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November 2, 2022

Mark Bernard, Executive Director
AFSCME Council 93
8 Beacon Street
Boston, MA 02108

Dear Brother Bernard:

We have completed our review of the amendments to the Council 93 Constitution, which you submitted. The amendments have been approved.

Attached is a copy of the council constitution, as amended, with my signature of approval on the final page. Should the council amend this constitution in the future, please submit the amendments for approval after they have been adopted by the membership.

In solidarity,

LEE SAUNDERS
President

LS/FC:nw

Enclosures

cc: Mike Sukal, Director, Organizing and Field Services
James Howell, Eastern Regional Director
Tim Birch, Area Field Services Director
Charles Owen Jr., President, AFSCME Council 93
Nancy Silva, Recording Secretary, AFSCME Council 93

American Federation of State, County and Municipal Employees, AFL-CIO

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Constitution

for

AFSCME Council #93

Article I Name and Headquarters

Section 1. The name of this organization shall be AFSCME Council #93 of the American Federation of State, County and Municipal Employees, AFL-CIO.

Section 2. There shall be established within the jurisdiction of Council 93 at least four offices, one of which shall be designated by the executive board as the headquarters of this council.

Article II Affiliations

This council shall be chartered by the American Federation of State, County and Municipal Employees and shall affiliate with the appropriate state labor council of the AFL-CIO, within the jurisdiction of AFSCME Council #93.

Article III Objectives

The objectives of this council shall be to carry out within the council's jurisdiction the objectives of the American Federation of State, County and Municipal Employees.

Article IV Membership and Dues

Section 1. All AFSCME local unions in the Commonwealth of Massachusetts, except locals 1798, 3650, 3900 and 4000; all AFSCME local unions in Maine and New Hampshire; and all AFSCME local unions in Vermont chartered on or before November 1, 2013, shall affiliate with and maintain affiliation with the council.

Section 2. Effective January 1, 1998, the per capita tax paid to the council by each affiliated local union shall be increased \$.50 per month to a rate of \$2.00 per member, per month in addition to the per capita tax payment to the council, as required by Article IX, Sections 5, 6 and 7, of the International Constitution.

Effective January 1, 1999, the per capita tax paid to the council by each affiliated local union shall be increased \$.50 per month to a rate of \$2.50 per member, per month, in addition to the per capita tax payment to the council, as required by Article IX, Sections 5, 6, and 7, of the International Constitution.

Section 3. In any case where the dues deduction of an affiliated local is transmitted by the employer to the council, the council shall deduct its per capita tax prior to transmitting the balance to the local union.

Article V The Convention

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

Section 2. Regular conventions shall be held in each of the odd-numbered years respectively. The time and place for holding of the convention shall be set by the Council Executive Board, provided, however, that the convention shall be held between September 1 and November 30 of the year.

(a) Legislative conference will be called on the even-numbered years, no later than the month of October in each even-numbered year. Delegate representation to these conferences shall be in conformity with delegate representation to the regular conventions of the council.

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

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

Section 5. Locals shall be entitled to delegates on the basis of membership as follows: 100 or fewer, one delegate; more than 100 but not exceeding 200, two delegates; more than 200 but not exceeding 300, three delegates; more than 300 but not exceeding 400, four delegates; more than 400, one additional delegate for each 1,000 additional members or fraction thereof. Local unions may elect one alternate delegate for each delegate.

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

Section 7. Each delegate must be a member in good standing of the local such delegate represents. Any member of the Council Executive Board who is not elected as a delegate representing a local union shall nevertheless be entitled to all the rights and privileges of a delegate except the right to vote.

Section 8. At least forty days prior to the convention, the Council Recording Secretary shall send to each local a copy of the convention call, accompanied by the appropriate number of credential forms. In the case of a convention at which election of officers is to take place, this shall be indicated in the convention call.

Section 9. Locals shall return the credential forms, properly executed and signed, to the council office no later than ten days prior to the opening of the convention.

