

**CONSTITUTION**  
**FOR**  
**CALIFORNIA DISTRICT COUNCIL 57**

**ARTICLE I**  
**NAME**

This Council shall be known as California District Council 57 of the American Federation of State, County and Municipal Employees, AFL-CIO.

**ARTICLE II**  
**AFFILIATIONS**

This Council shall be affiliated with the American Federation of State, County and Municipal Employees; the California Labor Federation, AFL-CIO; and the appropriate central labor bodies within its jurisdiction.

**ARTICLE III**  
**OBJECTIVES**

The objectives of this Council shall be the objectives of the American Federation of State, County and Municipal Employees, AFL-CIO, and specifically to extend the membership, to coordinate the activities of the local unions and to render greater service to the membership, and

- a) to organize and unite public employees in the State of California for their mutual welfare, protection, and advancement; and
- b) to better the welfare of the membership and provide AFSCME members a voice in the determination of their terms and conditions of employment through the process of collective bargaining and legislative and political action; and
- c) to foster cooperation among affiliated locals; and
- d) to provide research, education, and organizational services and activities designed to assist members and affiliates and to encourage non-members to exercise their right of membership; and
- e) to work with other labor organizations and other segments of our society to improve conditions for working men and women in particular and society in general; and
- f) to actively organize the opposition to layoffs, the breakdown of job classifications, work rules and reductions in wages and benefits and to coordinate and organize united action of the affiliated locals in opposition to such attacks; and
- g) to use the resources of the Council to build direct links with the communities we serve by campaigning for increases in public services and jobs and therefore extending the membership of this Council and AFSCME in particular and the trade union movement in general as well as building support among the public for issues important to AFSCME members and their families; and
- h) to work toward the formation of a public sector alliance that can unite all public sector workers in our joint struggles against our employers.

**ARTICLE IV**  
**MEMBERSHIP AND REVENUE**

**Section 1.** This Council shall include all AFSCME local unions in the California counties of Monterey, Kings, Tulare, Inyo and all counties located north of these counties; including Local 2620, excluding Locals 1, 206, 3299, 3930, 4034 and all other state employee locals.

Section 2. The application from each local union applying for affiliation with this Council shall be sent to the Secretary of the Council. Membership applications received shall be presented by the secretary at any meeting of the Council, Delegate Assembly or Executive Board.

Section 3. Per capita tax shall be paid to this Council by the member locals at the rate set by the Delegate Assembly. Effective 1999, the per capita tax rate for members having regular work schedules of 21 – 40 hours per week is \$14.85. The per capita tax rate for members having regular work schedules of 16-20 hours per week shall be \$9.40. The per capita tax rate for members having regular work schedules of less than 16 hours per week is \$6.75 per month. Each January, this amount shall be adjusted in accordance with the provisions of the International Constitution and in an amount set by the Delegate Assembly. 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 a fair share fee, or other similar payments to the local union in lieu of dues. All locals shall have the responsibility to collect all dues and fair share moneys owed them. Per capita tax from member locals for each month shall be forwarded to the Treasurer of the Council at the end of each month and shall be accompanied by a report giving the number of members on whom per capita tax is being paid. Monthly reports to the Council shall be made on the same number of members reported to the AFSCME International Union. Local unions which are in arrears on per capita tax to the Council for three (3) months may be suspended from membership in the Council. Such a suspended local union shall be reinstated to membership in the Council upon payment of all arrearages. The International Union shall be notified of all suspensions and reinstatements by the Council.

Section 4. On January 1, 1998, or as soon thereafter as possible, all locals affiliated with the Council shall pay the full Council 57 per capita rate, except as provided by affiliation agreements which can only be in effect for a maximum of 4 years. The minimum dues of all locals affiliated with Council 57 shall be increased to provide an amount sufficient to pay full per capita taxes.

**ARTICLE V  
DELEGATE ASSEMBLY**

Section 1. The Delegate Assembly shall be the highest governing body of the Council. All sovereign powers of this Delegate Assembly shall be vested when the same is in session; and such powers shall be exercised in accordance with the International Union Constitution and the approved Constitution of Council 57.

Section 2. The Delegate Assembly shall meet quarterly.

Section 3. The representation of local unions entitled to affiliation in this Council shall be as follows:

Local unions with 50 members or less	1 Delegate
From 51 to 150 members	2 Delegates
From 151 to 250 members	3 Delegates
From 251 to 350 members	4 Delegates
From 351 to 600 members	5 Delegates

One (1) additional delegate for each additional 1000 members thereafter.

Any member of the Council Executive Board who is not elected as a delegate representing a member local shall nevertheless be entitled to all the rights and privileges of a delegate, at the Delegate Assembly meetings, except the right to vote.

Regardless of the number of delegates, locals shall be entitled to vote on the basis of one vote for each member. Membership determination shall be consistent with Section 5 and 6 of this Article. All matters voted upon will be by voice vote unless a roll call vote is requested. Locals shall notify the Council in writing of the names of all delegates and alternates, and/or any changes to their delegate list.

