

CONSTITUTION AND BY-LAWS

PREAMBLE

For the purpose of promoting unity of action in all matters affecting the mutual interests of the membership of affiliated locals, we, as members of the American Federation of Government Employees, hereby adopt this constitution.

ARTICLE I NAME

Section 1. This council shall be known as the American Federation of Government Employees Guard/Reserve Technicians Council 501.

Section 2. The headquarters and mailing address of this council shall be the residence of the Council President.

ARTICLE II OBJECTIVES AND METHODS

Section 1. In order to provide maximum service to the membership, this council shall promote the interests and shall improve the effectiveness of the affiliated locals, by providing a concerted voice of strength in unity achieved by the combined efforts of those affiliated locals.

Section 2. This council does not advocate the overthrow of the constitutional form of government in the United States; does not discriminate with regard to membership because of race, color, age, marital status, preferential or non-preferential civil service status, creed, sex, political affiliation, handicapping condition, or national origin; and is not subject to corrupt influences or influences opposed to basic democratic principles.

Section 3. This council subscribes to the provisions of Public Law (PL) 95-454, where applicable.

ARTICLE III CONTROLLING PROVISION

Section 1. This constitution shall not be inconsistent with the AFGE National Constitution. Should any provision of this constitution conflict with the National Constitution, the National Constitution shall prevail.

ARTICLE IV MEMBERSHIP

Section 1. All locals in good standing with AFGE whose membership includes Guard/Reserve Technician employees shall be eligible for membership in this council. Such locals shall be required to affiliate those members that are employed as Guard/Reserve Technician to this council.

Section 2. Representation in the council shall be by duly elected delegates) from member locals.

- (a) Each affiliated local in the council shall be entitled to one delegate for each one hundred active Guard/Reserve union members or fraction thereof.
- (b) Except as otherwise provided, each delegate is entitled to cast one vote on any matter before this council.
- (c) Official AFGE Credential Form C-3 will be issued to delegates and alternates for attendance at council conventions. Credentials will be properly executed by member locals. Delegates and alternates will be furnished one copy, one copy will be mailed to the National Secretary/Treasurer and the original and one copy will be mailed to the council's Secretary/Treasurer.
- (d) Delegates and alternates to the council will be elected to serve for a period consistent with the local's constitution.

ARTICLE V
REPORTING AND FINANCIAL REQUIREMENTS

Section 1. This council will comply with the reporting requirements of PL 95-454 and all other applicable regulations (submission of LM Report and Constitution to the Department of Labor). This council will comply with Internal Revenue Service regulations (submission of Form 990 for the preceding year) - A copy of the above forms will be provided to the AFGE National Office.

Section 2. An annual audit report of AFGE Form 41 will be submitted to the National Office.

Section 3. All representatives or employees of this council who handle funds or property thereof shall be bonded in accordance with PL 95-454 and regulations issued by the Assistant Secretary of Labor pursuant thereto. The AFGE National Office will negotiate for bond coverage in the minimum amount of \$5,000. The council will pay the annual premium. The council shall notify AFGE National of any need to increase this coverage.

Section 4. Copies of all official news publications will be submitted to the National Office at the time of publication.

Section 5. Copies of all official reports, as filed with the appropriate agencies, will be provided to the member locals upon request.

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ARTICLE VI
REVENUE

Section 1. Per capita tax to be \$1.00 per month per member, effective May, 1990.

Section 2. Per capita tax shall be paid at the same time as the National per capita tax is due and shall be based on the number of active Guard/Reserve members in the member local.

(a) Any local failing to pay the monthly dues shall be promptly notified by the Secretary/Treasurer if in arrears. If at the end of three months the local is still in arrears, it will be subject to the same penalties as failure to pay per capita tax to the Federation (Article VI, Section 1; Article VIII, Section 2(d); Article XVI, Section 1 of the AFGE National Constitution)-

(b) A suspended local may be reinstated to full membership in this council upon payment of all arrearages.

Section 3. All receipts, checks and cash disbursements shall be properly recorded and accounted for in the financial records of this council. The Secretary/Treasurer shall sign and the President shall countersign checks covering proper expenditures for the council. In the absence of the President, the Vice President shall be delegated to sign.

