



AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES, AFL-CIO

John Gage
National President

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National Secretary-Treasurer

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National Vice President for
Women and Fair Practices

7z/C-222/296835

October 6, 2011

Russell Varnado, President
AFGE Council 222
12811 Glasgow Court
Ft Washington, MD 20744

Dear Mr. Varnado:

This responds to your request for National Executive Council approval of amendments to the Constitution and Bylaws of the National Council of HUD Locals (C-222), as adopted at its 2008 Convention.

Please find enclosed a copy of the NEC-approved Constitution and Bylaws for AFGE Council 222. The National Office keeps a copy.

Sincerely and in solidarity,

John Gage
National President

cc: C-222 Executive Board



APPROVED FOR THE
A.F.G.E. NATIONAL
EXECUTIVE COUNCIL

October 6, 2011

CONSTITUTION AND BYLAWS NATIONAL COUNCIL OF HUD LOCALS COUNCIL 222

PREAMBLE

For the purpose of promoting unity of action in all matters affecting the mutual interest of affiliated locals, we the membership of the National Council of HUD Locals, Council 222, adopt this Constitution and Bylaws.

ARTICLE I NAME AND HEADQUARTERS

Section 1. This organization shall be known as the National Council of HUD Locals, Council 222, and shall be affiliated with the American Federation of Government Employees (AFGE). This Council also shall be known as the National HUD Council #222.

Section 2. It shall be composed of locals throughout the United States, and its Insular Possessions.

Section 3. The headquarters of this Council shall be the residence of the Council President.

ARTICLE II CONTROLLING PROVISIONS

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

Section 2. If this Constitution does not specifically address an issue of concern, the AFGE National Constitution shall prevail.

Section 3. Consistent with the AFGE National Constitution, the AFGE National President shall ensure that all provisions of this Constitution are met, and shall take necessary action to do so.

ARTICLE III

OBJECTIVES AND METHODS

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

Section 2. This Council subscribes to the provisions of Public Law 95-454, where applicable.

ARTICLE IV

MEMBERSHIP

Section 1. All locals in good standing with AFGE whose membership includes HUD employees shall be eligible for membership in this Council.

Section 2. Locals which are interdepartmental, i.e., comprised of employees in various units within the local, shall be required to affiliate those members who are employed in the unit of recognition with this Council.

ARTICLE V

DELEGATES

Section 1. Delegates and Council officers shall be members in good standing of their respective locals.

Section 2. Representation in the Council Convention shall be by duly elected delegates from member locals in good standing with the HUD Council and AFGE.

Section 3. Delegates for the HUD Council Convention will be duly elected in accordance with the constitutions of their locals, the HUD Council Constitution, and Appendix A of the AFGE National Constitution.

Section 4. Representation in the HUD Council Convention shall be one vote for each member, and shall be based on the average number of paid members for the 12 month period (April to March) preceding the Convention. "Member" is defined to be one for whom per capita tax shall have been paid to the HUD Council and AFGE, and may include retirees at the option of the local. No local shall be entitled to representation in the Council unless all per capita tax and all other accounts due to the Council and AFGE are paid from such locals, as of March 31 of the year of the Convention. Accounts must be paid in full before any delegate or proxy is seated at the Convention. The fiscal year of the Council shall begin January 1 and end December 31. Such information shall be furnished to the Committee on Credentials by the Council Treasurer.

Section 5. Locals having a membership of 50 or less shall be entitled to one delegate; 51 to 100

members, two delegates; 101 to 150 members, three delegates; 151 to 200 members, four delegates; and 201 and more members, five delegates. Any local whose charter has not been in existence for one year is entitled to representation to the HUD Council Convention in accordance with the above, based on the average number of members for whom the local paid per capita tax monthly since its admission to AFGE.

Except as otherwise provided, each delegate is entitled to cast one vote on any matter before this Council, provided, however, that if a roll call vote is taken on any matter before this Council, each delegate shall be entitled to cast a proportionate share of votes of her or his local based on the above. In a roll call vote, a single delegate may cast all votes for which her or his respective local delegation has agreed.

Section 6. No local shall be represented by proxy in the HUD Council Convention except as hereinafter provided. Only a member duly elected by his or her own local as a delegate in accordance with the AFGE Rules of Conduct for an Election may represent a local by proxy. That delegate may cast the proxy votes of not more than four locals, in accordance with the number of votes authorized for each such local, pursuant to Section 4 of this Article.

Section 7. Locals entitled to more than one delegate, by vote of the membership with proper notice, may determine to elect less than their quota of delegates to the HUD Council Convention. The delegates present may cast the entire vote of the locals so represented on all questions and elections coming before the HUD Council Convention.

Section 8. Alternate delegates elected in a secret ballot election may be seated in the absence of the delegates elected, upon presentation and approval of their credentials.

Section 9. There shall be no delegate-at-large.

Section 10. The Council Secretary will furnish official credentials directly to each local, and these credentials will be in conformance with the AFGE National credentials. All delegates to the HUD Council Convention shall be elected by their respective locals by secret ballot in accordance with the AFGE National Constitution at least thirty (30) days prior to the HUD Council Convention, and the names of such delegates shall be certified by the proper officers of the locals. Such credentials shall be mailed to the Council Secretary at least twenty-five (25) days prior to the opening of the triennial HUD Council Convention.

ARTICLE VI **OFFICERS**

Section 1. The elected officers of this Council shall constitute the Executive Board. The Executive Board shall consist of a President, an Executive Vice President, a Secretary, a Treasurer, and a Regional Vice President from each of the regions and the Washington, D.C. Headquarters office.

