

# San Mateo County Central Labor Council AFL-CIO



## Constitution

*As Amended December 14, 2015*

### SAN MATEO COUNTY CENTRAL LABOR COUNCIL CONSITUTION

#### TABLE OF CONTENTS

Order of Business . . . . .	1
Preamble . . . . .	2
Objects and Principles. . . . .	2
Name . . . . .	2
Composition . . . . .	4
Representation and Delegates. . . . .	4
Voting. . . . .	6
Meetings . . . . .	7
Officers and Elections . . . . .	8
Obligation. . . . .	12
Duties of Officers. . . . .	13
Executive Board . . . . .	15
Executive Secretary-Treasurer. . . . .	17
Legislative and Political Action (COPE) . . . . .	20
Standing and Special Committees . . . . .	20
Finances. . . . .	22
Financial Practices and Audits. . . . .	25
Charges and Hearings. . . . .	26
Strikes and Boycotts. . . . .	28
Authority, Responsibility and Function of the Council in Trade Disputes. . . . .	29
Rules, Parliamentary Authority and Admendments. . . . .	30
Resolutions. . . . .	31
Use of Council Name and Mailing List. . . . .	32
Chapters. . . . .	32

#### ORDER OF BUSINESS

- Call to Order
- Reading of Credentials
- Roll Call of Officers
- Reading of Minutes
- Trustees Review
- COPE Report
- Reading of Communications
- Executive Board Report
- Executive Officer's Report
- Standing Committees
- Special Committees
- Unfinished Business
- New Business
- Good of the Council
- Adjournment

## PREAMBLE

The establishment of this Council is an expression of the hopes and aspirations of the working people of San Mateo County.

We seek the fulfillment of these hopes and aspirations through democratic processes within the framework of our Constitutional Government and consistent with our institutions and traditions.

At the collective bargaining table, in the community, in the exercise of the rights and responsibilities of citizenship, we shall responsibly serve the interests of all the American people.

We pledge ourselves to a more effective organization of working men and women; to the securing for them the full recognition and enjoyment of the rights to which they are justly entitled; to the achievement of ever higher standards of living and working conditions; to the attainment of security for all the people; to the enjoyment of the leisure which their skills make possible; and to the strengthening and extension of our way of life; and the fundamental freedoms which are the basis of our democratic society.

We shall combat resolutely the forces that seek to undermine the democratic institutions of our nation and to enslave the human soul. We shall strive always to win full respect for the dignity of the human individual whom our unions serve.

Grateful for the fine traditions of our past, confident of meeting the challenge of the future, we proclaim this constitution.

## OBJECTS AND PRINCIPLES

(a) To protect and strengthen our democratic institutions. To secure full recognition and enjoyment of the rights and liberties to which we are justly entitled and to preserve the cherished traditions of our democracy.

(b) To encourage all workers regardless of race, creed, color, age, sex, national origin, sexual orientation, disability or ancestry to share equally in the full benefits of union organization and to promulgate the principles enunciated by the AFL-CIO that the concern of one is the concern of all and to uphold the Constitution of the AFL-CIO.

(c) To aid and encourage the sale and use of union made goods and services through the use of the Union Label and other symbols; to promote the labor press and other means of furthering the education of the labor movement.

(d) To encourage workers to register and vote, to exercise their full rights and responsibilities of citizenship, and to secure legislation which will safeguard and promote the principle of free collective bargaining, the rights of workers, consumers, and the security and welfare of all the people and to oppose legislation inimical to these objectives.

(e) To aid and assist affiliated unions in extending the benefits of mutual assistance, to promote the organization of the unorganized into unions of their choosing for their mutual aid, and to aid workers in securing improved wages, hours, working conditions and safe work environments with due regard to the autonomy, integrity and jurisdiction of affiliated unions.

## NAME

SECTION 1. This organization shall be known as the San Mateo County Central Labor Council, AFL-CIO hereinafter referred to as the Council. As a chartered organization of the AFL-CIO this central body shall conform its activities on state matters to the policies of the state central body, and on national affairs to the policies of the AFL-CIO.

COMPOSITION

SECTION 2. This Council shall be composed exclusively of the following organizations with members employed within the geographical limits of San Mateo County.

- (a) Local unions of national and international unions and organizing committees affiliated with the AFL-CIO.
- (b) Local councils chartered by the trade and industrial departments of the AFL-CIO.
- (c) Joint boards and district councils which are duly chartered by an affiliate of the AFL-CIO.
- (d) Auxiliaries and union retiree groups and such other subordinate bodies as the Executive Board may determine are eligible for affiliation in accordance with the Constitution and Rules and Regulations of the AFL-CIO.
- (e) Local Unions with Solidarity Charters authorized by the Executive Council of the AFL-CIO, for so long as it remains in effect.

REPRESENTATION AND DELEGATES

SECTION 3.

(a) Affiliated local unions in good standing (that is, not more than two (2) months in arrears, unless exonerated as hereinafter provided) shall be entitled to representation according to the following schedule:

49 members or less...	1 delegate
50-99 members.....	2 delegates
100-199 members.....	3 delegates
200-299 members.....	4 delegates
300-499 members.....	5 delegates
500-699 members.....	6 delegates
700-999 members.....	7 delegates
1000-1299 members...	8 delegates

One (1) additional delegate for each additional 500 members over 1299.

(b) For each delegate to which entitled above, an affiliated Local Union shall be entitled to an alternate delegate, the function of which shall be to represent the Local at any Council meeting when one or more of the Local's regular delegates are not in attendance. The combined total of regular and alternate delegates representing an affiliated Local union at any Council meeting shall not exceed the maximum number of delegate positions to which the Local is entitled under the schedule.