Article VI Officers and Elections

Section 1. (a) The executive officers of this council shall be a president, an executive vice-president, a recording secretary, a secretary-treasurer and a sergeant-at-arms. The executive officers shall be members of five different local unions with a

minimum membership requirement in the local union of two years, and they shall be elected to terms of office of four years beginning in the year 2023. The executive officers shall be elected pursuant to the formula used for the election of officers and delegates under Article V, Section 6, of the constitution.

(b) The executive board members shall be elected as hereinafter provided in this constitution for four-year terms beginning in the year 2023. Not more than one member from any local union affiliated with the council shall serve as an executive board member. To be eligible for election, a nominee must be a member in good standing for a period of not less than two years of a local union in good standing affiliated with the council in which he/she seeks office. Such executive board members and the executive officers hereinabove referenced to in Section 1(a) of this Article VI shall constitute the executive board of this council.

Section 2. To be eligible for office, a member must be employed in the chartered jurisdiction of a local union affiliated with this council.

Section 3. Nominations of officers, except for Council Executive Board members, shall be conducted in open convention, and no nominating committee shall be used. Any delegate may nominate any eligible member for the office of council president, executive vice-president, secretary-treasurer, recording secretary or sergeant-at-arms.

The delegates shall be divided by legislative district for the purpose of nominations for the office of executive board member for their district. Any delegate may nominate any eligible member for the office of executive board member to represent the delegate's own legislative district. Following the nominating procedures, nominees shall be afforded the opportunity to decline, and the name of any person so declining shall not appear on the ballot. No person shall be a candidate for more than one office. Any challenge to the eligibility of any nominee shall be filled in writing with the committee on elections, which shall report on the eligibility of the nominee prior to the election.

Section 4. Each legislative district listed below shall be entitled to elect one (1) executive board member:

Western Region, composed of Berkshire County, Franklin County, Hampden County, Hampshire County and Worcester County

Essex County, composed of Essex County only

Middlesex County, composed of Middlesex County only

Suffolk County Region, composed of Suffolk County only

Norfolk County Region, composed of Norfolk County only

Southern Region, composed of Plymouth County, Bristol County, Barnstable County, Nantucket County and Dukes County

New Hampshire Region

Maine Region

Vermont

DDS

DMH

Other State

Higher Education

Section 5. In addition to the legislative district executive board seats listed in Article VI, Section 4, there shall be two (2) sectors of members – one for the local unions representing state and higher education employees and one for the local unions representing local government including school department and private agency employees. The number of executive board members to be elected by each of the two (2) sectors shall be determined on the basis of the average number of members in each sector for the previous year. Starting in January 2023, the Council 93 Secretary-Treasurer shall certify the average total number of members in each sector for the previous year and report such certification to the Council Executive Board in June of that year. Each sector shall elect one (1) executive board member for each 1,500 members or major fraction thereof as shown in the most recent certification of membership. Elections whenever necessary shall be conducted at the next regular Council 93 Convention.

Section 6. The executive board members shall be elected pursuant to the formula used for the election of officers and delegates under Article V, Sections 4 and 5, of the constitution.

Section 7. The pre-convention incumbents shall remain in office until the election is completed and the results reported to the convention. At that time, the newly-elected officers shall be installed.

Section 8. All matters concerning nominations and elections in this council shall be subject to the provisions of Appendix D, entitled Elections Code, of the International Union Constitution.

Section 9. Every officer shall, upon assuming office, subscribe to the Obligation of an Officer contained in Appendix B of the International Union Constitution.

Section 10. Vacancies in office shall be filled by vote of the executive board until the next convention.

Section 11. Should any officer be absent from three consecutive executive board meetings without excuse acceptable to the board, that office shall be declared vacant and filled in accordance with this constitution.