ARTICLE VII

ELECTION OF OFFICERS

Section 1. The Council President, Executive Vice President, Secretary, and Treasurer shall be elected by secret ballot and a majority vote of all delegates voting in accordance with the rules of this Constitution and the AFGE National Constitution.

Section 2. (a) The Regional Vice Presidents shall be elected by secret ballot and a majority vote of all delegates from those locals located within the jurisdiction of the region. Washington, D.C. Headquarters shall be considered a separate region. Regional Vice Presidents shall be elected during regional caucuses held during or prior to the Convention in accordance with the rules of this Constitution and the AFGE National Constitution; provided, however, that region-wide locals may provide for the direct election of Regional Vice Presidents in their local Constitution and/or Bylaws.

- (b) Regional caucuses shall elect an Alternate Regional Vice President during or prior to the Convention in accordance with the rules of this Constitution and the AFGE National Constitution; provided, however, that region-wide locals may provide for the direct election of Alternate Regional Vice Presidents in their local Constitution and/or Bylaws. In the absence of the Regional Vice President, the duly elected Alternate Regional Vice President has all rights of the Regional Vice President, including the right to vote on any matter.
- (c) For the purpose of this Section, absence is defined as the elected Regional Vice President being unable to perform his or her duties due to travel, leave, illness, or detail or reassignment to a non-bargaining unit position, or otherwise is no longer eligible to be an officer. When practical, the Regional Vice President should inform the Council President and Secretary of the intended absence.

Section 3. Only duly elected delegates and/or proxy delegates representing locals will be allowed to nominate and vote for officers and appropriate Regional Vice Presidents.

Section 4. Any candidate for any Executive Board office will be provided, upon request to the Council Secretary, the following information as expeditiously as the information is available:

- (a) A complete list of names, business and home addresses, and telephone number of Presidents of all locals.
- (b) The list of locals and voting strength as computed by the Council Treasurer.

Section 5. Beginning with the 2008 Convention, the term of office shall be three years, with the exception of the following:

- (a) Should the Council President resign or vacate her or his office during the term of her or his office, the Executive Vice President shall complete the remainder of the unexpired term.

- (b) Should the office of the Executive Vice President, Secretary, or Treasurer become vacant during the term, the President with the concurrence of the Executive Board shall appoint a replacement to fill the unexpired term.
- (c) Should a Regional Vice President position become vacant, the Alternate Regional Vice President shall serve the remainder of the unexpired term. Should an Alternate Regional Vice President position become vacant (including vacancy caused by succession to the Regional Vice President's position) and the unexpired term is six months or more, the Council Secretary shall conduct an election to fill the Alternate Regional Vice President vacancy. The election shall be conducted by the Council Secretary by mail ballot.
- (d) The term of a Regional Vice President and Alternate Regional Vice President duly elected in accordance with a region-wide local's Constitution and/or Bylaws shall be the length prescribed by that local Constitution and/or Bylaws. Vacancies shall be filled in accordance with that local Constitution and/or Bylaws.

Section 6. To be qualified as a candidate for Council office, an individual must be a member in good standing of an affiliated local; must be a member of an AFGE local for one year immediately preceding the closing of the nomination process; and must not be a member in any labor organization not affiliated with the AFL-CIO. Constituent Local Presidents may be candidates for Council President, provided that, if s/he is elected as Council President, s/he resigns as a Local President within six (6) months of election as Council President.

ARTICLE VIII **ELECTION RULES**

Section 1. The Council officers will be nominated and elected in accordance with applicable provisions of this Constitution and the AFGE National Constitution.

Section 2. The delegates shall elect an Election Committee to conduct the election. The Committee shall consist of at least three members, and if a larger Committee is required, it shall contain an odd number of members. No member of the Committee may be an incumbent of or candidate for the office for which the election is being conducted.

Section 3. For elections to be held at the Council Convention, not less than 120 days prior to the Council Convention, the Secretary shall notify each constituent local that the Local Treasurer must furnish to the Council Secretary the names and home addresses of the known Local President, Treasurer, and delegates. The Council Secretary shall mail notices of the Council Convention, including notice of nomination and election, to all constituent known Local Presidents, Treasurers, and delegates at their last known home addresses not less than 90 days before the election of Council officers. If the Local Treasurer has failed to provide the names and home addresses of the known Local President, Treasurer, and/or delegates, the Council Secretary shall send the notice to the last known Local address. The Council Secretary further shall advise all Local Presidents within

seven days by electronic mail that notice has been sent. The ninety (90) day notice of nomination and election may be accomplished by newsletter with the notice printed in a conspicuous place on the first page of the publication.

Section 4. Nominations for Council office shall be moved by delegates to the Convention. The member nominated shall accept or decline the nomination; no individual shall be nominated unless he or she is present at the Convention or has presented prior written notification to the Executive Board of her or his willingness to accept nomination.

Section 5. All Council Officers, except Regional Vice Presidents, shall be elected by secret ballot and by majority vote of the delegates voting. The voting shall be on a proportionate basis of their respective locals, as provided for in Article V, Section 5 of this Constitution. Representation will be based on the average number of paid members for the 12 month period (April to March) preceding the Convention.

Section 6. (a) Regional Vice Presidents shall be elected by secret ballot and a majority vote of all delegates from those locals located within the jurisdiction of the region. Washington, D.C. Headquarters shall be considered a separate region. Regional Vice Presidents shall be elected during regional caucuses held prior to or during the Convention in accordance with the rules of this Constitution and the AFGE National Constitution; provided, however, that region-wide locals may provide for the direct election of Regional Vice Presidents in their local Constitutions and/or Bylaws.

