



CONSTITUTION

AS ADOPTED AT THE MAY 21, 2016 CONVENTION

(Approved by AFSCME International on August 10, 2016)



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**CONSTITUTION
FOR
AFSCME WISCONSIN COUNCIL 32**

**ARTICLE I
BILL OF RIGHTS**

Section 1. No person otherwise eligible for membership in this union shall be denied membership, on a basis of unqualified equality, because of race, creed, color, national origin, sex, age, sexual orientation, gender identity, disability, political belief or any other protected class under federal or Wisconsin discrimination laws.

Section 2. Members shall suffer no impairment of freedom of speech concerning the operations of this union. Active discussion of union affairs shall be encouraged and protected within this organization.

Section 3. Members shall have the right to conduct the internal affairs of the union free from employer domination.

Section 4. Members shall have the right to fair and democratic elections, at all levels of the union. This includes due notice of nominations and elections, equal opportunity for competing candidates, and proper election procedure, which shall be constitutionally specified.

Section 5. Members shall have an equal right to run for and hold office, subject only to constitutionally specified qualifications, uniformly applied.

Section 6. Members shall have the right to a full and clear accounting for all union funds at all levels. Such accounting shall include, but not be limited to, periodic reports to the membership by appropriate fiscal officers and periodic audits by officers elected for that purpose or by independent auditors not otherwise connected with the union.

Section 7. Members shall have the right to full participation, through discussion and vote, in the decision-making processes of the union, and to pertinent information needed for the exercise of this right. This right shall specifically include decisions concerning the acceptance or rejection of collective bargaining contracts, memoranda of understanding, or any other agreements affecting their wages, hours or other terms and conditions of employment. All members shall have an equal right to vote and each vote cast shall be of equal weight.

Section 8. Charges against a member or officer shall be specific and shall be only on grounds provided in the International Constitution. Accused members or officers shall have the right to a fair trial with strict adherence to due process. The accused shall be considered innocent until proven guilty.

**ARTICLE II
NAME AND HEADQUARTERS**

Section 1. The name of this union shall be AFSCME Wisconsin Council 32 of the American Federation of State, County and Municipal Employees, AFL-CIO.

Section 2. The headquarters of AFSCME Wisconsin Council 32 shall be in Madison, Wisconsin.

ARTICLE III **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 the council.

ARTICLE IV **OBJECTIVES**

The objective of this council shall be to carry out within the state of Wisconsin the objectives of the American Federation of State, County and Municipal Employees.

ARTICLE V **MEMBERSHIP AND DUES**

Section 1. The membership of this council shall consist of all AFSCME local unions in the state of Wisconsin.

Section 2. Effective June 1, 2015, the per capita tax rate for this council shall be \$22.00 per member per month and shall be adjusted annually in accordance with the provisions of the International Constitution. The council shall receive all dues payments directly from the employers and members. From the amounts so received, the council shall deduct and pay to the International Union the constitutionally required International Union per capita tax, and transmit to each local union its portion of the dues and fees. These rates shall be paid on all members unless the International Executive Board establishes other rates that shall be set forth in an addendum to this constitution.

ARTICLE VI **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 annually. 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 March 1 and May 31.

Section 3. Special conventions may be called at any time and upon thirty (30) days' notice by the council executive board. One-third (1/3) of the affiliated locals can, by resolution properly adopted by the membership and forwarded to the council president, compel the calling of a special convention, for the purpose or purposes set forth in the resolution. A convention so requested shall take place within ninety (90) days of the required number of locals properly adopting resolutions and submitting them to the council president. 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/fee payers 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/fee payers 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 members/fee payers as follows:

- 50 or fewer, two delegates;
- more than 50 but not exceeding 100, three delegates;
- more than 100 but not exceeding 200, four delegates;
- more than 200 but not exceeding 300, five delegates;
- more than 300 but not exceeding 400, six delegates;
- more than 400 but not exceeding 500, seven delegates;
- more than 500 but not exceeding 600, eight delegates;
- more than 600, one additional delegate for each 200 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 chairperson 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. Two or more locals may unite in sending to the convention a properly elected delegate from such locals who is in good standing with their home local. Before a local may be represented by a delegate who is not a member of the local, the membership of the local shall first vote on the following question: "Shall this local elect as a convention delegate a person who is not a member of this local union?" If the majority of those voting on the question vote in the affirmative, the local may then proceed to elect a delegate from another local union. Any delegate so elected may cast the votes to which the locals are individually entitled. No delegate may represent more than five locals.