Section 4. Two or more local unions may unite in sending to the Delegate Assembly or any special Council Delegate Meeting a delegate who is a member of one of such locals, provided that the member is first elected as a delegate by the local to which such member belongs, and the delegate may cast the votes to which the locals are individually entitled. Such authori-

zation from the sending local must be submitted in writing. No delegate may represent more than three (3) locals.

Section 5. Locals entitled to more than one (1) 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 Delegate Assembly. 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. The basis of representation in the Delegate Assembly or any meeting shall be determined from the average per capita tax paid to the Council by each affiliated local union thereof for the three (3) consecutive months ending with the month preceding the call for the meeting or for such period as per capita tax has been paid in the case of local unions chartered and affiliated with the Council less than this period. In the case of special meetings, representation shall be based on the average per capita tax paid to the Council during the three (3) months immediately preceding the call of any special meetings.

Section 7. No local shall be entitled to representation in a meeting unless all per capita tax payments and other accounts due this Council are paid before the opening of the meeting; and provided further that no local shall be entitled to representation in a meeting if that local has obtained a charter of affiliation for the American Federation of State, County and Municipal Employees less than fifteen (15) days prior to the Delegate Assembly meeting, except by special action of the delegates. It is understood that locals must be in good standing with the International Union.

Section 8. The names of delegates to the Delegate Assembly shall be forwarded to the Council 57 days prior to each local president and secretary at least seven (7) days in advance of the start of the Delegate Assembly in order to be regularly seated.

Section 9. The Delegate Assembly call shall be sent to each local union affiliated with the Council at least fifty (50) calendar days in advance of the Delegate Assembly.

## **ARTICLE VI OFFICERS AND COMMITTEES**

Section 1. The officers of this Council shall be: president, vice-president, treasurer, secretary and one (1) Executive Board member for each two thousand (2000) members, or portion thereof, which shall constitute the Executive Board of the Council. Officers and Executive Board members shall be elected for a term of two (2) years.

Section 2. No person shall be eligible for election as an officer or Executive Board member of the Council unless he/she is a member in good standing of a local union in good standing with the Council.

Section 3. The election of officers and Executive Board shall be conducted in the following manner:

- a) Election Committee. Ninety (90) days prior to the first regular Delegate Assembly of the odd-number years, the Council President shall appoint an election committee, who shall supervise the conduct of the election process.
- b) Officer and Executive Board Nominations. At the first regular Delegate Assembly, of the odd-number years, nominations for Council officers and Executive Board members shall be opened and taken from the floor.
- c) Officer Elections. The elections shall take place at the regular April Delegate Assembly. The election shall be by secret ballot on a majority per capita vote cast by the Council delegates present at that meeting. The per capita vote cast shall be based on the formula outlined in Article V, Section 5 and 6 of this Constitution. Two weeks in advance of the election date, each local shall be sent a total statement of the per capita votes to which they are entitled, together with a statement as to whether they are in good standing with the Council; any protest to either the per capita statement or the statement of good standing shall be directed to the

election committee, who shall issue its report prior to the casting of ballots in the election.

- d) All elections shall be conducted in accordance with the Elections Code, Appendix D of the International Constitution.

Section 4. Executive Board members shall be elected at large with no more than two (2) members from any one (1) local being elected.

Section 5. In the event of a Board approved affiliation agreement, the Board may be expanded by a vote of the Executive Board until the next election, then shall revert to the total number in Section 1.

Section 6. Vacancies in office shall be filled for the remainder of the unexpired term by majority vote at the next Delegate Assembly meeting, after all affiliated locals of this Council have been given fifty (50) days notice of such vacancy. If a vacancy occurs at such a time that this notice requirement cannot be met before the next scheduled Delegate Assembly meeting, the Council Executive Board may fill the vacancy until a regular Delegate Assembly meeting for which the required notice can be given.

Section 7. Finance Committee. There shall be a standing Finance Committee appointed by the Council President from the membership of the Executive Board, consisting of the Council Treasurer and four (4) other members. All actions of the Finance Committee shall be subject to approval of the Executive Board at its next meeting. Minutes shall be kept by the committee and shall be provided to Executive Board members at the next Executive Board meeting or mailed to them, as dictated by the time of the meetings of the two (2) bodies. The Finance Committee shall prepare a preliminary budget which shall be submitted to the Executive Board for approval at a meeting to be held before January 31 of each year. Where there is necessity for substantial modification in the budget, the Council Director or designee shall report such fact to the Finance Committee with recommendations for modification. The Finance Committee shall review the Council Director or designee's recommendations and may, at its discretion, make such modifications in the budget from time to time as it deems necessary. All meetings of the Council Finance Committee shall be noticed to the members of the Executive Board.

Section 8. All books, records and financial accounts of the Council shall at all reasonable times be open to the inspection of national AFSCME officers or assigned representatives or any duly authorized representative of any member local of the Council.