- (b) Regional caucuses shall elect an Alternate Regional Vice President prior to or during the Convention in accordance with the rules of this Constitution and the AFGE National Constitution; provided, however, that region-wide locals may provide for the direct election of Alternate Regional Vice Presidents in their local Constitutions and/or Bylaws. In the absence of the Regional Vice President, the duly elected Alternate Regional Vice President has all the Regional Vice President's rights, including the right to vote on any matter.
- (c) Proxy delegates are subject to the provisions of Article V, Section 6 of this Constitution and, for purposes of the election of a Regional Vice President or Alternate Regional Vice President, may be carried only by a delegate whose constituent local is within the same region as the local that seeks to vote by proxy.

Section 7 (a) All candidates for office must be treated equally with respect to the availability of lists of members and mailing of campaign literature. Upon request of a candidate, the Council Election Committee shall comply with all reasonable and timely requests of the candidate to distribute to constituent known Local Presidents, Treasurers, and delegates at the candidate's expense, by mail or otherwise, campaign literature in aid of her or his candidacy.

- (b) No monetary or other resources of AFGE or any affiliate or any employer shall be contributed or applied to promote the candidacy of any candidate in an election. Resources include, but are not limited to, dues monies and assessments, publications, facilities, office

equipment, union or employer email, stationery, or other supplies. No campaign event or hospitality suite can take place in union paid space. While the preceding restrictions apply to use of AFGE resources to promote the candidacy of any candidate, such resources may be used for such things as notices, factual statements of issues not involving the candidates, and other expenses necessary to conduct an election.

Section 8 (a) Each candidate shall be afforded an opportunity to have a reasonable number of observers, who are members, present throughout the election procedure, including the tally of ballots.

- (b) At the conclusion of the balloting, the Election Committee shall tally the total ballots cast, the ballots challenged, the ballots voided, the number of valid votes cast for each candidate, and the total number of valid votes cast. The Election Committee shall prepare a written report and inform the members of the results as soon as possible.
- (c) A majority of the valid votes cast is required for election to an office. If no candidate receives a majority of the valid votes cast for the office(s) at issue, a runoff election shall be conducted immediately. The runoff shall be between the two candidates receiving the greatest number of votes, whose position on the ballot shall conform with the order of their nomination.
- (d) The Election Committee shall receive the reports of the regional caucuses electing Alternate Regional Vice President and/or Regional Vice Presidents sufficiently in advance of the close of the Convention to allow the Election Committee to set forth the results of the regional caucuses in its final report to the Convention. Region-wide locals shall supply the Election Committee with a copy of their local Constitution and/or Bylaws setting forth the method by which Alternate Regional Vice President and/or Regional Vice Presidents are elected, along with a copy of the minutes of the meeting, tally, or certification of election results.
- (e) Any election appeal shall be handled in the manner prescribed by Appendix A of the AFGE National Constitution. All elections must be conducted, and protests filed, in accordance with the AFGE Rules of Conduct for an Election, as provided for in the AFGE National Constitution. Such protests must be received by the Election Committee prior to, during, or within five days of adjournment of the council meeting.
- (f) All election-related documents (including those pertaining to nominations and the minutes of any meetings) must be sealed and preserved by the Election Committee (who has authority to reopen the records) through the protest period, and then, following the Election Committee's disposition of all election complaints, the documents shall be forwarded to the National Secretary-Treasurer for custody.

ARTICLE IX

DUTIES OF COUNCIL PRESIDENT

Section 1. (a) The Council President shall function as the presiding officer of this Council and shall exercise supervision over the affairs of the Council, subject to the approval of the Executive Board.

(b) Except as otherwise provided, and as far as practicable, the President shall solicit the Executive Board, Local Presidents, and others for potential appointees. All members in good standing are eligible to serve as appointees, subject to approval from the appropriate Local President(s). Upon appointment, the President shall advise the appointee, the Local President, and Executive Board of the selection(s).

Section 2. The President shall preside at Council Conventions and meetings of the Executive Board, sign all documents pertaining to her or his office, and vote at Executive Board meetings only in the event of a tie vote situation.

Section 3. If, for any valid reason, such as ill health, the Council President is unable to perform her or his duties for any period longer than ten days, he or she shall designate in writing to HUD management that the Executive Vice President is to perform her or his duties. This notice also will be served to the Executive Board. This designation may be revoked at the discretion of the President.

Section 4. The Council President shall rent a post office box on behalf of the Council in the city of her or his choice. This address will be sent to HUD management with the instructions that all correspondence be sent to the post office box.

Section 5. Expenditures by the Council President in excess of \$500 per month must have prior approval: (a) by the Council's Executive Board, (b) as authorized by the budget approved by the delegates, or (c) by separate vote of the Council's delegates. All expenditures authorized by the Executive Board will be reported in writing at the next regular meeting of the Council. Upon request a copy of such report will be made available to any officer in good standing of the Council, and the report will be distributed to all Executive Board members and Local Presidents.

Section 6. The Council President will serve as delegate ex officio to any and all conventions or caucuses to which this Council is allowed representation. Funds to attend such conventions must be approved by the Executive Board.

Section 7. The Council President may hire and fire employee(s), subject to the approval by two-thirds (2/3) of the Council Executive Board, providing the delegates to the Council or the Executive Board has given prior approval, either by adoption of an annual budget that provides for employee(s), or by authorizing the expenditure of funds for employee(s). Employees of the Council must have a service or employment contract, and will be advised before hiring that the contract incorporates the following: (1) any such service or employment contract must be submitted in writing for prior review and approval by the Council Executive Board, (2) it does not extend beyond the term of office of the Council President or is otherwise specifically limited to a lesser duration, (3) it is subject to an approved budget and availability of funds, (4) it may not cause deficit

spending, (5) it may be terminated by the Council President for just cause, including a disciplinary or performance based removal, or in the event of insufficient funds, for lack of work, or for other valid reason, subject to approval of the Executive Board, and (6) by entering into a contract, the Council and the employee agree that the National Office of the Federation is neither a party to the contract nor responsible for any matter arising from the contract, including the enforcement or termination of the employment.