Section 4. The books, records and financial accounts of this council shall be open to inspection at all times to the National President and the National Secretary/Treasurer or their duly designated representative and any duly authorized and accredited representative of this council.

ARTICLE VII
OFFICERS: QUALIFICATIONS AND ELECTION

Section 1. The elected officers of this council shall consist of a President, Vice President, Secretary/Treasurer, and Newsletter Editor.

Section 2. The term of office shall be for three years or for the balance of the un-expired term.

Section 3. To be qualified as a candidate for council officer, a member must have been a member of an AFGE local for at least one year immediately preceding the closing of the nomination process; be a member in good standing; and must not be a member in any labor organization not affiliated with the AFL-CIO.

Section 4. No person identified with corrupt influences or who is affiliated with the communist party or other totalitarian movements or who maintains membership in any labor organization not affiliated with the AFL-CIO may serve as an officer of this council.

Section 5. Council officers shall be nominated and elected in accordance with applicable provisions of the AFGE National Constitution. Every member in good standing of constituent locals is eligible to be a candidate and to hold office in the council. However, only those at the council convention, the delegates, may make the nominations.

Section 6. The Officers shall be elected by secret ballot and by a majority vote of the delegates voting at council convention.

Section 7. An election committee shall be constituted to conduct each election. The election committee shall be constituted by the governing body of the council. The committee shall consist of not less than three members, and if a larger committee is required, it shall contain an odd number of members. Its members shall be selected, and it shall meet at a reasonable time before the commencement of the nomination procedure. No member of the committee may be an incumbent of, nor candidate for, the office for which the election is being conducted.

Section 8. At the candidates, expense, the council will comply with all reasonable requests to distribute by mail or otherwise campaign literature in aid of such persons' candidacy to all locals in good standing and will refrain from favorable or unfavorable discrimination toward any candidate with respect to the availability of lists of locals. Whenever the council or officers authorize such distribution of campaign literature on behalf of any candidate of the council, similar distribution at the request of any other bona fide candidate also shall be made, with equal treatment as to the expense of such distribution.

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. In any secret ballot election, a reasonable opportunity shall be given for the nomination of candidates. Every member of constituent locals in good standing and otherwise qualified shall be eligible to be a candidate and to hold office. Delegates shall have the right to vote for or 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 the council or any delegate thereof. Not less than fifteen days prior to the election, notice thereof shall be mailed to each local at the last known address. Each delegate in good standing shall be entitled to vote in accordance with Article IV, Section 3(b) of this constitution. The votes cast by delegates shall be counted, and the results published separately. The Secretary/ Treasurer shall preserve for one year the ballots and all other records pertaining to the election. The ballots and records shall be available to the National President of AFGE.

All elections must be conducted, and protests filed, in accordance with the "AFGE Rules for the Conduct of Elections", as provided for in the AFGE National Constitution. For purposes of entertaining timely election complaints, a complainant has five days after announcement of the election results to submit a timely election complaint. To the extent the five day period runs past the close of business of the council convention the convention shall be deemed standing in recess until the five day period after announcement of the election results expires.

No monetary or other resources of AFGE shall be contributed or applied to promote the candidacy of any candidate in an election. Resources include, but are not restricted to, dues monies and assessments, publications, facilities, office equipment, stationery or other supplies. While the preceding restrictions apply to use of AFGE resources to promote the candidacy of any candidate, such resources may be used for such things as notices, factual statements of issues not involving the candidates and other expenses necessary to conduct an election.

ARTICLE VIII
DUTIES OFFICERS

Section 1. The President shall function as the presiding officer of the council and shall exercise supervision of the affairs of the council. In accordance with the mandates of the council, additional duties of the President shall be to plan and pursue policies which will promote the welfare of this council, to keep the membership fully advised of his/her activities; to preside at council conventions and meetings of the Executive Board; and to sign all documents pertaining to his/her office. The President shall have the authority to hire and fire employees of this council, subject to approval of the Executive Board.

Section 2. The Vice President shall assist the President in performing his/her duties. The Vice President shall preside at any council convention or meeting from which the President is absent. In the absence of both, the delegates may elect a temporary chair-person for the meeting. In the event that the President should resign, die or for any other reason be unable to fulfill the duties of the Presidency, the Vice President shall assume the office and duties of the Presidency.

