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April 16, 2019

Dennis G. Bourgeois, President  
AFSCME Local 298  
953 Cedar Street  
Manchester, NH 03103

Dear Brother Bourgeois:

We have completed our review of the amendments to the Local 298 Constitution, which were submitted by Area Field Services Director Tim Birch on your behalf. The amendments have been approved with the following exceptions and/or revisions:

1. Article II. We have not approved deletion of the central labor council. Article IX, Section 20, of the *International Constitution* states: "Local unions shall affiliate with and actively participate in the affairs of central, area and state bodies of the AFL-CIO in their respective localities, except when a local union applies for permission to abstain from such affiliation and permission is granted by the International Executive Board or by the International President, subject to the approval of the International Executive Board."
2. Article IV, Section 3. We have not approved the phrase: "may be up to," in this section because it allows for the dues rate to be changed without a constitutional amendment. Increases, or decreases, in dues which are not required by Article IX, Section 6, of the *International Constitution*, must be passed following amendment procedure contained in Article IX of your local constitution.
3. Article IV, Section 4. We have updated this section to comply with Article III, Section 5, of the International Constitution.
4. Article V, Section 3. The proposed quorum for meetings of 12 members in good standing has not been approved as this figure is less than the size of the executive board. Therefore, we have established a minimum quorum provision of 16 members in good standing to comply with Article IX, Section 17, of the *International Constitution*.

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

TEL (202) 429-1000 FAX (202) 429-1293 TDD (202) 659-0446 WEB www.afscme.org 1625 L Street, NW, Washington, DC 20036-5687

Enclosed are two complete copies of the local constitution, as amended, with my signature of approval on the final page. Should the local 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/NS:nw

Enclosures

cc: Mike Sukal, Director, O&FS  
James Howell, Eastern Regional Director, O&FS  
Tim Birch, Area Field Services Director, O&FS  
Frank Moroney, Executive Director, AFSCME Council 93  
Jeffrey Lemire, Recording Secretary, AFSCME Local 298

**Constitution**  
**for**  
**Manchester, New Hampshire, City Employees**

**Local 298**

**Article I**  
**Name**

The name of this organization shall be Manchester, New Hampshire, City Employees Local Number 298 of the American Federation of State, County and Municipal Employees, AFL-CIO.

**Article II**  
**Affiliations**

This local union shall be affiliated with AFSCME Council #93 of the American Federation of State, County and Municipal Employees; the New Hampshire AFL-CIO; and the Manchester AFL-CIO Central Labor Council.

**Article III**  
**Objectives**

The objectives of this local union shall be to carry out on a local basis the objectives of the American Federation of State, County and Municipal Employees.

**Article IV**  
**Membership and Dues**

Section 1. All employees of the City of Manchester, New Hampshire, are eligible for membership in this local union, subject to the requirements of the constitution of the International Union.

Section 2. Application for membership shall be made on a standard application form. Unless such form includes a valid authorization for payroll deduction of dues, the application shall be accompanied by the current month's dues.

Section 3. The membership dues shall be ten dollars (\$10.00) per week above the minimum as specified by the International Constitution (Article IX, Sections 5, 6 and 7) and in conjunction with the Council 93 Constitution (Article IV, Section 2) for fifty-two (52) weeks per year.

Section 4. Membership dues shall be payable monthly in advance to the local financial secretary and in any event shall be paid not later than the 15th day of the month in which they become due. Any member who fails to pay dues by the 15th day of the month in which they become due shall be considered delinquent, and upon failure to pay dues for two successive months shall lose their good standing status and stand suspended. Provided, however, that any person who is paying his/her dues through a system of regular payroll deduction, bank draft, or similar system, shall for so long as such person continues to pay through such deduction method, be considered in good standing.

Section 5. A member suspended under the above section may be reinstated to membership in the local on payment of all arrearages.

## **Article V Meetings**

Section 1. Regular meetings of this local shall be held once each month, except for the months of June, July and August, at a time and place to be fixed by the membership or the local executive board.