ARTICLE X

DUTIES OF THE EXECUTIVE VICE PRESIDENT

Section 1. The Executive Vice President shall assist the President in the performance of her or his duties. The Executive Vice President shall preside over meetings of the Council and Executive Board in the absence of the President.

Section 2. The Executive Vice President, in the absence of the President as prescribed in Article IX, Section 3, shall have the full authority of the Council in matters dealing with HUD management.

Section 3. The Executive Vice President shall be one of the designated National Representatives to attend all national level Labor Management Relations meetings.

Section 4. The Council President shall allocate, at a minimum, 25% of official time as established in the Master Agreement for the Executive Vice President for the performance of his or her Council duties.

Section 5. Expenditures by the Council Executive Vice President in excess of \$250 per month must have prior approval: (a) by the Council's Executive Board, (b) as authorized by the budget approved by the delegates, or (c) by separate vote of the Council's delegates. All expenditures authorized by the Executive Board will be reported in writing at the next regular meeting of the Council. Upon request a copy of such report will be made available to any officer in good standing of the Council, and the report will be distributed to all Executive Board members and Local Presidents.

ARTICLE XI

DUTIES OF THE REGIONAL VICE PRESIDENT

Section 1. The Regional Vice Presidents shall have the responsibility of keeping their member locals informed of Council activities and actions.

Section 2. Regional Vice Presidents shall be responsible and accountable to the locals in the region, with the local presidents of the constituent locals receiving the opportunity to form the official union position on all matters of regional interest. In the case of a region-wide local, the Executive Board of the local or its equivalent shall be given the same opportunity.

Section 3. The Regional Vice Presidents shall provide reports on the conditions in their regions at regular Executive Board meetings.

Section 4. The Regional Vice Presidents will receive dues rebates in the amount of 25¢ per member on a quarterly basis. These rebates shall be used at the discretion of the Regional Vice President to benefit the locals in his or her region. In order for the rebates to be paid in a timely manner, it will be necessary for the Regional Vice Presidents to submit documentation of all expenditures, including the purpose of and receipt for each expenditure, to the Treasurer on a monthly basis. The Regional Vice President shall submit a written quarterly report to the local(s) in his or her region, itemizing both the expenditure and purpose of expended rebate monies.

Section 5. If a Regional Vice President is unable to perform his or her duties and/or attend Executive Board meetings due to absence as defined in Article VII, Section 2(c) of this Constitution, he or she shall inform the Council President and Secretary. If elected, the Alternate Regional Vice President will perform duties of the Regional Vice President, and may attend Council meetings and Conventions in the absence of the Regional Vice President. If the Regional Vice President is absent for more than 30 days, the Alternate Regional Vice President may approve expenditures of Regional Vice President funds not to exceed the dues rebate for that quarter.

ARTICLE XII

DUTIES OF THE COUNCIL SECRETARY

Section 1. The Secretary shall keep a record of minutes of all meetings and maintain all official records of the Council, except those that are specifically assigned to others.

Section 2. The Secretary shall maintain the official roster of member locals/delegates and notify them of all regular and special meetings. Not less than 120 days prior to a regular or special Council Convention and 90 days prior to a special election, the Secretary shall notify each constituent local that the Local Treasurer must furnish to the Council Secretary the names and home addresses of the known Local President, Treasurer, and delegates. The Local Treasurer shall timely notify the Council Secretary of any changes or additions.

Section 3. The Secretary will furnish official credentials to all affiliated locals no later than ninety (90) days prior to the opening day of the Convention.

Section 4. If the Secretary is absent from an Executive Board meeting, the Treasurer will record the minutes of the meeting and furnish them to the Secretary.

Section 5. The Secretary will furnish each Executive Board member and affiliated local with a copy of the minutes of each meeting and a copy of the Treasurer's report.

Section 6. Expenditures by the Council Secretary in excess of \$50 per month must have prior approval: (a) by the Council's Executive Board, (b) as authorized by the budget approved by the delegates, or (c) by separate vote of the Council's delegates. All expenditures authorized by the Executive Board will be reported in writing at the next regular meeting of the Council. Upon request a copy of such report will be made available to any officer in good standing of the Council,

and the report will be distributed to all Executive Board members and Local Presidents.

Section 7. The Secretary shall serve as a member of the Constitution Committee and keep the Constitution up to date. Upon request from an affiliated local in good standing, the Secretary will furnish a copy of the Council Constitution, an up-to-date list of locals, and their Presidents' names and addresses.

Section 8. The Council President shall allocate one of the 25% National Representative official time slots established in the Master Agreement to the Secretary for the performance of his or her Council duties.

ARTICLE XIII **DUTIES OF THE COUNCIL TREASURER**

Section 1. The Treasurer shall receive, disburse, and keep account of all monies received or disbursed for the Council, and render an account at all meetings and whenever otherwise requested to do so by the President.

Section 2. The Treasurer will furnish a Treasurer's report to the Executive Board at each meeting and a written report to the Secretary. These reports shall include running trial balances for all budget line items, a detailed status report of each officer's petty cash fund, and a similar status report of regional rebate funds by region. Such reports also shall include an itemized list of any concerns the Treasurer may have regarding any expenditures, and any recommendations the Treasurer may have regarding submittal of such concerns to the Audit Committee. The Treasurer shall submit copies of these reports to the Secretary on a monthly basis at least ten days prior to the next regular meeting.

