



United Public Workers AFSCME, Local 646, AFL-CIO Constitution

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**UNITED PUBLIC WORKERS
AFSCME, LOCAL 646, AFL-CIO
CONSTITUTION**

PREAMBLE

Since the beginning of history, mankind has struggled individually and collectively for political, economic, and cultural betterment and has found the fullest opportunity to work toward these goals through democratic organization to achieve common aims.

Therefore, we, who have the common objective to advance the living standards of ourselves and our fellow workers everywhere in the world, to promote the general welfare of our nation and our communities, to banish prejudice and discrimination, to strengthen democracy and achieve peace in the world, do form ourselves into one, indivisible Union and adopt the following Constitution to guide our conduct and protect the democratic rights of our members.

BILL OF RIGHTS FOR UNION MEMBERS

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, or political belief.
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.
3. Members shall have the right to conduct the internal affairs of the Union free from Employer domination.
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 procedures which shall be constitutionally specified.
5. Members shall have an equal right to run for and hold office, subject only to constitutionally specified qualifications, uniformly applied.
6. Members shall have the right to a full and clear accounting of all Union funds at all levels. Such accounting shall include, but not be limited to, periodic reports to the membership by the appropriate fiscal officers and periodic audits by officers elected for that purpose or by independent auditors not otherwise connected with the Union.
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.

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

ARTICLE 1
AIMS AND PRINCIPLES

We, the men and women working under the jurisdiction of this Union in the State of Hawaii, in order to build and maintain a strong organization and provide for the defense of our common interests, promote the welfare of our members and families, uphold the rights and dignity of our labor and its organized expression, have determined that we shall be guided by the following principles:

- a. An injury to one is an injury to all.
- b. The right to be treated in a decent and respectful manner by the Employer.
- c. To organize the unorganized workers within our jurisdiction so as to protect our gains as well as to extend them to others.
- d. To encourage the organization of all labor so as to help raise the living standards of all wage earners.
- e. To oppose all violations of democratic practice whether they be racial, religious, or political, thus assuring the rights guaranteed by the American Constitution to all.
- f. To encourage the fullest participation in the democratic processes of our community and our nation in order to help assure honest government responsible to the people. To support and encourage the members' interest in world as well as national and local events, since events throughout the world affect the people of Hawaii.
- g. Basing ourselves on these principles, we are pledged to work, individually and collectively in pursuit of these aims:
 - 1) To promote the best interests of our members by organizing all workers eligible for membership in our Union.
 - 2) To help elect honest officials in our government.
 - 3) To encourage the participation in politics of men and women sympathetic to the needs and rights of the working people.
 - 4) To support and encourage the spread of honest news and to encourage the newspapers and radio stations which give working people factual reporting free of anti-union bias.
 - 5) To encourage the building of the trade union movement in Hawaii as the one movement which can best give labor the dignity, self-respect, and standard of living which has so long been a goal of workers everywhere.

ARTICLE 2
METHODS

The basic methods to be used in achieving our objectives shall be legislation, negotiation, education and collective bargaining. It shall be the policy of this Union to engage and assist in lawful strikes against private and government agencies when all other avenues have failed.

ARTICLE 3
NAME, HEADQUARTERS AND DIVISIONS

Section 1. Name.

This organization shall be known as the United Public Workers, AFSCME, Local 646, AFL-CIO, hereafter referred to as UPW AFSCME, United Public Workers, UPW or Union.

Section 2. Headquarters.

The headquarters of the UPW shall be on Oahu. Division offices shall be established on various islands at locations designated by the State Director with the approval of the State Executive Board.

Section 3. Divisions.

The UPW shall consist of the following Divisions:

- a. Oahu, consisting of Employees of the State and County on the Island of Oahu.
- b. Hawaii, consisting of Employees of the State and County on the Island of Hawaii.
- c. Maui, consisting of Employees of the State and County on the Islands of Maui, Molokai and Lanai.
- d. Kauai, consisting of Employees of the State and County on the Island of Kauai.
- e. Private Sector, consisting of Employees of private hospitals, nursing homes, non-profit organizations and non-supervisory Employees in private employment in the State of Hawaii.