SECTION 4. No delegate shall be seated except upon presentation of a proper credential from an affiliated organization in good standing, which credential shall be examined and attested by the Credentials Committee as to the eligibility of the delegate and the standing of the organization sending the delegate. The report of the Credentials Committee shall not be made until the Committee shall have had adequate opportunity to examine the credential and to ascertain its validity, but in no case shall the report be delayed beyond the meeting following the meeting at which the credential was first presented.

SECTION 5. No person shall be eligible to serve as a delegate unless he or she is a member in good standing of a local union affiliated with this Council, and whose union is in good standing with the AFL-CIO. In order to serve as delegate to this Council from more than one local union or other affiliated subordinate body of the same national or international union, an individual must 1) first be duly elected or appointed as a delegate from the affiliated body in which he or she holds membership, then 2) be duly elected or appointed as delegate by any such additional local union or other affiliated subordinate body from the same national or international union, as provided in the rules or constitution of each such body, and 3) present to the Council the proper credential attesting to same, provided that no more than two (2) such bodies may be represented by any one delegate.

SECTION 6. Affiliated subordinate bodies other than local unions, as defined in Sections 2 (b), (c) and (d) of this constitution, shall be entitled to one (1) delegate and one (1) vote. However, the California alliance for Retired Americans (CARA) shall be entitled to three (3) delegates with one (1) vote per delegate as provided for in the AFL-CIO Rules Governing Local Central Bodies.

SECTION 7. Upon acceptance of a delegate's credential, the Presiding Officer shall administer the following obligation:

**“I, (name of delegate), do solemnly pledge on my honor that as a delegate to the San Mateo County Central Labor Council, I will, in addition to attendance at delegate meetings, contribute my time and effort annually toward Council activities in furtherance of labor's goals, and that I will obey the rules and regulations of this body, and to the best of my ability, perform all the duties I may be called on to discharge as a delegate thereto.”**

SECTION 8. The Council will undertake all reasonable efforts to ensure diversity of representation at every level.

### VOTING

SECTION 9. Except on per capita votes, each delegate shall be entitled to one (1) vote. Voting shall be by voice or division of the house (show of hands or standing vote) unless a roll call or per capita vote is properly demanded by twenty-five percent (25%) of the delegates present. Except as provided in section 14, no delegates shall be permitted to cast the proxy of another delegate and no delegate shall be allowed to represent more than one organization.

SECTION 10. Any delegate may call for a division of the vote.

SECTION 11. A roll call or per capita vote shall be held on any pending question, including election of officers, upon demand of twenty-five percent (25%) or more of the delegates present.

SECTION 12. On per capita votes each local union shall be entitled to the number of votes equal to the average membership of the local union as determined according to the provisions of Section 13 of this constitution.

SECTION 13. The average membership of a local union shall be determined on the basis of per capita tax payments for the two (2) preceding calendar quarters. The average membership of a local union affiliated for less than the base period shall be computed from the month of affiliation, and shall be determined by dividing the total per capita tax paid for all months affiliated by the number of months affiliated or by six (6), whichever is greater.

SECTION 14. The votes of a local union shall be divided equally among all its accredited delegates present and each delegate shall be entitled to cast only his or her assigned number of votes, except that to facilitate a per capita vote one (1) delegate may be designated to cast all of the votes of the delegates representing his or her local union, provided that if any delegate shall challenge the correctness of the votes so cast, the individual delegates of that local union shall be polled.

SECTION 15. The Executive Secretary–Treasurer shall maintain on a current basis, the official roll of delegates, showing the average membership of each local union as established under provisions of Section 13 of this constitution.

### MEETINGS

SECTION 16. Regular meetings of the Central Labor Council shall be held on the 2<sup>nd</sup> Monday of each month at 6:00 p.m. Due notice shall be given all affiliates and delegates of any change of meeting place or time.

SECTION 17. Special meetings for consideration of specified matters shall be held when ordered by a regular meeting of the Council or by vote of the Executive Board. Written and/or electronic notice of the special meetings shall be given to all affiliated organizations and delegates at least five (5) days in advance of the meeting. The matter, or matters, for consideration of the special meeting shall be stated in the notice and no other business shall be transacted.

SECTION 18. The business of this Council shall be transacted by the delegates representing the affiliated unions and it shall require delegates of not less than ten (10) of the affiliates representing at least five (5) National or International Unions in this Council to form a quorum. Unless a quorum is present, no business shall be transacted, except as the Executive Board is empowered in Section 45 of this Constitution.

SECTION 19. At the appointed hour the President, or such other qualified officer that is present, shall call the meeting to order and proceed to transact such business as may come before it. In the absence of the President or other qualified officer, one of the delegates present shall call the meeting to order and elect one (1) member as a temporary presiding officer who shall conduct the meeting with the same authority as that provided the President.

### OFFICERS AND ELECTIONS

SECTION 20. the elected officers of this Council shall be as follows:

President  
First Vice President  
Second Vice President  
Recording Secretary  
Treasurer  
Executive Board Members at Large, twelve (12) members – ranked numerically by vote  
Sergeant-At-Arms  
Committee of Trustees, three (3) members

SECTION 21.