Section 3. The Treasurer shall disburse monies of the Council in payment of obligations incurred on behalf of the Council, after such obligations are approved by the Executive Board. All expenditures authorized by the Executive Board will be reported in writing at the next regular meeting of the Council. Upon request a copy of such report will be made available to any officer in good standing of the Council.

Section 4. The Treasurer shall sign all checks and be countersigned by the President. In the absence of either the President or the Treasurer, the Executive Vice President may sign checks.

Section 5. The Treasurer, with the approval of the Executive Board, shall invest any surplus funds of the Council in sound securities or deposit them in a bank or banks.

Section 6. The Treasurer shall serve as Chair of the Budget Committee. A copy of the approved budget shall be provided to any local upon request.

Section 7. The Treasurer shall submit the Council books to the Audit Committee for an annual audit and at the end of her or his term of office. After the audit is complete, the Committee will forward a copy of the completed audit within 30 days to the Treasurer. The Treasurer shall provide copies of

the annual audit reports to members of the Executive Board and upon request to any local. The Committee will complete AFGE Form 41 and submit it to the AFGE National Office.

Section 8. The Treasurer will be responsible for complying with all applicable reporting regulations: submission of LM Report and Constitution to the U.S. Department of Labor, and complying with the Internal Revenue Service regulations, submission of Form 990.

Section 9. The Council must be bonded for at least ten percent of all the monies that are handled by the Council in the year. In accordance with Article XXIV, Section 8(c) of the AFGE National Constitution, the National President shall negotiate on behalf of the Council a blanket position bond in the amount of \$5,000 to cover up to five people who handle the Council's funds for the protection of the Council. In the event that the Council needs, desires or is required by the Labor-Management Reporting and Disclosure Act of 1959, as amended, to be bonded for additional amounts or for additional people who handle the Council's funds, it shall be incumbent upon the Council to bear the additional expense of such additional bond. The Council will be responsible for payment of all charges for all bonding of the Council, including the initial \$5,000 blanket position bond negotiated by the National President, and the Council shall own all bonding paid for by the Council. In order for the bond to be effective, the Council must file within 90 days after the close of its fiscal year a copy of the AFGE form for the annual audit and a copy of the Department of Labor required form.

Section 10. Copies of all official publications will be submitted to the AFGE National Office at the time of publication.

Section 11. Expenditures by the Council Treasurer in excess of \$50 per month must have prior approval: (a) by the Council's Executive Board, (b) as authorized by the budget approved by the delegates, or (c) by separate vote of the Council's delegates. All expenditures authorized by the Executive Board will be reported in writing at the next regular meeting of the Council. Upon request a copy of such report will be made available to any officer in good standing of the Council, and the report will be distributed to all Executive Board members and Local Presidents.

Section 12. The President shall allocate one 25% National Representative official time slot established in the Master Agreement to the Treasurer for the performance of his or her Council duties.

ARTICLE XIV

DUTIES OF THE CHIEF STEWARD

Section 1. It will be the responsibility of the Chief Steward, upon request, to provide technical assistance to locals regarding their grievances and arbitrations.

Section 2. The Council President will direct the Chief Steward in the performance of her or his duties.

Section 3. The Chief Steward will serve as the Chair of the Grievance Committee.

Section 4. Expenditures by the Council Chief Steward in excess of \$50 per month must have prior approval: (a) by the Council's Executive Board, (b) as authorized by the budget approved by the delegates, or (c) by separate vote of the Council's delegates. All expenditures authorized by the Executive Board will be reported in writing at the next regular meeting of the Council. Upon request a copy of such report will be made available to any officer in good standing of the Council, and the report will be distributed to all Executive Board members and Local Presidents.

Section 5. The Council President shall allocate one 25% National Representative official time slot established in the Master Agreement to the Chief Steward.

ARTICLE XV

DUTIES OF THE EXECUTIVE BOARD

Section 1. It shall be the duty of the Executive Board to promote the interests and improve the effectiveness of this Council, to provide a concerted voice and unity of the affiliated locals, and to devise and initiate such action as may be necessary in the interim between Council meetings, but such actions shall not be inconsistent with the objectives of this Council, this Constitution, or the AFGE National Constitution.

Section 2. The Executive Board will meet at the call of the President, or by a request of a majority of the Executive Board members.

Section 3. A quorum will not be less than a majority of the Executive Board.

Section 4. The Executive Board shall meet as necessary but not less than monthly.

ARTICLE XVI

DUTIES OF THE AUDIT COMMITTEE

Section 1. The Audit Committee will perform the regular audits required by the Constitution in accordance with statutory, regulatory, and union constitutional requirements and in conformity with guidance found in the *AFGE Financial Officer's Manual*, provided an outside audit is not performed.

Section 2. When an outside audit is undertaken, the Audit Committee will provide any appropriate assistance to the outside auditors.

Section 3. The Audit Committee will promptly investigate and provide written recommendations to the Executive Board regarding any questions raised in the Treasurer's report about expenditures, including petty cash and regional rebate expenditures and documentation.

Section 4. Audit Committee reports will be in order under the regular Treasurer's report at Executive Board meetings, and such Audit Committee reports shall be the sole basis for Executive

Board action to withhold regular petty cash replenishment or regional rebate payments.

ARTICLE XVII

LOCALS' RIGHTS AND RESPONSIBILITIES

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

Section 2. Each constituent local in good standing shall be entitled to full participation in all matters before this Council through the medium of delegates.

