/26/06  
Approved by President McEntee 7/17/07