- (a) No person shall be eligible to serve as an officer, a member of the Executive Board or of any committee of the Central Body or as a Delegate of this Central Body who consistently pursues policies and activities directed toward the achievement of the program or purposes of authoritarianism, totalitarianism, terrorism and other forces that suppress individual liberties and freedom of association or who holds a salaried position or any other position of administrative or executive authority in a union, or any subordinate branch of a union, which has been suspended or expelled from the AFL-CIO.
- (b) In accordance with the AFL-CIO Ethical Practices Code, no person who is convicted of any felony involving the infliction of grievous bodily injury, any crime of dishonesty or any crime involving abuse or misuse of such person's position or employment in a labor organization or an employee benefit fund shall serve as an officer or managerial employee of the Central Labor Council.

SECTION 22. Each officer, at the time of his or her election, and at all times during his or her term of office, shall be required to be a duly accredited delegate from an affiliated organization. If he or she ceases to be a delegate, the office he or she holds shall thereby become vacant and a special election shall be held to fill the vacancy, in accordance with Section 31.

SECTION 23. The term office shall be two (2) years and each officer shall hold office until his or her successor has been elected and installed.

SECTION 24. Not more than one (1) delegate from the same local union, nor more than three (3) delegates from different locals of the same national or international union, shall be eligible to hold office at the same time, the offices of Sergeant-at-Arms and Trustee being exempt from this rule.

SECTION 25. In an election year, nominations for all officers and committees shall be held at the regular meeting in October and November. The election shall be held at the regular meeting in December in even numbered years. Installation of officers shall be held at the regular meeting in January.

SECTION 26. The Chair shall, at the last meeting where nominations can be accepted, may appoint an Election Committee of no fewer than three (3) members, none of whom may be a candidate, whose duties shall be to make all preparations for and to conduct the balloting in conformity with this constitution.

SECTION 27. Nominations may be made of absent delegates in good standing at the first meeting of nominations only. The Executive Secretary-Treasurer must be notified of acceptance in writing prior to the second nomination.

SECTION 28. Election of officers and members of standing committees shall be by prepared ballot of uniform size and appearance supplied by the Council, with the names of the candidates appearing alphabetically thereon. Following the name of the candidates, there shall be listed their local and international affiliations and the number of votes to which each delegate is entitled. The ballot shall indicate the number of positions to be filled for each office or committee.

SECTION 29. At the election of officers and standing committee members, a valid ballot must contain votes for as many positions as are to be filled. That portion of any ballot which fails to meet the requirements of this section shall be invalid and shall not be counted. Ballots containing erasures, or otherwise defaced or mutilated, shall be invalid and shall not be counted. Absentee ballots shall not be accepted.

SECTION 30.

(a) The election may be by acclamation for any uncontested office of standing committee.

- (b) All offices for which there is only one (1) position to be filled shall require a majority to elect.
- (c) In cases where no candidate for a particular office receives a majority on the first vote, the candidates for that office receiving the least number of votes shall be eliminated and a second vote shall be taken. This procedure shall be followed until one (1) candidate obtains a majority of the votes cast.
- (d) All offices and committees for which there is more than one position to be filled shall be nominated at large. Those receiving the highest number of votes shall be declared elected, and their designated position shall be determined by the number of votes drawn, i.e., highest vote drawn shall be position 1, second highest shall be position 2 and third highest shall be position 3.
- (e) Election shall be held by per capita vote in accordance with Sections 13-15 of this Constitution and the provisions of Rule 10 (b) of the AFL-CIO Rules Governing Local Central Bodies, issued May 1991, or as the rule may subsequently be amended.

SECTION 31.

- (a) In the event an election results in a violation of Section 24 of this constitution, the person involved who is elected to the office with highest rank shall be declared elected and another election shall be held for the other office or offices affected. For the purpose of these subsections, the rank of the officers shall be determined by the order named in Section 20 of this Constitution.
- (b) Candidates for office shall not be allowed to run for more than one office.

SECTION 32.

- (a) Whenever a vacancy exists in any of the offices listed in Section 20, the vacancy shall be filled in the following manner: The presiding officer shall declare such office vacant, and shall instruct the Executive Secretary-Treasurer to notify all affiliated locals of the vacancy.

At the next meeting, nominations shall be opened to fill the vacancy and at the following meeting the election shall take place as provided in Section 30. Installation of such officers shall take place the night of the election.

- (b) Whenever a vacancy exists in any standing committee, the President shall appoint a replacement, subject to the approval of the Executive Board.

SECTION 33. All unions must be in good standing in accordance with Section 68 of this Constitution on the night of the annual election of officers for their delegates to vote. The only exception to this rule shall be to Unions actually on strike or locked out, and who have been exempted from paying per capita tax by reason thereof.

#### OBLIGATION

SECTION 34. The newly elected officers will take their places in front of the President or Installing Officer and repeat the following obligation: (three raps, installing officer) – “Brothers and Sisters: Raise your right hand and repeat after me the following obligation:”

**I, \_\_\_\_\_, promise, on my honor, that I will truly and faithfully, to the best of my ability, perform the duties of my office, for the ensuing term, as prescribed in the Constitution and By-Laws of this Council.**

**As an officer of this Council, I will contribute my time and effort annually toward Council activities in furtherance of labor’s goals, and will endeavor, both by counsel and example, to promote harmony and unity within the labor community and preserve the dignity of the Council’s session. I further promise that at the close of my term, I will promptly deliver any money or property of this Council in my possession to my successor in office. (one rap)**

SECTION 35. All officers and elected standing committee members shall, at the expiration of their terms of office, or in case of resignation or removal, turn over all books and property belonging to the Council in their possession to their successors.