ARTICLE 4
MEMBERSHIP

Section 1. Active Members.

The following classes of persons shall be eligible to become active members:

- a. State and County non-supervisory Employees in blue collar positions, including working supervisors.
- b. State and County non-professional, institutional, health and correctional workers, but excluding white collar workers.
- c. Non-supervisory Employees of private hospitals and nursing homes, non-profit, and other eleemosynary institutions.

- d. Exempt Employees of UPW AFSCME. In the event an exempt Employee terminates or is terminated from UPW AFSCME, the exempt Employee's membership in the Union shall cease on the effective date of the termination.
- e. Active members who have regular work schedules of twenty (20) or fewer hours per week shall be termed part-time active members. Other active members shall be termed regular active members.
- f. Non-supervisory Employees in private employment as provided for in the charter of affiliation issued to the United Public Workers by AFSCME.

Section 2. Associate Members.

The following classes of persons shall be eligible to become associate members only:

- a. Members in good standing who resign from government or private sector employment prior to retirement and who are permanently employed outside of this Union's jurisdiction.
- b. Employees of the State, its political subdivisions, and private Employees in managerial and supervisory positions, except for supervisors who are in the collective bargaining unit for State and County non-professional institutional, health and correctional workers.
- c. Members who are in good standing at the time they retire from government or private sector employment.
- d. Spouses of Active and Associate members.
- e. Other persons as determined by the State Director with the approval of the State Executive Board.

Associate members who have retired shall be termed "retired associate members" and associate members who have not yet qualified for retirement shall be termed "regular associate members".

Associate members shall pay a special dues rate and shall be permitted to continue participation in UPW AFSCME benefit plans. They shall have no voice, vote, or right to hold office.

Section 3. Membership.

Membership in the Union shall not be denied by reason of sex, race, creed, color, national origin, nationality, or religious or political affiliation or belief.

Section 4. Good Standing.

A member whose dues are not paid for more than thirty (30) days shall not be considered in good standing. A member in good standing may, if separated from work where UPW AFSCME has jurisdiction, continue membership in the UPW AFSCME provided dues are current, or such member may receive an honorary withdrawal card.

Section 5. Initiation Fee.

The initiation fee in UPW AFSCME shall not be less than two dollars (\$2.00), nor more than twenty-five dollars (\$25.00), as set by the State Executive Board.

Section 6. Monthly Dues Rate.

The UPW AFSCME monthly dues rate of each regular active member in addition to the monthly AFSCME per capita tax shall be determined by computing one and one-half percent (1.5%) of the monthly salary determined by each collective bargaining agreement for each member. The rate so determined shall be the dues rate of the member until the following January 1st; provided, however, that the monthly dues rate of any member shall not be lower than the monthly minimum dues rate.

Section 7. Minimum Dues Rate.

Each January 1st the monthly minimum dues rate shall be based on the percentage reported to all affiliates in accordance with the provisions of the International Constitution to the existing monthly minimum dues rate for regular active members, thereby establishing a new minimum dues rate for regular active members. In all cases, the amounts so computed shall be rounded to the nearest five cents (5¢).

Section 8. Part Time Minimum Dues Rate.

Each January 1st, the minimum monthly dues rate of each part-time active member in addition to the monthly AFSCME per capita tax shall be three quarters (3/4) of the minimum dues rate for regular active members. In all cases, the amounts so computed shall be rounded to the nearest five cents (5¢).

Section 9. Associate Dues Rate.

The dues of associate members shall be equal to the monthly minimum dues rate established for each active part-time member.

Section 10. Retired Associate.