Section 3. Each constituent local shall be entitled to negotiate and enforce supplemental collective bargaining agreements with local management for the purpose of implementing the National Agreement and covering those matters more appropriately negotiated at the local level. Such agreements shall not renegotiate matters negotiated at the national level; the agreements shall be subordinate to the National Agreement and shall not conflict with or repeal it. Such local supplements must be submitted to the Council Secretary to be presented to the Executive Board for approval. Such action shall happen as expeditiously as possible.

Section 4. Any local that is not in good standing with this Council may not conduct any business on behalf of this Council or on any matter properly within the responsibility of this Council.

Section 5. Should the need arise, ten locals may petition the Executive Board to hold an emergency meeting of the Council. Should the Executive Board deny the petition, it would then be a subject for AFGE National Constitution Article XIII, Section 8 procedures.

Section 6. The affiliated locals will furnish the Council Secretary and Treasurer with any changes in officers, their names, mailing addresses, commercial telephone numbers, and their correspondence codes, so that the officers can receive mail via pouch mail. Each affiliated Local President shall furnish the Council Secretary the names and home addresses of the Local President, Local Treasurer, and known delegates to the HUD Council, and timely notify the Council Secretary of any changes.

ARTICLE XVIII

REVENUES AND REPORTING

Section 1. The per capita tax to this Council shall be \$1.50 per active member, and \$0.50 per retired member per month, and at the option of the Local is payable not later January 31 annually.

Section 2. Locals with direct pay active members, and those exercising their option to affiliate direct pay retired members, shall report and pay the per capita tax directly to the Council. All locals shall submit a monthly Membership and Financial Report to the Treasurer. These reports are the same as the AFGE National report, and are due to the Treasurer in accordance with the AFGE National

Constitution.

Section 3. Special assessments may be levied by a two-thirds vote of the Executive Board of this Council when, in its judgment, it becomes necessary to carry on the work of the Council. However, such assessment shall not exceed the sum of 25¢ per member per month, for not more than four months (and not more than two assessments in one year). If an assessment is levied, it shall remain in effect only until the next Council Convention.

Section 4. Any increase in per capita tax for the Council must be voted on either:

- (a) At the Convention with two-thirds of all delegates and/or proxies voting on membership strength approving the increase, or
- (b) By mail secret ballot with two-thirds of the membership of the affiliated locals approving the increase.

Membership strength will be determined by this Constitution and the AFGE National Constitution.

Section 5. The books, records, and financial accounts of this Council shall be open to inspection at all times to the AFGE National President and the National Secretary-Treasurer or their duly designated representative, and any constituent local upon request.

ARTICLE XIX **COMMITTEES**

Section 1. Special committees may be established as the Council may direct, and the membership of such committee, with the exception of the Election Committee, shall be appointed by the President.

Section 2. Standing committees shall be Audit, Bargaining, Constitution, Convention Site, Credentials, Fundraising, Grievance, Legislation, and Organizing. The duties of these committees shall be determined by the Council President, the Executive Board, and this Constitution.

ARTICLE XX **REPRESENTATION ENDOWMENT FUND**

Section 1. Purpose. The purpose of the Council 222 Representation Endowment Fund (the Fund) is to provide the monetary resources necessary for the Council and its constituent Locals to excel at their representational duties, especially as it relates to arbitration. All decisions of the Trustees shall be subject to approval of the Executive Board.

Section 2. Governance of the Fund. Election.

- a. The Fund shall be overseen by three Trustees. Council 222 membership shall be divided into large, medium and small Locals, each group representing roughly 1/3 of Council membership. No Local may be represented in more than one group. Trustees shall be elected by secret ballot and

a majority vote of delegates from those Locals within the group (large, medium or small Locals), and voting in accordance with the rules of this Constitution and the AFGE National Constitution.

b. Trustees must be members in good standing for at least one year prior to their election. The Council President may not serve concurrently as a Trustee.

c. The Trustees will be elected at the Council Convention held every three years. This election will be referenced in the Convention Call. The Council Convention Election Committee shall conduct the election of the Trustees in conjunction with the election of National Officers.

d. Should a Trustee position become vacant during the term, the President with the concurrence of the Executive Board shall appoint a replacement to fill the unexpired term. The replacement shall be from the appropriate size Local and be approved by the Local President.

e. The first Trustees shall be elected in the following manner: Nominees shall be submitted, no later than July 20, 2008, to the Council President. The President, with concurrence of the executive Board, shall select trustees from locals as follows:

Large Local: Local 476

Medium Locals: Locals 911, 913, 1568, 2032, 3258, 3320, and 3972

Small Locals: all remaining Locals in good standing

No Current member of the Executive Board shall be a trustee for the initial term. Within 30 days of the end of the 2008 Convention, the Council President shall appoint a joint Credentials/Election Committee to review any new credentials submitted, prepare the list of delegates, confirm nominations, and prepare the ballot for each group. The election shall be conducted by the Council Secretary within 60 days of the Call by mailing the appropriate ballot to delegates representing Locals in each group.

Section 3. Conduct of Trustee Meetings.

a. Trustees shall meet monthly to consider the business of the Fund. They shall designate one among themselves to take minutes, providing the minutes to the Council Secretary and Treasurer after adoption by the Trustees at the next regular meeting.

b. A Trustee's position will be vacant if s/he misses three or more consecutive regular meetings, or misses more than five meetings in a calendar year.