Section 3. The Secretary/Treasurer shall keep a record of the minutes of all meetings and keep all official records of this council except those which are specifically assigned to others. He/she shall keep the constitution up to date and shall keep the official roster of member locals and notify them of all regular or special meetings. If the Secretary/Treasurer is absent from a meeting, the presiding officer may appoint a temporary secretary who will keep a record of the minutes and furnish them to the secretary/Treasurer. He/she shall mail copies of minutes to all member delegates within sixty days after such meeting.

The Secretary/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 a monthly detailed account to all locals, and an account to all meetings, and whenever otherwise requested to do so by the President. Any surplus funds may be deposited only in banks or state chartered credit unions or in a federally insured savings and loan association whenever such investment is authorized by the Executive Board. The Secretary/Treasurer shall submit the council's books to an audit committee for an annual audit and at the end of his/her term of office. He/she shall pay only such bills as are approved for payment by the President or Executive Board.

Section 4. The Newsletter Editor shall be responsible for ensuring the publication and distribution of the council Newsletter to all member locals. The Newsletter will contain information germane to Guard/Reserve issues as well as subjects deemed in the best interest of the member locals. The Newsletter Editor will select and preside over a Newsletter Committee. The Newsletter Editor will comply with Article V, Section 4 of this constitution.

Section 5. No officer or council representative 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.

ARTICLE IX
EXECUTIVE BOARD AND ITS DUTIES

Section 1. The Executive Board shall consist of the President, the Vice President, the Secretary/Treasurer, and the Newsletter Editor. No paid employee, as distinguished from an elected official, shall be a member of the Executive Board. The Executive Board will meet at the call of the President or by request of a majority of Board members.

Section 2. It shall be the duty of the Executive Board to devise and initiate such actions as may be necessary during the interim between council meetings; but such actions shall not be inconsistent with the objectives of this council, this constitution, or the AFGE National Constitution.

Section 3. In the case of a vacancy in any office of this council, other than the office of President, the Executive Board may elect an individual to fill the vacancy for the remainder of the term of office.

Section 4. The President and Executive Board, by January 1 of each calendar year, shall prepare and adopt a budget to project expenditures for the coming year. Expenditures by the President, with the exception of budgeted items, in excess of \$250-00 per month must have prior approval of the Executive Board. All such expenditures will be reported in writing at the next regular meeting of the council.

Section 5. The Executive Board shall be empowered to establish all rates for salaries and expenses of officers, negotiators, employees, or any other persons engaged to do work for the council).

ARTICLE X
COMMITTEES

Section 1. Special committees may be established as the council may direct, and the membership of such committees, with the exception of the Election Committee and the Newsletter Committee, shall be appointed by the President and shall be subject to Executive Board approval.

Section 2. Standing committees shall be Audit, Organizing, Negotiation, Newsletter, and Legislative Committee.

Section 3. A quorum of any committee shall consist of a majority of members thereof.

ARTICLE XI
MEETINGS

Section 1. This council will hold its convention for election of officers every third year. Starting with 1991, such conventions will be held prior to, in conjunction with, or immediately after the National AFGE Convention for election of officers and will be held at the same convention arena.

Except in cases of emergency, the announcement of any regular or special meeting will be announced at least thirty calendar days prior to such meeting. The announcement will contain the time, date, and place of such meeting, in writing, by the Council President, and will be mailed to the member locals in time for receipt of such notification at least thirty days prior to the convention date. The council Newsletter may be used as an official notification for such meeting.

Section 2. Special meetings may be called at any time by the President, by request of a majority vote of the Executive Board, or upon written request from a representative group of locals. When the notice is provided to the membership, the specific purpose of the meeting also shall be provided. Only those items listed in the notice will be discussed or voted on at such special meetings.

ARTICLE XII
NATIONAL CONVENTION DELEGATES

Section 1. This council is entitled to two delegates for representation at the National AFGE Convention, neither of whom are allowed to vote for National officers unless they are elected by secret ballot vote of the membership of their respective constituent local.

Section 2. The Council President and Vice President by virtue of their election to office shall serve as council delegates at the National AFGE Convention. The Secretary/Treasurer by virtue of election to office shall serve as council alternate delegate at the National AFGE Convention.