The monthly dues for retired associate members shall be established by the State Executive Board. Such dues are required in order to continue membership in the UPW and to be eligible for benefit programs sponsored by the UPW. The monthly dues established by the Retiree Chapter 646 shall be in addition to the monthly UPW AFSCME dues.

Section 11. Reinstatement.

A member who resigns from the UPW AFSCME may be reinstated in membership after approval of the Division Executive Board and after payment of a reinstatement fee not to exceed twenty-five dollars (\$25.00) which shall be set by the Division Executive Board.

Section 12. Transfers.

Membership in the UPW AFSCME shall be transferable throughout the State with the approval of the State Director.

Section 13. Leave of Absence Without Pay.

- a. A member on leave of absence without pay who decides not to continue participation in the UPW benefit programs during the leave shall not be required to pay Union dues while on leave of absence without pay.
- b. A member who decides to continue participation in the UPW benefit program while on leave must continue to pay Union dues and benefit premiums. A member who is delinquent more than thirty (30) days in such payments will have such benefits canceled.
- c. Members who choose not to pay Union dues while on leave of absence without pay who return to work will not have to pay a new initiation fee.

Section 14. Disabled Members.

A permanently disabled member, who is qualified for a disability waiver of insurance premiums under the provisions of the UPW group insurance plan, shall not be required to pay Union dues during the period the waiver of insurance premium is in effect. The UPW shall process and forward to the insurance company claims for waiver of premium that are called to the attention of the UPW. If the disabled member belongs to the Mutual Aid Fund, such member must continue payment of Union dues to remain a member of the Mutual Aid Fund.

ARTICLE 5
CONVENTION

Section 1. The Convention shall consist of the:

- a. State Executive Board
- b. Unit Delegates as determined by the following:
 - 1) The Unit Chief Steward shall be an automatic Delegate and shall be included in the total number of Delegates allowed for the Unit. The Unit shall be entitled to one (1) Unit Delegate for the first two hundred (200) members. If the Unit Chief Steward is unable to attend the Convention, the replacement or Alternate Unit Delegate shall be elected during the period of January 1st to March 31st in the year of the Convention.
 - 2) A Unit shall be entitled to one (1) additional Unit Delegate for more than two hundred (200) members. The additional Unit Delegate(s) shall be elected during the period of January 1st to March 31st in the year of the Convention.

Section 2. The Convention shall:

- a. Be the highest governing body of UPW AFSCME and it shall be the final authority on all matters concerning Union policy when in session.
- b. Be held every third year beginning in 1994 between the period of August 1st and October 31st of such year. The date, time and place of the regular Convention shall be determined by the State Director with the approval of the State Executive Board. The regular Convention shall commence on Friday and close on Saturday afternoon.

- c. Be open to the public except when ordered closed by a two-thirds (2/3) vote of the delegates present and voting. Committee meetings shall be closed to the public.
- d. Use "Robert's Rules of Order, Revised" as the guide in all cases to which they are applicable and in which they are not inconsistent with this Constitution or with legally adopted special rules of order by the Convention.

Section 3. Delegates shall:

- a. Attend general sessions and committee meetings they are assigned.
- b. Have equal rights to discuss and vote on questions properly before the Convention.
- c. Have their authorized expenses paid by the Local.
- d. Have a roll call vote on questions properly before the Convention with the approval of one-fourth (1/4) of the Delegates present.

Section 4. Members of the Union may attend the Convention at their own expense, and shall be known as observers. Observers shall not have voice or vote on issues before the Convention or committees.

Section 5. Divisions shall be entitled to as many votes as it is entitled to delegates and shall have the right to ask for its delegates vote in caucus on issues.

Section 6. Except for the three (3) State Officers, no State Executive Board member shall serve as a delegate from any Unit.