Section 4. Use of Funds.

a. In each calendar year, annual proceeds from investment of the Fund shall be available for use for up to three years after being earned. Thereafter, unexpended proceeds shall be returned to principal.

b. The Trustees shall promptly authorize use of annual proceeds from investment of the Fund to pay for arbitrator fees, expert witness fees, transcripts, and the cost of witness travel associated with Council arbitrations duly authorized by the Council Executive Board, and to reimburse Locals for arbitration costs pursuant to the Council Arbitration Reimbursement Policy.

c. Subject to paragraph (a) above, by majority vote of the Trustees, annual proceeds that remain unexpended after the first year of their earning may be made available for training, research resources, attorneys fees, and other expenses related to arbitration and grievance handling. If made available to Locals, all Locals shall have an equitable opportunity to benefit from the proceeds.

d. In each calendar year and upon unanimous vote, the Trustees may authorize the use of up to 5% of principal funds to pay for arbitrator fees, expert witness fees, transcripts, and the cost of witness travel associated with Council arbitrations duly authorized by the Council Executive Board. This clause may be invoked only two times in every five calendar years.

e. In each calendar year, upon unanimous vote of the Trustees and 2/3 vote of the Council Executive Board, up to 10% of principal funds may be used to pay for arbitrator fees, expert witness fees, transcripts, and the cost of witness travel associated with Council arbitrations duly authorized by the Council Executive Board. This clause may be invoked only two times in every five calendar years.

Section 5. Investment and Expenditure of Funds.

a. Endowment funds are to be kept separate from all other Council funds. The Trustees may choose to have the Fund held by an escrow agent, provided that the escrow agreement allows for conformance with this Article. Otherwise, the Fund shall be maintained by the Council Treasurer.

b. The Trustees shall appoint one among themselves to prepare a monthly accounting to be approved by the Trustees and presented to the Council Executive Board. Monthly statements shall set forth where all Endowment funds are invested, return on each investment, and expenditures from the Endowment. To facilitate preparation of monthly accountings, the Council Treasurer or escrow agent shall provide the Trustees with all Fund account statements as they become available.

c. The Trustees shall be responsible for maximizing return on the Fund, so long as investments are in accounts or securities guaranteed by the United States government.

d. Expenditure from the Fund shall be recorded on a voucher setting forth the signatures of the approving Trustees, and referencing the date of the meeting at which the expenditure was approved. Vouchers evidencing expenditures made pursuant to Section 4(e) above shall further set forth the signature of the Council Secretary, reflecting the date of the Council Executive Board meeting at which the expenditure was approved. Upon receipt of the fully executed voucher, the Council Treasurer or escrow agent shall effectuate the expenditure.

Section 6. Annual Audit.

a. The Fund shall be subject to an annual audit. The Council President shall appoint a Fund Audit Committee to be comprised of not less than three members. Committee members shall be selected from Locals who have not received payment from the Fund in the previous 12 months. Audits for the previous year shall generally be conducted in the spring or concurrent with the Council Convention.

b. The Fund Audit Committee shall issue its report to the Council Executive Board, or to the-Council Convention as appropriate, for approval.

ARTICLE XXI

COMPLAINTS AND APPEALS

Section 1. Complaints against any of the Council officers arising out of or resulting from an individual's conduct or status as a Council officer on matters concerning the operation of the Council, excluding Council officer elections (which are processed in accordance with the procedures set forth in Appendix A of the AFGE National Constitution), will be processed as follows:

- (a) Constituent locals or members thereof shall register a complaint first with the Council President. A committee of investigation and, if probable cause is found, a trial committee shall be appointed by the Council President, or the Executive Board if the Council President is the accused. The Council President or the Executive Board, as appropriate, shall insure that neither the committee of investigation nor the trial committee includes the complainant(s) or the accused, and in no case will the committee of investigation and the trial committee be composed of any of the same members. No member of the Executive Board may serve on the committee of investigation. No member shall be eligible to serve on the Executive Board or trial committee for the hearing of charges under this Article if he or she is directly or indirectly involved in the matter which gave rise to the charges upon which the accused is to be tried, and the committees shall be otherwise impartial. A hearing on the complaint shall be conducted consistent with applicable provisions of Article XXIII of the AFGE National Constitution, not less than two weeks after the mailing of the notice nor more than 180 days after the preferring of charges. The trial committee's findings of fact and decision shall become effective after 45 days of its publication or service by mail to all constituent locals, unless disapproved by a majority of them during that 45 day period. A committee of investigation's finding of no probable cause or trial committee's decision exonerating the accused shall not be subject to Council approval, nor be subject to any further action within the Council or the Federation.
- (b) The trial committee shall render a decision suspending the accused for a specific time from his or her office, removing him or her from the office, barring him or her from holding any office for a specified time, and/or suspending or removing him or her from membership for a specified period of time, or finding him or her not guilty as accused. After decision of the trial committee, an officer suspended or removed from office and/or membership shall have the appeal right to the National Executive Council set forth in Article XXIII, Section 9, of the AFGE National Constitution, by service upon the National Secretary-Treasurer within 15 days of receipt of the trial committee's decision.
- (c) The NEC shall review the case and affirm or reverse the decision, reduce the penalty, or return the case to the Council for a new trial before a different trial committee. If the decision of the NEC should affirm any adverse action taken against the appellant by the Council, upon receipt of the NEC's written decision, the appellant may further appeal to the next AFGE National Convention.

ARTICLE XXII

NEGOTIATING COMMITTEE(S)

Section 1. The chair of each negotiating committee will be appointed by the Council President, subject to approval of the Executive Board.

Section 2. The chair of each negotiating committee will choose her or his team members. The team size will be predicated by the nature of the issue to be negotiated and relevant ground rules in the Master Agreement.

Section 3. Once a chair has been determined by the Council President and the Executive Board, the Council President then will inform HUD management of the selection, and instruct HUD management to send all pertinent data to that individual.

Section 4. Each negotiating committee will have full authority to act on behalf of the Council. No side agreements may be consummated or agreed to without approval of the full committee. National contracts negotiated with the agency are subject to review by the AFGE National President, and the agency shall be so notified.