#### DUTIES OF OFFICERS

SECTION 36. The President shall:

- (a) Preside at all meetings of this Council.
- (b) Enforce the Constitution and Laws of this Council and the laws of the AFL-CIO.
- (c) Decide on all questions of order, subject to appeal to the Council.
- (d) May vote on all per capita votes and on any other votes to make or break a tie.
- (e) May co-sign all orders on the treasury, authorized by this Council.
- (f) Perform such other duties as designated by the Council.
- (g) Be an ex-officio member of all committees with voice and vote.
- (h) Shall ensure all Executive Board members are informed of and prepared to perform parliamentary duties as needed.
- (i) Shall establish and appoint special committees.
- (j) May call special meetings of the Executive Board and Council.
- (k) Appoint two (2) delegates to represent the Council on the San Mateo County Labor Publishing Company Board of Directors, subject to the approval of the Executive Board.

SECTION 37. The First Vice-President shall:

- (a) Assist the President in the discharge of his or her official duties and fill his or her place in case of absence, death, removal, or resignation until such time as a President may be elected.

- (b) Be an ex-officio member of all committees with voice and vote.

SECTION 38. The Second Vice-President shall:

- (a) Assist the president and First Vice-President in the discharge of their official duties.
- (b) Be an ex-officio member of all committees with voice and vote.

SECTION 39. The Recording Secretary shall:

- (a) Keep an accurate attendance record of officers of the Council.
- (b) Keep an accurate and complete record of all regular and special meetings of the Council Executive Board and Delegate Body.
- (c) Be an ex-officio member of all committees with voice and vote.

SECTION 40. The Treasurer shall:

- (a) Be responsible to see that the Executive Secretary-Treasurer performs the duties of Section 50 (c), (d), (e), (f) and (g).
- (b) May co-sign all orders of the treasury, authorized by the Council.
- (c) Carry out the duties in accordance with the AFL-CIO Rules Governing Local Central Bodies.
- (d) Perform such other duties as designated by the Council.
- (e) Be an ex-officio member of all committees with voice and vote.

SECTION 41. The Sergeant of Arms shall:

- (a) Have charge of the door and assist the Chair in maintaining order.
- (b) Admit only accredited delegates and guests.
- (c) Keep an accurate attendance record of delegates to the Council.
- (d) Perform such other duties as the Council may require.

SECTION 42. The Trustees shall:

- (a) Examine and sign all expense vouchers for payment by the Council.
- (b) Secure or cause to be secured for the Council all papers and records, and all tangible property of any name and nature, the disposition of which is not otherwise provided, except money in the hands of the Executive Secretary-Treasurer.
- (c) They shall review the books of the Executive Secretary-Treasurer at least once every three (3) months and sign a written detailed report of same to the Council.
- (d) They shall study the Certified Public Accountant's report made annually and submit same to the next regular meeting of the Council.
- (e) They shall perform such duties as the Council shall from time to time determine.
- (f) Immediately after their election they shall meet and select a Chair who shall preside at the sessions of the committee and make the required reports to the Council.

SECTION 43. All officers and managerial employees of this Council must certify that they have read the AFL-CIO's Ethical Practices Code, that they are in compliance with it, and, if not, state the steps that will be taken to comply with it.

EXECUTIVE BOARD

SECTION 44.

- (a) The Executive Board shall be composed of the President, 1<sup>st</sup> and 2<sup>nd</sup> Vice-Presidents, Treasurer, Recording Secretary and the twelve (12) elected members at large.
- (b) Additionally, in areas with one or more viable AFL-CIO constituency groups, the combined constituency groups affiliated with the labor council shall be entitled to one voting seat on the labor council's governing board.
- (c) The Executive Secretary-Treasurer shall be an ex-officio member of the Executive Board with voice but no vote.



SECTION 45. The Executive Board shall be the governing body of the Council between meetings and it is authorized and empowered to take such action and render such decisions as may be necessary to carry out full decisions and instructions of the Council and as may be necessary and appropriate to safeguard and promote the best interests of the Council and its affiliated unions.

SECTION 46. The Executive Board shall:

- (a) Attend to all matters referred to it by the Council and make written reports of the meeting to the Council following each assignment.
- (b) Formulate measures and suggest remedies for immediate and permanent benefit to the Council.
- (c) Act as an arbitration committee in such matters that may be referred to it by the Council.
- (d) Call special meetings and in the name of the Council act in all public matters.
- (e) Advise, assist and direct the Executive Secretary-Treasurer in carrying out the duties of office.

SECTION 47. The Executive Secretary-Treasurer shall send written notice to the Executive Board members that their office will be declared vacated upon the third consecutive unexcused absence.

SECTION 48. The Executive Board shall meet when so directed by the Council and it shall meet on call of the President or the Executive Secretary-Treasurer when a special call meeting is deemed necessary.

SECTION 49. A quorum for transaction of Executive Board business shall consist of seven (7) members.

## EXECUTIVE SECRETARY-TREASURER

SECTION 50. The Executive Secretary-Treasurer shall:

- a. Be the executive officer of the Council, serving as official spokesperson and press secretary on all matters pertaining to the Council.
- b. Be responsible for administration of the Council, including employment of representatives and staff to assist in carrying out the duties of office, subject to the approval of the Executive Board.
- c. Receive all money paid to the Council under the direction of the Treasurer.
- d. Co-sign all orders on the Treasury authorized by this Council in the absence of the President or Treasurer.
- e. Maintain adequate financial records showing the source and disposition of all funds in his or her care, under the direction of the Treasurer.
- f. Make a financial report at the regular meeting of the Council and insure that is made available either electronically or in hard copy to affiliated unions upon their request.
- g. Produce the books for inspection whenever called upon by the Trustees and submit the balanced books to a certified public accountant annually, under the direction of the Treasurer.
- h. Keep an accurate list of organizations affiliated with the Council showing the standing and per capita membership of each organization.
- i. Notify affiliated organizations of the attendance of their delegates upon demand.
- j. Issue all summons for meetings.
- k. Carry on all correspondence and report all correspondence for the Council at its meetings.
- l. Keep well informed on all phases of the labor movement.
- m. Plan, promote and implement the policies of the Council including public affairs participation, organizing programs, political and/or legislative campaigns, educational activities and other projects to enhance the prestige and strength of the Council.