Section 7. Special Conventions may be called by a regular Convention or by order of the State Executive Board. The date, time and place of the special Convention shall be determined by the State Director with the approval of the regular Convention or State Executive Board. Only the subject(s) indicated in the call for the special Convention shall be discussed and decided at the special Convention. Notice of the special Convention shall be given to the membership of the Union at least sixty (60) days prior to the date of the special Convention. Representation to a special Convention shall be on the same basis and procedures governing the regular Convention.

ARTICLE 6
STATE EXECUTIVE BOARD

The State Executive Board shall:

Section 1. Consist of the:

- a. State Director
- b. State President
- c. State Secretary-Treasurer
- d. Division Vice-Presidents
- e. Division Secretaries
- f. Division Treasurers

- g. Division Delegates as determined by the following:
 - 1) The Oahu Division shall be entitled one (1) Division Delegate for the first two thousand (2,000) eligible members and shall be entitled to one (1) Division delegate for every five hundred (500) eligible members thereafter.
 - 2) The Hawaii, Maui, Kauai and Private Sector Divisions shall be entitled to one (1) Division delegate for the first one thousand (1,000) eligible members and one (1) Division delegate for every five hundred (500) eligible members thereafter.
 - 3) One (1) of the Maui Division Delegates shall be from the island of Molokai or Lanai.
- h. Substitutes for regular members that are unable to attend a meeting of the State Executive Board as determined by the Division Executive Board.

Section 2. Be the governing body between Conventions.

Section 3. Meet at least once between Conventions. The date, time and place of the meeting(s) of the State Executive Board shall be determined by the State Director.

Section 4. Determine Union policy that is not delegated to the State Director by this Constitution.

Section 5. Make decisions by a majority vote of the State Executive Board present. Fifty percent (50%) of the members of the State Executive Board who represent the majority of the Divisions, shall constitute a quorum for the enactment of business.

Section 6. Work with the State Director in implementing policies approved by the State Executive Board and Conventions.

Section 7. Hear reports and recommendations of the State Director and shall make decisions.

Section 8. Approve an annual budget for the fiscal year beginning on January 1st and ending on December 31st in advance of each fiscal year after receipt of the proposed budget submitted by the State Director.

Section 9. Approve compensation for Employees of the Union after receipt of the recommendation of compensation for Employees of the Union submitted by the State Director.

Section 10. Approve compensation for the State Director.

Section 11. Approve by-laws for each Division and Unit that are uniform as reasonably possible

Section 12. Approve negotiation committee by-laws for collective bargaining units 1 and 10 as provided in Chapter 89 Hawaii Revised Statutes and collective bargaining units in the Private Sector Division after receipt of the proposed by-laws submitted by the State Director.

Section 13. Approve the formation of new Units or the creation of additional Units within an existing Unit after receipt of the recommendation from the State Director.

Section 14. Be required to participate in Union programs.

Section 15. Decide matters involving disagreement among Divisions or within Divisions if they are referred to the body by petition or resolutions.

Section 16. Hear appeals from members against decisions of officers or members if they are not satisfied with decisions of officers of their Units or Divisions. Members shall have the right to appeal to the AFSCME Judicial Panel if they are not satisfied with the decisions of the State Executive Board.

Section 17. Be provided a complete report at State Executive Board meetings from any officer or committee of business done in the name of the United Public Workers upon request.

Section 18. Be required to attend scheduled and special meetings of the Division Executive Board that the State Executive Board Member represents, the State Executive Board and Conventions. A State Executive Board Member who misses two (2) consecutive scheduled or special meetings of their respective Division or the State Executive Board shall be automatically suspended from office, unless properly excused by the officer in charge of the specific meeting. The State Executive Board Member shall have fifteen (15) calendar days in which to file an appeal, in writing, to the State Executive Board. If the appeal is not filed timely the State Executive Board Member shall be considered removed from office.