Article VII Duties of Officers

Section 1. The president shall preside at all conventions and at all meetings of the executive board. The president shall, subject to approval by the executive board, appoint all standing and special committees of the council. The president shall be a member ex-officio of all committees except election committees. The president shall countersign all checks drawn on the funds of the council. The president may, with the approval of the Council Executive Board, designate a deputy to sign instead. The president shall report regularly to the executive board and to the convention on official activities and on the progress of the council. The president, by virtue of the office, shall be the council's delegate to any convention of the International Union and the AFL-CIO in his/her state.

Section 2. The executive vice-president shall assist the president in the work of that office. In the absence of the president or in the temporary inability of the president to serve, the executive vice-president shall preside at all meetings and perform all other duties normally performed by the president.

Section 3. The recording secretary shall keep or cause to be kept a record of the proceedings of the convention and of meetings of the executive board, recording faithfully each motion that is made and the disposition of such motion. The recording secretary

shall perform such other duties as are required by this constitution or by the convention of the executive board.

Section 4. The secretary-treasurer shall receive and take charge of all money and property of the council. The secretary-treasurer shall deposit all money in a bank that is insured by the Federal Deposit Insurance Corporation in the name of the council, and money so deposited shall be withdrawn only by check signed in accordance with this constitution. The secretary-treasurer shall draw and sign checks for such purposes as are required by this constitution or are authorized by the convention or the executive board. The secretary-treasurer may, with the approval of the executive board, authorize a deputy to sign checks instead. The secretary-treasurer shall keep or cause to be kept an accurate record of receipts and disbursements and shall render a report thereon at each meeting of the Council Executive Board. The secretary-treasurer shall report fully on the financial standing of the council to each affiliated local union not less often than quarterly.

Section 5. The sergeant-at-arms shall be in charge of the physical arrangements and seating at each convention and each executive board meeting, and shall, at the direction of the presiding officer, maintain order during the meetings. The sergeant-at-arms shall perform such other duties as may be requested by the executive board.

Section 6. The executive board of the council shall be the governing body of the council between conventions. All matters affecting the policies, aims and means of accomplishing the purposes of the council not specifically provided for in this constitution or by action of the convention shall be decided by the executive board. The executive board shall cause to be made, at least annually, an audit of the records of the council, by a certified public accountant. The results of this audit shall be mailed to each local union affiliated with the council and to the International Union. The executive board shall meet not less often than quarterly, at the call of the president or of a majority of the members of the board. A report on all actions of the board shall be made at each convention. A majority of the members of the executive board shall be required for a quorum.

Article VIII Executive Director

Section 1. There shall be appointed by the executive board an executive director who shall sit on the executive board with a voice but no vote. The executive director shall serve at the pleasure of the board.

Section 2. The executive director is the council's administrative and executive officer, and must give full time to the council. The executive director shall, under policies established by the executive board, employ, terminate, fix the compensation and expenses and direct the activities of such staff as are required to carry out effectively the functions of the council.

Section 3. In advance of each fiscal year, the executive director shall submit to the executive board a proposed budget for the coming year, setting forth the anticipated income and its source and the anticipated expenditures and their purposes. The proposed budget shall be subject to revision and approval by the executive board. The fiscal year for this council shall begin on the first day of January and end on the last day of December.

Article IX Miscellaneous Provisions

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

Section 2. Except to the extent specified in this constitution, no officer of this council shall have 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.

Section 3. Robert's Rules of Order Newly Revised shall be the guide in all cases where applicable, and in which they are not inconsistent with this constitution and special rules and regulations of this council.

Article X Amendments

Section 1. This constitution may be amended by proposals properly introduced at the convention and approved by two-thirds vote of the convention. Such proposals shall be submitted, in writing, to the recording secretary of the council at the council's office, not later than twenty days prior to the opening of the convention. No proposal to amend the constitution can thereafter be introduced except by permission of two-thirds of the convention.

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

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

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

Approved by:

A handwritten signature in black ink that reads "Lee Saunders". The signature is written in a cursive, flowing style.

LEE SAUNDERS
President

Approval date: November 2, 2022