Section 9. At least sixty (60) days prior to the convention, the council 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 10. Locals shall return the credential forms, properly executed and signed, to the council office no later than twenty (20) days prior to the opening of the convention.

Section 11. A quorum for the transaction of business at any regular or special convention shall consist of delegates representing not less than one-third of the affiliated locals entitled to representation at the convention.

ARTICLE VII

OFFICERS AND ELECTIONS

Section 1. The executive board of this council shall consist of four (4) officers, twenty-one (21) executive board members, a retiree representative, and the executive director. At each convention at which elections are held, the delegates shall first elect officers and thereafter elect executive board members. The term of office for all elected members of the executive board shall be two years.

- A. The officers shall be the president, vice-president, treasurer, and secretary who shall be elected by the convention as a whole. No more than one member employed in the following jurisdictions shall be elected to the positions of president, vice-president or treasurer:

1. State of Wisconsin, including the UW System and UW Hospital
2. Non-state, excluding Milwaukee County
3. Non-state, Milwaukee County

A member from any of the above jurisdictions may be elected to serve as secretary.

- B. Executive board members shall be elected on a district and sector basis as set forth below.

1. Six (6) districts shall be established for purposes of electing twelve (12) district executive board members. Each district shall elect two (2) executive board members. One executive board member within each district shall be employed within the jurisdiction of the state unit and one shall be employed in the jurisdiction of the non-state units.

A candidate for district executive board member must be employed within the district and jurisdiction in which they seek office. Only delegates representing members employed in a jurisdiction within a district shall be eligible to nominate or vote for candidates for executive board members from such district.

The six districts shall consist of the following counties:

- a. **District 1:** Ashland, Barron, Bayfield, Burnett, Chippewa, Clark, Douglas, Dunn, Eau Claire, Pepin, Pierce, Polk, Price, Rusk, Sawyer, St. Croix, Taylor, Washburn
- b. **District 2:** Florence, Forest, Green Lake, Iron, Langlade, Lincoln, Marathon, Marquette, Oneida, Portage, Vilas, Waupaca, Waushara, Wood
- c. **District 3:** Brown, Calumet, Door, Fond du Lac, Kewaunee, Manitowoc, Marinette, Menominee, Oconto, Outagamie, Shawano, Sheboygan, Winnebago
- d. **District 4:** Adams, Buffalo, Crawford, Grant, Jackson, Juneau, La Crosse, Monroe, Richland, Trempealeau, Vernon
- e. **District 5:** Columbia, Dane, Dodge, Green, Iowa, Jefferson, Lafayette, Rock, Sauk
- f. **District 6:** Kenosha, Milwaukee, Ozaukee, Racine, Walworth, Washington, Waukesha

Any local union whose jurisdiction crosses districts shall cast its votes for district executive board members in proportion to the average number of members/fee payers represented in each district during the twelve-month period for determining convention delegate representation under Article VI, Section 4.

2. Nine (9) executive board members shall be elected by sector. A candidate for sector executive board member must be employed within the sector jurisdiction in which they seek office. Only delegates representing members employed within a sector shall be eligible to nominate or vote for candidates for executive board members from such sector. Sector executive board members shall be elected in the following jurisdictions:

- a. One from the state of Wisconsin including the UW System and UW Hospital
- b. Three (3) from non-state public sector, excluding Milwaukee County
- c. Two (2) from non-state public sector, Milwaukee County
- d. One from private sector, excluding Milwaukee County
- e. One from private sector, Milwaukee County
- f. One from the independent workers' sector

Any local union whose jurisdiction crosses sectors shall cast its votes for sector executive board members in proportion to the average number of members/fee payers represented in each sector during the twelve-month period for determining convention delegate representation under Article VI, Section 4.

- C. A retiree representative shall be elected from among the members of all Wisconsin retiree chapters and sub-chapters prior to the council conventions at which officers are elected. The retiree representative shall be elected by the members of the retiree chapters and sub-chapters. The retiree representative shall be a non-voting member of the council executive board and their term of office shall run concurrently with the executive board members elected by the convention.

Section 2. Vacancies in office shall be filled in accordance with this constitution by members otherwise eligible to hold the position and by vote of the executive board for the remainder of the term.