ARTICLE 7 OFFICERS

Section 1. The officers of, UPW AFSCME, Local 646, AFL-CIO shall consist of the following:

- a. State Director
- b. State President
- c. State Secretary-Treasurer
- d. Oahu Division Vice-President
- e. Private Sector Division Vice-President
- f. Hawaii Division Vice-President
- g. Maui Division Vice-President
- h. Kauai Division Vice-President
- i. Oahu Division Secretary
- j. Oahu Division Treasurer
- k. Private Sector Division Secretary
- l. Private Sector Division Treasurer
- m. Hawaii Division Secretary
- n. Hawaii Division Treasurer
- o. Maui Division Secretary
- p. Maui Division Treasurer
- q. Kauai Division Secretary
- r. Kauai Division Treasurer

Section 2. Officer and Employee.

A member of the Union cannot be both an officer of the Union and an Employee of the Union, except the State Director.

Section 3. Obligation of State and Division Officers.

After assuming office, each elected officer shall subscribe to the following:

I, _____, promise and pledge that I will perform faithfully and with honor the duties of the office which I now assume in the American Federation of State, County and Municipal Employees, and I will deliver to my successor in office all books, papers and other property of the Union which are in my possession at the close of my official term.

Section 4. Obligation of the Unit Chief Steward, Secretary and Treasurer.

After being elected to the position of Unit Chief Steward, Secretary or Treasurer, each member elected shall subscribe to the following:

I, _____, promise and pledge that I will perform faithfully and with honor the duties of the position which I now assume in the American Federation of State, County and Municipal Employees, and I will deliver to my successor in office books, papers and other property of the Union which are in my possession at the close of my official term.

ARTICLE 8
STATE OFFICERS

Section 1. The State Officers of UPW AFSCME, Local 646, AFL-CIO shall consist of the following:

- a. State Director
- b. State President
- c. State Secretary-Treasurer

Section 2. State Director.

The State Director shall:

- a. Be the chief full-time paid representative of the Union.
- b. Be the chief administrator of the Union.
- c. Be the principal executive of the Union.
- d. Be empowered to hire and fire personnel necessary to conduct the efficient Union business.
- e. Be in charge of organizing the conduct of negotiations and the presentation of Union legislative proposals.
- f. Conduct the affairs of the Union in strict accordance with this Constitution, the policies of the Convention and the State Executive Board and according to the State Director's discretion whenever and wherever it is not so expressly limited. The State Director's

actions that are not spelled out in the UPW AFSCME Constitution shall be subject to review and approval by the State Executive Board.

- g. Have custody of and keep books, records, documents, correspondence and other property of the Union.
- h. Be responsible for the collection of monies due the Union and shall give proper receipts therefore.
- i. Keep a complete and accurate record of properties, transactions, receipts and disbursements of the Union.
- j. Be the custodian of funds of the Union and shall deposit such funds to the credit of the Union in a federally insured bank or financial institution.
- k. Prepare proper vouchers for the disbursement of funds of the Union by the State Secretary-Treasurer and President signing jointly.
- l. May co-sign checks in the absence of either the State President or the State Secretary-Treasurer with the approval of the State Executive Board.
- m. Prepare financial reports at least once annually that shall be available for distribution to the members.
- n. Submit an annual budget for the fiscal year beginning on January 1st and ending on December 31st in advance of each fiscal year to the State Executive Board setting forth the anticipated income and the source thereof and the anticipated expenditures and their purposes. The proposed budget shall be subject to revision and approval by the State Executive Board.
- o. Be responsible for adhering to the budget adopted by the State Executive Board, insofar as possible and shall be responsible for expenditures on behalf of the Union.
- p. Recommend compensation for UPW AFSCME Employees to the State Executive Board. The State Executive Board shall set the salary of the State Director.
- q. Work in close cooperation with the State President and the State Secretary-Treasurer.
- r. Assist officers in the execution of their duties whenever called.
- s. Be empowered to visit Units and Divisions on Union business and shall report to meetings of members, officers and Conventions on conditions within the Union and on policies which concern the Union.
- t. Be headquartered on Oahu, but shall be free to go where needed to assist officers and members of the Union. The State Director's actual expenses shall be borne by the Union in such cases.
- u. Have been a member of the Union for at least one (1) year at the time of the election.