Section 5. It will be the responsibility of the chair of each individual negotiating committee to submit a written report to the Council Secretary within 30 days of completion of the negotiations, and a copy of the report will be sent to all affiliated locals.

Section 6. Any changes, additions, modifications or amendments (as opposed to letter of clarification or interpretation) to the National HUD Council Agreement will require ratification by 51% of the constituent locals.

ARTICLE XXIII

COUNCIL CONVENTION

Section 1. This Council shall hold its national convention in June, July, or August of 2008, and triennially thereafter.

Section 2. During the triennial Council Convention, the nominations, elections, and installation of officers (President, Executive Vice President, Secretary, and Treasurer) will be held.

Section 3. The credentials process shall be conducted by mail. To facilitate this, the announcement of any regular or special Council Convention will be provided at least 90 days in advance of such Convention. Membership strengths will be determined by this Constitution and the AFGE National Constitution.

Section 4. Special meetings may be called at any time by the Council President with a majority vote of the Executive Board, or upon written request from at least ten affiliated locals. When the ninety

(90) day advance notice is provided to the known Local President, Local Treasurer, and delegates of each constituent local, the specific purpose of the meeting also shall be provided. Only those items listed in the notice will be discussed or voted on at such special meetings.

Section 5. A quorum of this Council shall consist of not less than 15 delegates or proxies representing 15 affiliated locals. A quorum is not required for nominations and/or elections.

Section 6. Unless otherwise specified by law (e.g., secret ballot election or dues) or by constitution, all questions before this Council will be decided by vote of the delegates present, first by voice vote. If a delegate objects, there will be then a showing of hands. If objections still exist, voting will be by roll call upon a motion and second by the delegates.

Section 7. The time allowed for debate of any particular issue before the Council and the time allowed for speeches will be governed by circumstances and by majority vote of those present. Any limitation as to time allowed for debate may be extended by a majority of those present and voting.

Section 8. *Robert's Rules of Order Newly Revised* shall govern the proceedings of all Council meetings, when not inconsistent with the provisions of this Constitution, the AFGE National Constitution, and the Bylaws of this Constitution.

ARTICLE XXIV **CONSTITUTIONAL AMENDMENTS**

Section 1. This Constitution and any amendments thereof shall become effective and remain so, when it is approved by a two-thirds vote of the delegates of this Council present and voting, and subsequently approved by the National Executive Council of the American Federation of Government Employees.

Section 2. Any proposed amendments to this Constitution shall be submitted to the Council Secretary in writing not less than 60 days prior to the Council Convention. The Secretary shall notify all delegates of the proposed amendments not less than 30 days prior to the opening day of the Convention. Only those amendments that have been properly received prior to the opening day of the Convention will be considered at the Convention, with the exception of those proposed by a two-thirds vote of the delegates present at the Council Convention.

Section 3 (a) Except as provided in subparagraph (c) below, if the NEC recommends any changes to the Constitution which was approved by the delegates at the Convention, the recommended changes must be voted on and approved by two-thirds of the locals voting. This vote will be conducted by mail ballot.

(b) The Secretary will be required to notify the affiliated locals of the recommended changes, and they have 60 days from the mail date to either approve or reject the recommended changes. Membership strength will be determined by this Constitution and verified by the National Secretary-Treasurer of AFGE. All ballots and records pertaining to the mail ballot

will be retained for a period of one year by the Secretary.

- (c) Amendments to the Council Constitution required by law, the Department of Labor, or the AFGE National Constitution will be included when the NEC approves the Council Constitution.

ARTICLE XXV

INITIATING PROPOSALS BETWEEN COUNCIL CONVENTIONS

Section 1. There is hereby reserved to all locals in good standing with the Council the power to petition or to initiate proposals, provided that copies of such petition or proposals are submitted to the Council Secretary by at least ten percent of the affiliated locals.

Section 2. The Secretary then will cause the petition or proposal to be sent to all affiliated locals with an invitation for comments, to be submitted within 60 days, in favor of or in opposition to the petition or proposal. The comments shall be sent to the affiliated locals as they are received. At the end of the 60-day period, the Secretary shall provide for the taking of a vote on the petition or proposal in the manner and form set forth in Section 3 of this Article. No proposition under this Section shall be declared adopted unless a two-thirds vote of locals in good standing votes in favor thereof.

Section 3. The voting upon any proposition arising under this Article shall be conducted by the Council Secretary and the Treasurer by the officers transmitting ballots and tally sheets to the locals. A vote shall be taken by the locals, after notice to the membership, at a regular meeting. The locals will be required to send a certified copy of the meeting notice announcing the proposed election, and a certified copy of the minutes of the meeting, and the ballot sheet. The Executive Board shall appoint three tellers, all of whom shall receive, check, certify, and announce the result of the voting conducted by the locals. The tellers shall report the results to the Secretary, and then the results will be transmitted to the locals. The action shall become effective immediately upon adoption unless otherwise provided for.

BYLAWS

Section 1. The order of business at regular Council meetings will be:

- (a) Roll call of officers
- (b) Reading of the minutes of the previous meeting
- (c) Report of financial condition by the Council Treasurer
- (d) Report of committees
- (e) Report of officers
- (f) Unfinished business
- (g) New business
- (h) Reports of Regional Vice Presidents

- (i) Comments for the good of the Council
- (j) Adjournment

Section 2. These Bylaws may be amended by a two-thirds vote of the delegates, as provided in Article XXIV of this Constitution.

Section 3. Copies of this Constitution and Bylaws will be distributed by the Council Secretary after ratification and signature.

PRESIDENT

SECRETARY