Section 3. Should any elected member of the executive board be absent from four board meetings without excuse acceptable to the board during an officer's term, that office shall be declared vacant and filled in accordance with this constitution.

Section 4. To be eligible for election to any office, a member must be in good standing for one year immediately preceding the election in any one or more local unions properly affiliated with this council or retiree chapters/sub-chapters in the state of Wisconsin, and meet any applicable employment requirements set forth in this Article.

Section 5. Nominations of at-large officers shall be conducted in open convention, and no nominating committee shall be used. Any delegate may nominate any eligible member for at-large offices on the council executive board.

Section 6. Nominations for district and sector executive board members shall be conducted by separate caucus meetings for each district and sector. No nominating committee shall be used. Caucus meetings shall be scheduled so as to ensure that all eligible delegates have an opportunity to participate. Any delegate eligible to vote in a district or sector may nominate any eligible member employed in that district or sector for executive board member.

Section 7. 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 in an election. Any challenge to the eligibility of any nominee shall be filed in writing with the election committee, which shall report on the eligibility of the nominee prior to the election.

Section 8. 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 9. No employee of this council may be an officer, executive board member, retiree representative or a delegate of this council, nor may an employee become a candidate for these offices. An employee of the council may become a delegate to the International Convention and may be a delegate from the affiliated local union of which they are a member to central labor bodies or federations. Except where an employee is entitled to vote as a member or be a candidate to become a delegate as provided herein, no employee of this council may participate otherwise in any way or take sides in any local union, retiree chapter/sub-chapter or council election and all individuals are prohibited from soliciting employees or causing employees to be solicited to do so.

Section 10. 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 11. Every officer shall, upon assuming office, subscribe to the Obligation of an Officer contained in Appendix B of the International Union Constitution.

ARTICLE VIII

DUTIES OF OFFICERS AND EXECUTIVE BOARD

Section 1. The president shall be the presiding officer at all meetings of the council and of the executive board. The president shall appoint all committees of the board and of the council, subject to the approval of the executive board. The president shall be an ex- officio member of all committees, except the election committee. The president shall countersign all checks drawn on the funds and accounts of the council. The president may, with the approval of the executive board, authorize a deputy to sign such checks in the president's stead. The president shall, by virtue of the president's election, be the council's delegate to conventions of the International Union. The president shall, at each convention of the council, submit a report to the council regarding the progress and standing of the council and regarding the president's official acts.

Section 2. The vice-president shall assist the president in the work of the president's office. In the absence of the president or in the president's inability to serve, the vice-president shall preside at all meetings and perform all duties otherwise performed by the president.

Section 3. The secretary shall keep or cause to be kept a record of the proceedings of all conventions and all executive board meetings. Such regular convention records shall be sent to all delegates and local presidents no later than 120 days after the regular convention. Such special convention records shall be sent to all delegates and local presidents no later than 90 days after a special convention. The secretary shall perform such other duties as the executive board or the convention may direct or as required by this constitution. The secretary shall send or cause to be sent a record of all meetings and actions of the executive board to members listed on the local leadership lists as provided to the council by the member locals. Such report shall be sent within two weeks of such meeting or action.

Section 4. The treasurer shall receive and take charge, or cause to take charge, of all money, property, and securities of the council. The treasurer shall deposit all money received to the credit of the council in a bank or banks selected by the executive board and insured by the Federal Deposit Insurance Corporation, and money so deposited shall be withdrawn only by check signed in accordance with this constitution. The treasurer shall prepare and sign checks for such purposes as are required by the constitution or are authorized by the council convention or the executive board. The treasurer may, with the approval of the executive board, designate a deputy or deputies to sign such checks in the treasurer's stead. The treasurer shall keep or cause to be kept, an accurate record of receipts and disbursements and shall, once each month, submit to the executive board a monthly operating statement of the financial transactions of the council for the previous month. The treasurer shall prepare and submit to each affiliated local union a quarterly operating statement at regular three-month intervals. The treasurer shall also ensure that officers and employees of the council are bonded in accordance with the AFSCME International Constitution and applicable law.

Section 5. The executive board shall be the highest governing body of this council, except when the convention is in session. All matters affecting the policies, aims, and means of accomplishing the purposes of this council not specifically provided for in this constitution or by action of the delegates at a convention of the council shall be decided by the executive board, except the power to amend this constitution.