- n. Carry out the duties in accordance with the AFL-CIO Rules Governing Local Central Bodies.
- o. Perform such other duties as designated by the Council.
- p. Be an ex-officio member of all committees, including the Executive Board with voice and no vote.
- q. Attempt to settle any dispute that may arise between an employer, or group of employers, and an affiliated union upon request of the union involved.
- r. Upon request from an affiliated local union, assist such local union(s) in their business and organizational affairs, provided time will permit.
- s. Be the first delegate to any convention or conference in which this Council participates.
- t. Notify all affiliates of Council nominations and elections.
- u. Represent the Council on the San Mateo County Labor Publishing Company Board of Directors.

SECTION 51. The selection and employment of the Executive Secretary-Treasurer shall be as follows:

- (a) Job announcements are to be sent to all affiliates and Central Labor Councils in the State requesting they communicate this to all affiliated locals and their delegates. Special consideration shall be given to an applicant that is a member of a local union or council affiliated with this Council.
- (b) A screening committee, consisting of three (3) Executive Board members selected by the Executive Board and two (2) non-Executive Board members elected by the delegates attending a regular Council meeting shall screen the total number of applicants to a minimum number of five (5), provided a sufficient number of applicants are received to reduce the number to five (5). The screening committee shall submit the recommended applicants to a Selection Committee. The screening committee shall be abolished once a candidate is confirmed.

- (c) The Selection Committee, consisting of the entire Executive Board, shall recommend a candidate for the position of Executive Secretary-Treasurer.
- (d) Not more than two (2) votes from different locals of the same national or international union shall be allowed in the selection of the candidate for Executive Secretary-Treasurer. The selection shall be by a majority of those voting.
- (e) If more than two (2) members are voting from the same national or international union the two (2) votes allotted will be divided equally among that union's representatives.
- (f) At a regular Council meeting, the presiding officer shall announce the name of the recommended candidate. All affiliated locals shall be notified of the name and the qualifications of the candidate and the date of the regular Council meeting at which a per capita vote on confirmation shall be taken by the delegates in attendance. The voting shall be conducted in accordance with the Constitution.
- (g) If the candidate is not confirmed, the matter shall be referred back to the Selection Committee. The Selection Committee shall review, reconsider and select a candidate for confirmation at the next Council meeting.
- (h) The confirmed Executive Secretary-Treasurer shall start employment on a mutually agreed date.
- (i) A meeting of the Selection Committee to review the job performance of the Executive Secretary-Treasurer may be called by written request to the President, of at least three (3) members of the Selection Committee. A minimum of ten (10) days notice must be given to all Selection Committee members, by mail, prior to the meeting.
- (j) The Selection Committee shall be empowered to terminate the Executive Secretary-Treasurer during probation or for just cause.
- (k) The Executive Secretary-Treasurer may appeal such decision to the delegates of the Council.

## LEGISLATIVE AND POLITICAL ACTION (COPE)

SECTION 52. The legislative activities of the Council shall be under the direction of the Executive Secretary-Treasurer. These activities shall conform to the policies of the state AFL-CIO on state matters and to the policies of the national AFL-CIO on national affairs and to the policies adopted by the Council and the decisions of the Executive Board on local matters.

SECTION 53. The political activities of the Council shall be under the direction of the Executive Secretary Treasurer and Political Director with guidance by the Council's Committee on Political Education (COPE), which is hereby constituted as the political arm of this Council. The Council's Committee on Political Education shall operate in conformity with the policies of the AFL-CIO and of the national and state COPEs and shall be known as the Committee on Political Education of the San Mateo County Central Labor Council, AFL-CIO.

SECTION 54. All officers of the Council shall occupy corresponding positions in the Council's COPE.

SECTION 55. The Council's COPE shall have power to formulate Bylaws which shall:

- (a) Be consistent with the policies of national COPE
- (b) Constitute an appendix to this Constitution
- (c) Govern all aspects of COPE, including finances
- (d) Be subject to ratification by the Council

## STANDING AND SPECIAL COMMITTEES

SECTION 56. The standing committees of this Council, and the duties of those committees, shall be as follows:

- (a) Credentials Committee, consisting of up to three (3) members, shall:
  - Examine the credentials and attest to the eligibility of the delegates and to the good standing of their organizations.

- Certify to the accuracy of the current list of affiliated unions and delegates.
  - Instruct the delegates in the practices and policies of the Council.
- (b) Community Services Committee, consisting of up to nine (9) members, shall:
    - Develop and recommend a program of community services for the welfare of the people of San Mateo County.
    - Refer all requests for community service donations to community service organizations.
    - Actively promote the community service program of the AFL-CIO.
    - Represent the Council to other community service organizations.
  - (c) Education Committee, consisting of up to seven (7) members, shall:
    - Promote a program of labor education in the schools and in the community.
    - Promote the scholarship program of the California Labor Federation.
    - Develop and promote a labor studies program for union members and the general public.
  - (d) Ethical Practices Committee: Shall be comprised of the Council's Executive board

SECTION 57. Special Committees shall be established as needed by appointment from the Council President and shall be under the direction of the Executive Secretary Treasurer.