Section 2. Special meetings may be called by the local president, the local executive board, or by petition filed with the president and signed by 10% of the members of the local. Special meetings may also be called by the International President or by an authorized representative of the International President.

Section 3. The quorum for meetings of this local shall consist of 16 members in good standing.

## **Article VI Officers, Nominations and Elections**

Section 1. The officers of this local shall be a president, an executive vice-president, a recording secretary, a financial secretary, a chief steward, and ten (10) stewards as follows:

- One (1) from Health Department
- One (1) from Manchester Housing Authority
- One (1) from Central Fleet Division (Day Shift)
- One (1) from Central Fleet Division (Night Shift)
- Six (6) from the Department of Public Works as follows:
  - One (1) from the Refuse Division
  - One (1) from the Street Division
  - One (1) from the Parks and Recreation Division
  - One (1) from the Environmental Protection Division (Day Shift)
  - One (1) from the Environmental Protection Division (Night Shift)
  - One (1) from the Facilities Division

These fifteen shall constitute the local union executive board. In addition, there shall be elected three (3) members who shall serve as trustees. The trustees shall be elected to three-year terms of office, except that in the initial election, one shall be elected for a one-year term, one for a two-year term, and one for a three-year term. All other officers shall be elected for a term of two years in the odd-numbered years. Except the current officers elected in May 1994 shall serve until December 1995.

Section 2. Nominations shall be made at the regular meeting in November. At least fifteen days' advance notice shall be given the membership prior to the nomination meeting. A nominating committee may be appointed or elected to make nominations, but whether or not such nominating committee is used, nominations shall be permitted from the floor at the nomination meeting. All regular elections shall be held in the month of December. Newly elected officers shall be installed in office immediately upon acceptance of the election committee's general report.

Section 3. To be eligible for office, a member must be in good standing for one year immediately preceding the election, except in the initial election held in this local; provided, however, that no retired member shall be a candidate for office.

Section 4. Officers shall be elected by secret ballot vote, and the balloting shall be conducted so as to afford to all members a reasonable opportunity to vote. At least fifteen days' advance notice shall be given the membership prior to the holding of the election.

Section 5. All matters concerning nominations and elections in this local union shall be subject to the provisions of Appendix D, entitled Elections Code, of the International Union Constitution.

Section 6. Vacancies in office shall be filled for the remainder of the unexpired term by vote of the executive board.

Section 7. Every officer shall, upon assuming office, subscribe to the Obligation of an Officer contained in Appendix B of the International Union Constitution.

## **Article VII Duties of Officers and Executive Board**

Section 1. The president shall preside at all meetings of the local union and of the executive board. He/she shall be a member of all committees except election committees. He/she shall countersign all checks drawn against the funds of the local. He/she shall appoint all standing committees and all special committees of the local, subject to the approval of the executive board. He/she shall report periodically to the membership regarding the progress and standing of the local and regarding his/her official acts.

Section 2. The vice-president shall assist the president in the work of his/her office. In the absence of the president or in his/her inability to serve, the vice-president shall preside at all meetings and perform all duties otherwise performed by the president. He/she may, with the approval of the local executive board, be authorized to act as co-signer of checks drawn on the local funds in place of either the president or the financial secretary.

Section 3. The recording secretary shall keep a record of the proceedings of all membership meetings and of all executive board meetings. He/she shall carry on the official correspondence of the local, except as the executive board may direct otherwise. He/she shall perform such other duties as the executive board may require.

Section 4. The financial secretary shall receive and receipt for all monies of the local union. He/she shall deposit all money so received in the name of the local union in a bank or banks selected by the executive board, and money so deposited shall be withdrawn only by check signed by the president and the financial secretary. He/she shall prepare and sign checks for such purposes as are required by the constitution or are authorized by the membership or the executive board. He/she shall prepare and submit the monthly membership report to the International Union office and see that a check is drawn in payment of the local's per capita tax each month and sent to the International Secretary-Treasurer. He/she shall keep an accurate record of receipts and disbursements and shall, once each month, submit to the membership a monthly operating statement of the financial transactions of the local for the previous month. He/she shall act as custodian of all properties of the local union. He/she shall, at the expense of the local union and through the International Union, give a surety bond for an amount to be fixed by the executive board of the local union. He/she shall 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 trustees shall make or cause to be made at least semi-annually an audit of the finances of the local, including the finances concerning any health and welfare, pension, insurance or other benefit programs covering members of such local, and shall report to the membership on the results of such audit.