## ARTICLE VII DUTIES OF OFFICERS AND EXECUTIVE BOARD

Section 1. The president shall:

- a. preside at all meetings of the Delegate Assembly and of the Executive Board.
- b. be a member of all committees except election committee.
- c. countersign all checks drawn against the funds of the Council.
- d. appoint all committees and all special committees of the Council, subject to the approval of the Executive Board.
- e. report periodically to the delegates regarding the progress and standing of the Council and regarding the president's official acts.

Section 2. The Vice-President shall:

- a. assist the president in the work of the president's office.
- b. in the absence of the president, or in the president's inability to serve, preside at all meetings and perform all duties otherwise performed by the president.
- c. in the absence of either the president or treasurer, may act as a co-signer for Council moneys.

Section 3. The Secretary shall:

- a. keep a record of the proceedings of all Delegate Assembly meetings and send a written record of all Delegate Assemblies to all delegates, alternates and Presidents of local unions affiliated with this Council, no later than 120 days after the conclusion of such Delegate Assemblies.
- b. carry on the official correspondence of the Council except as the Delegate Assembly or Executive Board may direct otherwise.
- c. in the absence of two (2) of the following – President, Vice-President, Treasurer, may act as a co-signer for Council moneys.

Section 4. The Treasurer shall do or cause to have done:

- a. receive and receipt for all moneys of the Council.
- b. deposit all money so received in the name of the Council in a bank or banks selected by the Council, and money so deposited shall be withdrawn only by check signed by two of the officers authorized to sign checks under this article.
- c. prepare and sign checks for such purposes as are required by the constitution or are authorized by the Council or in the event the Council is unable to meet and it is deemed an emergency by the Executive Board, the Executive Board may authorize the expenditure of the necessary funds.
- d. be responsible for the payment of the annual affiliation fee from the Council to the International Union.
- e. keep 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.
- f. act as a custodian of all properties of the Council.
- g. give a surety bond for an amount to be fixed by the International Union, at the expense of the Council and through the International Union, the bond to cover all officers, Executive Board members and employees of the Council.
- h. see that any financial reports required by the International Union Constitution to be submitted to the International Union are submitted in accordance with the International Union Constitution.

Section 5. The Executive Board shall:

- a. be the governing body of the Council except when the Delegate Assembly is in session.
- b. meet at the call of the president or of a majority of the members of the board.
- c. submit a report on all actions taken by the Executive Board to the Assembly Delegates.
- d. have a majority of the Executive Board members present in order to constitute a quorum.
- e. be regular in attendance at Executive Board meetings. If an Executive Board member misses three (3) consecutive regular scheduled Executive Board meetings, except for an extreme emergency or illness, such member shall be removed from office and an election would be held to fill the vacancy.

Section 6. The Council shall employ staff to carry out the objectives, policies and goals of the Council:

- a. the Council shall employ a Council Director who shall be the Council's administrative officer. He/she shall, under the direction of the Council, employ, terminate and

direct the activities of such staff as are required to carry out effectively the functions of the Council.

- b. the Council shall employ other business agents and staff as it deems necessary.
- c. it shall require a two-thirds (2/3) majority of those Executive Board members present at a regular or special Executive Board meeting to terminate the Council Director.

Section 7. All officers and employees shall be bonded in accordance with the International Constitution.

Section 8. An annual audit shall be conducted in accordance with the International Constitution.

#### **ARTICLE VIII AMENDMENTS AND RATIFICATION**

Section 1. Proposed amendments to this Constitution shall be presented in writing at least ninety (90) days prior to the Delegate Assembly. The proposed amendments shall be read at a Delegate meeting, and then shall be acted upon at the next following Delegate Assembly meeting, and then shall be acted upon as long as a written notice is given to all affiliated locals at least fifty (50) days prior to the Delegate Assembly at which the proposed amendments are to be considered. Amendments not submitted within the time limits described in this Section may be considered at the Delegate Assembly on a majority vote of the delegates voting at such meetings.

Section 2. This Constitution may be amended, revised or changed only by a vote of two-thirds (2/3) of the delegates voting on such proposed changes and such change shall take effect only upon written approval of the International President.

#### **ARTICLE IX MISCELLANEOUS**

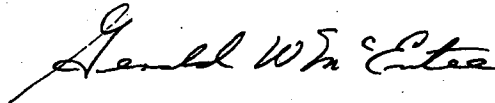
Section 1. All judicial procedures shall be conducted in accordance with Article X of the International Constitution.

Section 2. This Council shall at all times be subject to the provisions of the Constitution of the American Federation of State, County and Municipal Employees, AFL-CIO.

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 the American Federation of State, County and Municipal Employees.

Section 4. Except to the extent specified in this constitution, no officer of the Council shall have the power to act as agent for or otherwise bind the Council in any way whatsoever. No member or group of members or other person or persons shall have the power to act on behalf of or otherwise bind the Council except to the extent specifically authorized in writing by the president of the Council, or by the Executive Board of the Council.

APPROVED BY:



GERALD W. McENTEE  
International President

Approval Date: May 18, 1999

*(Jurisdiction changed effective: 10/1/2016)*