Section 6. The executive board shall meet at least quarterly and shall hold special meetings at the call of the council president or of a majority of the members of the board. Regular meetings shall be held at a time and location determined by the president, subject to approval of the executive board. Special meetings may also be called by the International President or his/her authorized representatives.

Section 7. All executive board members shall serve on a standing committee.

Section 8. A quorum for the transaction of business at meetings of the executive board shall consist of a majority of the members of the board.

Section 9. The executive board shall select a certified public accountant who shall, once each year, audit the books and records of the council, and shall see that the results of such audit are communicated to all affiliated local union.

ARTICLE IX

EXECUTIVE DIRECTOR

Section 1. The executive board shall employ a full-time executive director of the council and shall set the executive director's salary and determine other conditions of employment.

Section 2. The executive director shall be the council's chief administrative and executive officer. The executive director shall serve on a full-time basis. The executive director shall serve as a non-voting member of the executive board and shall be an ex-officio member of all committees of the council. Subject to this constitution, and to council policies as adopted by the convention or the executive board, the executive director shall:

- A. carry out the policies of the council and be responsible for their being carried out by the council staff;
- B. be the council's official spokesperson except where the executive board may otherwise direct;
- C. direct negotiations with employers;
- D. direct organizing activities within the council's jurisdiction;
- E. be the chief administrator of representation elections; and
- F. be responsible for the contents of the council's publications.

Section 3. In advance of each fiscal year, the executive director shall submit to the executive board a proposed budget for the coming fiscal year, setting forth the anticipated income and the sources thereof, and the anticipated expenditures and their purposes. The executive director shall transmit copies of the proposed budget to all members of the executive board at least twenty (20) days prior to the meeting at which the board is to consider the proposed budget. The proposed budget shall be subject to revision and adoption by the board, and the executive director shall adhere to the provisions of the budget as adopted by the executive board. Where there is necessity for substantial modification in the budget, the executive director shall make recommendations to the board for such modification. The board may, in its discretion, make such modifications in the budget from time to time as it deems necessary.

Section 4. The executive director, subject to the budget approved by the executive board, shall employ, assign and supervise staff employees for purposes of organization, service, education, research, publications and similar activities. The executive director may employ an assistant executive director with the approval of the executive board. The assistant executive director shall assist the executive director in carrying out his/her duties and shall assume those duties in the event the executive director is unable to serve. The executive director shall have the right to terminate the employment of or otherwise discipline any such staff member. The executive director shall notify the executive board of all hires. No employee of the council may hold or seek office in any affiliated local union or retiree chapter/sub-chapter.

Section 5. The executive director may with the approval of the executive board, retain professional consultant services.

Section 6. The executive director shall sign all contracts and other official documents of this council. The executive director shall be covered by surety bond in an amount to be determined by the executive board at the expense of the council and in accordance with the International Union Constitution.

Section 7. The executive director shall report regularly and fully to the convention and to the executive board on the executive director's activities and the standing and progress of the council. The executive director shall perform such other duties as may be directed by the convention or the executive board.

Section 8. No council executive board member and no local union officer or executive board member shall exercise any direction over any council staff member or other employee except through the executive director.

ARTICLE X

STANDING COMMITTEES

Section 1. The president shall appoint from among the members of the executive board, and subject to the approval of the executive board, the following standing committees:

- A. Personnel and Finance Committee
- B. Policy and Procedure Committee
- C. Constitution and Resolutions Committee
- D. Communications and Messaging Committee

All executive board members shall serve on a standing committee.

ARTICLE XI

MISCELLANEOUS PROVISIONS

Section 1. This council shall at all times be subject to the provisions of the International 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 the power to act as an 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 set forth in the council constitution, authorized in writing by the president of the council or by the executive board of the council.

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

ARTICLE XII **AMENDMENTS**

Section 1. This constitution may be amended by proposals submitted by members in good standing, local unions, and/or the Council 32 Constitution & Resolutions Committee that are properly introduced at the convention and approved by two-thirds vote of the convention. Such proposals shall be submitted in writing to the secretary of the council at the council's headquarters office at least 20 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 secretary at least 120 days prior to the opening of the convention, shall be reproduced in full and mailed to each affiliated local union not later than 60 days prior to the opening of the convention. Any amendment which is so introduced and distributed, except amendments related to the structure of the council executive board under Article VII, Section 1, may be approved by 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



LEE SAUNDERS
International President

Approval Date: August 10, 2016