ARTICLE XIII
LOCAL'S RIGHTS

Section 1. All constituent locals have the right to conduct internal local business without interference, coercion, or restraint by this council insofar as such matters are not in conflict with this constitution and the AFGE National Constitution.

Section 2. Each constituent local shall be entitled to full participation on all matters before this council through the medium of a delegate(s).

Section 4. Any local having Guard/Reserve Technician membership must be a member in good standing in this council to conduct any business on behalf of this council.

ARTICLE XIV
COMPLAINTS AND APPEALS

Section 1. Complaints against any of the council officers or delegates 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. An Investigation Committee, and if probable cause is found, a Trial Committee will be appointed by the Council President, or the Executive Committee if the President is the accused.

The Council President, or the Executive committee as appropriate, shall insure that neither the Investigation Committee nor the Trial Committee includes the complainant(s) or the accused and otherwise shall be impartial. A hearing on the complaint shall be conducted consistent with applicable provisions of Article XVIII of the AFGE National Constitution.

(b) The Trial Committee's findings of fact and decision shall become effective after forty-five days of its publication or service by mail to all constituent locals, unless disapproved by a majority of them during that forty-five day period.

The Investigation Committee's findings of no probable cause or a Trial Committee's decision exonerating the accused shall not be subject to council approval, nor any further action within the council or the Federation.

(c) If the officer or delegate is fined, suspended, barred or removed from office, he/she may appeal to the AFGE National Executive Committee (NEC) by service upon the National Secretary/Treasurer within thirty days of receipt of the Trial Committee's decision and its effective date.

(d) 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. If the decision of the NEC should affirm any adverse action taken against the appellant by the council, the appellant may further appeal to the next National AFGE Convention.

ARTICLE XV
AMENDMENTS

Section 1. This constitution and any amendments thereof shall become effective and remain so when it is approved by a two-thirds vote of the delegates of this council, present and voting at a regular or special meeting, and subsequently by the AFGE National Executive Council.

Section 2. Any proposed amendment to this constitution shall be submitted to the Secretary/Treasurer in writing not less than forty-five days prior to a regular council meeting. The Secretary/Treasurer shall

notify all member locals of the proposed amendment not less than fifteen days prior to the date on which action will be taken to amend.

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BYLAWS

Section 1. The order of business at regular council meetings, council conventions, and special meetings will be:

- (a) Call to order
- (b) Pledge of Allegiance
- (c) Roll call of officers
- (d) Report of Credentials Committee
- (e) Seating of local delegates
- (f) Reading of minutes of previous meeting and Executive Board minutes
- (g) Report of financial condition
- (h) Election of Election Committee
- (i) Nominations and/or acceptance of nominations for Council President, Vice President, Secretary/Treasurer, and Newsletter Editor.
- (j) Unfinished business
- (k) New business
- (l) Election and installation of officers
- (m) Comments for the good of the council
- (n) Adjournment

Note: Items (d), (e), (h), (i), and (l) pertain only to council convention agenda.

Section 2. The council shall meet annually during the month of February and at a time and place to be announced by the President and determined by the Executive Committee. A quorum of this council shall consist of not less than five locals.

Section 3. All questions before the council will be decided by vote of the delegates present, first by voice vote, then by a show of hands, and then by roll call if requested by any delegate present.

Section 4. The time allowed for debates on any particular issue before the 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 debates may be extended by a majority of those present and voting.

Section 5. Nominations, election and installation of officers will be held at the Council 501 Convention, in accordance with Article XI, Section 1 of this Constitution. A quorum is not required for nomination and election meetings.

Section 6. Robert's Rules of Order Newly Revised shall govern the proceedings at all meetings of the council, when not inconsistent with the provisions of this constitution.

Section 7. Copies of this constitution shall be available to all locals and member delegates in good standing upon request to the Secretary/Treasurer.

Section 8. A Sergeant-at-Arms and a Parliamentarian may be appointed at the discretion of the President to assist in maintaining orderly meetings and to assist in matters of parliamentary procedure.

Section 9. No delegate will be registered, seated, or recognized if the local he/she represents is delinquent more than sixty days in payment of per capita tax to the council.