SECTION 58. The Standing and Special Committees shall:

- (a) Elect a Chair and Secretary who shall keep attendance records and minutes of all meetings.
- (b) Submit to the Council a report of any Committee recommendations.
- (c) Make recommendations on all matters submitted to them by the Council.

## FINANCES

SECTION 59. The finances of this Council shall be conducted through a general fund for general expenditures and a COPE fund for COPE expenditures. Special funds of limited duration may be established by the Council.

SECTION 60. Effective April 1, 2012, affiliated local unions shall pay a monthly per capita tax of sixty-five cents (\$0.65) per member, as determined by the Council, on all dues paying members of the local union working in San Mateo County. Effective January 1, 2013, affiliated local unions shall pay a monthly per capita tax of seventy cents (\$0.70) per member, as determined by the Council, on all dues paying members of the local union working in San Mateo County. A local union desiring to affiliate shall pay one (1) month's per capita tax at the time of affiliation. Per capita tax for succeeding months shall be due on the first of each month thereafter. Per capita tax in each case shall be based on the number of dues-paying members for the preceding month. If per capita tax for any month is not paid by the first of the following month, the local shall be deemed in arrears.

Per capita shall increase biennially by \$0.03 beginning January 2016 subject to the review of the Executive Board.

January 1, 2016: \$0.73 per member  
January 1, 2018: \$0.76 per member  
January 1, 2020: \$0.79 per member  
January 1, 2022: \$0.82 per member

A fraction of the monthly per capita income may be designated to the COPE fund as determined by the Council using the formula "per capita income divided by per capita rate multiplied by 0.01". However, the Executive Board, with input from the Executive Secretary-Treasurer, could decide to suspend this process until it is deemed necessary.

SECTION 61. Effective January 1, 2016, other affiliated organizations as defined in Section 2 (b), (c) and (d) shall pay an annual fee which is \$50.00 or the maximum amount permitted under the AFL-CIO Rules Governing Local Central Bodies. Any such organization desiring to affiliate shall pay one (1) year's fee at the time of affiliating. The annual fee for succeeding years shall be due on the first of the anniversary month each year thereafter and, if not paid by the first of the succeeding month after it is due, the organization shall be deemed in arrears.

SECTION 62. Disbursements:

- (a) No money shall be expended from the general fund other than to pay the bills for the current expenses of the Council, which shall be only such as are designated as follows: payment of officers' salaries, bills for office equipment and upkeep, utilities, rent, mailing expenses, labor affiliations,
- (b) Salaries and expenses of Council staff. Excepted from the above are all donations which have been considered at a meeting of the Executive Board. Donations to organizations other than labor organizations and causes in furtherance of labor's goals shall be reviewed by the Executive Board at board meetings and subject to approval by the delegate body. Per organizational practice, all expenses shall be subject to review by the Council's Trustees in the course of their normal duties.
- (c) If, in the opinion of the Trustees or Executive Secretary-Treasurer a per capita tax change is necessary, the Executive Board shall study the matter and bring a recommendation back to the Council.
- (d) Should a special per capita tax assessment become necessary a resolution providing for such tax shall be submitted by the Executive Board to all affiliated unions for a referendum vote. The resolution shall define the specific

purpose(s) for which the special assessment is being imposed and shall specify the duration of the assessment. It shall require a two-thirds (2/3) majority vote of all votes cast for the proposed taxation to become effective. A tax so adopted shall become payable immediately following the announcement of the result of the vote.

SECTION 63. A local union or other organization which becomes two (2) months in arrears shall be so notified in writing by the Executive Secretary-Treasurer and if it becomes three (3) months in arrears, it shall not be considered in good standing and shall not be entitled to voice or vote in meetings of this central body except as provided for in Section 68. It shall be so notified in writing by the Executive Secretary-Treasurer.

SECTION 64. A local union or other organization which becomes four (4) months in arrears shall stand suspended from membership and shall be so notified by the Executive Secretary-Treasurer.

SECTION 65. A local union or other organization which has been suspended or which has withdrawn from membership, may be reinstated by payment of all amounts due at the time of suspension or withdrawal and the current per capita tax or annual fee. However, the average membership of a reinstated local union for purpose of per capita voting shall be computed from the date of reinstatement as if it were a newly affiliated local union, A union that has been suspended for nonpayment of per capita tax may pay only the amounts in arrears, but cannot pay for additional months to increase voting strength.

SECTION 66. No affiliated union may reduce its per capita payments except in the case of seasonal fluctuations, before filing with the Council a certified statement, signed by its authorized officer with seal attached, of the number of members in good standing at the time when a reduction in the number of delegates is requested. The reduction shall date from the first day of the month following that in which said reduction is requested.

SECTION 67. A local union paying per capita tax on less than its full dues paying membership shall be subject to suspension by the Executive Board. The Executive Board may require a local union to produce proof of membership where reason exists to believe such local union is violating this provision. If the local union shall fail or refuse to produce such proof on request, the Executive Board may base its determination on such evidence as may be available.

SECTION 68. The Executive Board may exonerate any local union from payment of per capita for any month that, in the opinion of the Executive Board, good cause exists, subject to ratification by the central body. Exonerated members shall be regarded, for purposes of this constitution, as paid up members for the period of exoneration but the delegates representing such local shall not vote on the question of exoneration.