Section 6. The executive board shall be the governing body of the local union except when meetings of the local union are in session. All matters affecting the policies, aims and means of accomplishing the purposes of the local not specifically provided for in this constitution or by action of the membership at a regular or special meeting shall be decided by the executive board. The board shall meet at the call of the president or of a majority of the members of the board. A report on all actions taken by the executive board shall be made to the membership at the next following meeting. A majority of the members of the executive board shall be required for a quorum.

Section 7. The office of local president shall receive a \$1000.00 per year stipend, paid on a semi-annual basis (\$500.00 every six [6] months). The office of vice-president shall

receive a \$800.00 per year stipend, paid on a semi-annual basis (\$400.00 every six [6] months). The office of financial secretary shall receive a \$1000.00 per year stipend paid on a semi-annual basis (\$500.00 every six [6] months). The office of chief steward shall be allowed a \$800.00 per year stipend paid on a semi-annual basis (\$400.00 every six [6] months). The recording secretary shall be allowed \$800.00 per year stipend to be paid on a semi-annual basis (\$400.00 every six [6] months). Stewards as members of the executive board shall be allowed a \$400.00 per year stipend to be paid on a semi-annual basis (\$200.00 every six [6] months).

### **Article VIII Miscellaneous Provisions**

Section 1. This local union 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 the local union shall have the power to act as agent for or otherwise bind the local union 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 local union except to the extent specifically authorized in writing by the president of the local union or by the executive board of the local union.

Section 3. The rules contained in the current edition of Robert's Rules of Order Newly Revised shall govern this local union in all cases to which they are applicable and in which they are not inconsistent with this constitution and special rules of this local union or of the American Federation of State, County and Municipal Employees.

Section 4. No committee shall have the right to spend money or incur expenses except when so authorized by the membership at a general meeting, and then only in a specific amount.

Section 5. The chief steward and the shop stewards concerned shall maintain a record of all grievances processed. This record shall include date, description and final action of each grievance processed. Complete grievances shall be filed by the recording secretary.

Section 6. No money can be paid to any member except for compensation for actual time lost from work while conducting local business, and as reimbursement for expenses incurred while conducting the union business of the local, and then only with the approval of the executive board, except as otherwise specified in this constitution.

Section 7. Aid to other locals shall be voted by the executive board as a recommendation to the local at the local's general meeting.

Section 8. Immediately upon his/her election, the president shall name a member to act and fulfill the duties of public relations person. He/she shall be responsible for all public releases, either press, radio or television, but shall not execute such releases without the sanction and consent of the president and financial secretary and the executive board.

Section 9. The president, by virtue of his/her office, shall be a delegate to all conventions and shall be chairperson of the delegation. All other delegates shall be elected at a regular meeting in accordance with the International Constitution Elections Code (Appendix D, Section 3).

Section 10. The president shall be permitted to spend up to five hundred (\$500.00) per month with no prior approval of the executive board or members of the body. However, the president must get subsequent approval of the executive board and/or membership for such expenditure.

**Article IX  
Amendments**

This constitution may be amended, revised, or otherwise changed by a two-thirds vote of the members voting on such proposed change and such change shall take effect only upon written approval of the International President. Proposed amendments to this constitution must be read at a regular or special meeting of the local union and read and voted on at a subsequent meeting of the local union, adequate and proper notice having been given to the membership prior to the date on which the vote is taken. A written copy of the proposed amendment shall be furnished to every eligible voter at the meeting at which the vote is taken.

Approved by:

A handwritten signature in black ink that reads "Lee Saunders". The signature is written in a cursive style with a large, stylized initial "L".

LEE SAUNDERS  
President

Approval date: April 16, 2019