#### FINANCIAL PRACTICES AND AUDITS

SECTION 69. All funds of the Council shall be placed on deposit in a national bank or other federally insured financial institution as designated by the Executive Board and shall be paid out only by check. Any combination of two (2) of the following shall be authorized to sign checks: Secretary-Treasurer, President, Treasurer, First Vice President and/or Second Vice President. Original, supporting documentation shall be available for all checks issued.

SECTION 70. The accounts and financial records of the Council, including all committees and subordinate agencies of the Council, shall be audited biannually by a Certified Public Accountant selected by the Executive Board and shall cover two (2) full calendar years. These reviews shall be submitted to the Council and a copy sent to the AFL-CIO. The Executive Board may require more frequent audits or examination of the accounts and financial records of the Executive Secretary-Treasurer at its discretion.

SECTION 71. The Executive Secretary-Treasurer shall receive compensation in an amount determined by the Executive Board, subject to the approval of the Council, for the faithful performance of constitutional responsibilities.

SECTION 72. Officers, delegates and other authorized persons shall be reimbursed for necessary and legitimate expenses, including actual loss of salary, which may be incurred in the performance of authorized activities for the Council. An itemized accounting of such expenses shall be submitted to the Executive Board.

SECTION 73. All officers and agents of this Council having a financial responsibility shall be covered by a fidelity bond in an equal to no less than ten percent (10%) of its revenue in the prior fiscal year. Should the amount of this bond exceed the \$2,500 amount of the bond furnished without cost by the AFL-CIO, the Council shall pay the additional cost of such bond.

SECTION 74. The Council shall prepare an annual budget and adopt a written expense policy. Expenses shall be reimbursed only upon submission of original receipts. The use of the Council's credit card for personal use is prohibited.

### CHARGES AND HEARINGS

SECTION 75. Any affiliated organization by vote of its membership or any officer of or delegate to the Council shall have the right to file charges:

1) Against any delegate to the Council for having engaged in conduct or a course of activity hostile or contrary to the best interests of this Council or contrary to its constitution, or 2) against any officer of the Council for violating the constitution or rules of the AFL-CIO or the constitution of this Council, or for conduct unbecoming an officer, misappropriation of funds, malfeasance in office or neglect of duty, or 3) against any organization affiliated with the Council for having engaged in conduct or a course of activity hostile or contrary to the best interests of the Council or contrary to this constitution.

SECTION 76. All charges shall be in writing, specifying the particular act or acts charged; shall be signed by the charging party or by its officers, if an affiliated organization; and shall be filed with the Executive Secretary-Treasurer.

SECTION 77. Upon receipt of the charges properly filed, the officer receiving the charges shall present them to the Executive Board at its next meeting. Executive Board members shall be sent notice of the charges to be considered at least five (5) working days in advance of said meeting. The Executive Board shall determine by majority vote whether or not the charges merit a hearing.

SECTION 78. The Executive Board may take appropriate disciplinary action, including the suspension or expulsion of any delegate or affiliated organization, and the suspension or removal of any officer found guilty of the charges by a two-thirds (2/3) vote, following a hearing, of which the accused shall have been notified and furnished a copy of the charges not less than thirty (30) days in advance of the hearing. Both the accused and the charging party shall be accorded full opportunity to be heard and to present evidence, as well as be entitled to representation of their choosing.

SECTION 79. The decision of the Executive Board under Section 77 or 78 shall be reported to the next meeting of the Council. The decision of the Executive Board shall be final and binding unless appealed as hereinafter provided. The decision of the Executive Board may be appealed to the Council by either party. Notice of such appeal shall be filed in writing with the appropriate individual as outlined in Section 73 within ten (10) days of the Executive Board's report to the Council. The appeal shall be heard expeditiously at a regular meeting of the Council, affiliates shall be sent notification of the appeal no less than three (3) working days in advance of the meeting at which the appeal will be heard, at which time the charging party, the defendant and the Executive Board, through its selected spokesperson, in that order, shall be allowed ten (10) minutes each to present statements of the case following which the

delegates shall vote on the question of sustaining the decision of the Executive Board. It shall require a majority vote to sustain the decision.

SECTION 80. The final decision of the Council may be appealed as provided in the AFL-CIO Rules Governing Local Central Bodies. The decision of the Council shall remain in effect during appeal unless reversed, modified or temporarily stayed by the AFL-CIO.

### STRIKES AND BOYCOTTS

SECTION 81. This Council shall not take part in any collective bargaining activities or in any dispute, including strikes, except upon the request or consent of the aggrieved union or organizing committee or in the case of a local union directly affiliated to the AFL-CIO, except upon the request or consent of the AFL-CIO President.

SECTION 82. This Council shall have no power or authority to initiate a boycott. This Council can endorse and provide support for a boycott campaign of an affiliate. This Council can place an employer on an "unfair" or "do not patronize" list, if the proper conditions apply as outlined in the regulations below, and that all such action be taken only on written request of the aggrieved union or in response to an action of the AFL-CIO.

When such action is requested by an aggrieved union, the Council shall be governed by the following regulations:

The Secretary-Treasurer of the AFL-CIO, or her/his designated agent, shall be notified in writing of all boycott requests, whether local, regional or national in scope.

Disputes affecting contractual interests of other unions--If the requested action is directed against an employer which has a contract or working agreement with any union or unions affiliated with the AFL-CIO, other than the aggrieved union,

then the written consent of such other union or unions shall be required. If such consent is not given, no further action shall be taken by this Council except as authorized by the President or by the Executive Council of the AFL-CIO.

Local Disputes--If the requested action is directed against an employer for a dispute arising within the area of jurisdiction of this Council which does not involve the contractual interest of other AFL-CIO unions, the Council may take the requested action if, in its judgment, such action is warranted and shall provide written notice to Secretary-Treasurer of the AFL-CIO of such action. The council will notify the Secretary-Treasurer of the AFL-CIO when a boycott is terminated.

Disputes in areas of other area labor councils or central councils--If the requested action is directed against an employer for a dispute arising wholly outside the area of jurisdiction of this Council, no action shall be taken unless the AFL-CIO and the area labor council, central labor council or state central council in whose area the dispute arose has first acted favorably on the request of the aggrieved union in keeping with applicable rules.

National and regional disputes--If the requested action is directed against an employer for a dispute which is national or regional in scope, no action shall be taken by this Council unless the affiliated national or international union involved has first secured approval of the AFL-CIO or comparable national body or State Labor Federation, if appropriate.

### AUTHORITY, RESPONSIBILITY AND FUNCTION OF THE COUNCIL IN TRADE DISPUTES

SECTION 83. The efforts of the Council shall always be at the command of any affiliated union on any trade or industrial question. No control shall be exercised by the Council over the right of each union to legislate for its own members and to preserve its autonomy of government.

SECTION 84. In approving sanction to strike to any affiliated union it shall be specifically understood that the Council does not by such course of conduct agree to participate in such dispute between said union and the struck employer as a party thereto, nor is the Council by such approving of strike sanction, given the power of legal authority to direct or control the activities of the union or unions actually engaged in such dispute. The function of the Council in the conduct of such disputes is hereby declared to be and shall be purely advisory.

SECTION 85. It is hereby declared that the Council and any of its officers, representatives or committees in attempting to adjust affiliated unions in such disputes shall not be deemed to be acting in the capacity of agents of said affiliated unions, or of the Council without written authority from said unions or the Council, as the case may be.

SECTION 86. Nothing in this constitution shall be construed as committing the Council to the sanction, approval, encouragement or inducement of any illegal activity engaged in by any of the affiliated unions and representatives or members.

#### RULES, PARLIAMENTARY AUTHORITY AND AMENDMENTS

SECTION 87. The procedures to be followed by this Council with respect to boycotts, unfair lists, strikes collective bargaining and publications issued or endorsed by this Council shall be in accord with the AFL-CIO Rules Governing Local Central Bodies.

SECTION 88. In case of conflict between the provisions of this Constitution or other laws or actions of this Council and the Constitution of the AFL-CIO or the Rules Governing Local Central Bodies issued by the Executive Council of the AFL-CIO, the latter shall prevail and appropriate steps shall be taken by the Executive Board to initiate such amendment to this Constitution or to change or modify the laws or actions of

this Council as necessary to bring them into conformity with the Constitution and Rules of the AFL-CIO.

SECTION 89. The parliamentary rules contained in Robert's Rules of Order, revised, shall govern this Council in all cases to which they are applicable and in which they are not inconsistent with this Constitution, or such special rules of order as may be adopted by this Council.

SECTION 90. This Constitution may be amended by any regular meeting of this Council by two thirds (2/3) of the votes cast, provided the proposed amendment shall have been submitted in writing to the Executive Secretary-Treasurer at the preceding regular meeting and properly certified by an affiliated organization or by delegates representing not less than three (3) affiliated organizations. Amendments may also be proposed by the Executive Board. All proposed amendments shall be read in full at the meeting at which received and copies shall be sent to all affiliates and made available on request by any delegate prior to consideration at the following meeting. Amendments to this Constitution shall become effective when approved by the President of the AFL-CIO.

#### RESOLUTIONS

- SECTION 91. Resolutions shall be presented as follows:
- (a) A resolution may be presented by any affiliated organization. Such resolution must have the sanction of the affiliated organization and bear the signatures of the organization's presiding officer and secretary.
  - (b) A resolution may be presented by seven (7) delegates in good standing from as many different affiliated organizations.
  - (c) A resolution may be presented by the Executive Board.
  - (d) All resolutions must be reviewed by the Executive Board prior to being submitted to the delegate body.

SECTION 92. All resolutions must be laid over until the next regular meeting of the Council unless consent for immediate action is given by a two-thirds (2/3) vote.



## USE OF COUNCIL NAME AND MAILING LIST

SECTION 93. No officer, delegate or employee of the Council shall release any list of affiliates or members of affiliates in the possession of the Council to any person or organization unless such release has been duly authorized by the Council and the appropriate officers of the affiliate or affiliates involved.

SECTION 94. The council shall not ally itself with any other organization in any public matter unless a majority vote of the delegates present at a regular meeting decide to do so, and then only as a joint participant.

## CHAPTERS

SECTION 95. Chapters of this Council may be created if the Council determines an organizational presence is needed in a specific geographic area within its jurisdiction. Chapters shall have no right of representation or involvement in the affairs of this Council. Chapters may be authorized to enact bylaws consistent with the Council's constitution; elect a chapter president and secretary-treasurer, hold meetings of delegates from local unions within the chapter's geographic jurisdiction and make recommendations to the state labor council, the area labor council or the central labor council for its consideration. Chapters may not assess a per capita or membership fee. In accordance with the endorsement procedure for this Council, the chapter may endorse candidates running for local public office within the chapter's geographic jurisdiction and may screen, interview and recommend to the area labor council or central labor council candidates for state and federal legislative office but such recommendation is not binding on this Council.

No position, political or otherwise, may be taken in contradiction to that of the San Mateo County Central Labor Council, the California Labor Federation, the AFL-CIO or comparable national body