- v. Maintain an accurate record of the Convention proceedings and distribute copies of such records to Divisions as soon as practicable after the Convention.
- w. Prepare and distribute the newsletter of UPW AFSCME as necessary.
- x. Include in the newsletter of UPW AFSCME a summary of State Executive Board meetings in lieu of distributing the minutes of State Executive Board meeting to the membership. The summary shall not include matters that would assist competing organizations, the Employer and anti-union newspapers and other media.

Section 3. State President.

The State President shall:

- a. Preside at the Conventions and meetings of the State Executive Board.
- b. Be a member of Union committees except the negotiation committees of Bargaining Units 1 and 10 and the Private Sector Units unless so provided for in the negotiation committee by-laws of said committees.
- c. Be responsible for enforcing UPW AFSCME policies that are not the administrative function of the State Director.
- d. Be empowered to make visits to any Division and Unit of the Union within budget limitations.
- e. Be empowered to represent the UPW at meetings to present the position of the Union on matters that the Union has adopted policy that are not administrative functions of the State Director.
- f. Work in close cooperation with the State Director of the Union.
- g. Interpret the Constitution of the Union whenever questions arise, but the President's interpretation shall be subject to the approval of the State Executive Board.
- h. Upon approval of the State Director or the State Executive Board be compensated for loss of wages and for traveling expenses in connection with the president's authorized duties.
- i. Perform the ministerial function of countersigning checks required by this Constitution or authorized by the State Executive Board or the State Director drawn against the funds of the Union including checks drawn against separately funded or specifically allocated and reserved funds administered by the Union.

The State President's actions that are not determined by the UPW AFSCME Constitution shall be subject to the direction and approval of the State Executive Board.

Section 4. State Secretary-Treasurer.

The State Secretary-Treasurer shall:

- a. Take minutes of the State Executive Board, Executive Committee and State PAC meetings and submit the minutes to the State Director for approval by the State Executive Board.
- b. Perform the ministerial function of signing checks required by this Constitution or authorized by the State Executive Board or the State Director drawn against the funds of the Union, including checks drawn against separately funded or specifically allocated and reserved funds administered by the Union.
- c. Upon approval of the State Director or the State Executive Board be compensated for loss of wages and for traveling expenses in connection with the Secretary-Treasurer's authorized duties.
- d. Work in close cooperation with the State Director of the Union.
- e. Be acquainted with procedures as are needed for conducting the duties of the Secretary-Treasurer's position.
- f. Preside at meetings of the State Executive Board and at Conventions and perform the duties normally performed by the President in the absence of the President.

ARTICLE 9 **EXECUTIVE COMMITTEE**

Section 1. There shall be an eight (8) member Executive Committee composed of the State President, State Secretary-Treasurer, State Director, and the Vice-Presidents of Hawaii, Kauai, Maui, Oahu and the Private Sector Divisions.

Section 2. The committee shall meet as necessary and shall work closely with the State Director. The meeting shall be chaired by the State President.

Section 3. During the absence of a member of the Executive Committee, the same procedure as established in the Union Constitution shall be followed for temporary replacements.

ARTICLE 10 **DIVISION EXECUTIVE BOARD**

The Division Executive Board shall:

Section 1. Consist of the:

- a. Division Vice-President
- b. Division Secretary
- c. Division Treasurer
- d. Division Delegates to the State Executive Board
- e. Unit Chief Stewards

Section 2. Be the governing body of the Division.

Section 3. Meet as provided in the Division By-Laws but at least once every three (3) months.

Section 4. Approve an annual budget for the fiscal year beginning on January 1st and ending on December 31st in advance of each fiscal year.

Section 5. Be required to participate in Union programs.

Section 6. Decide matters affecting the Division not decided by this Constitution, the Convention or the State Executive Board.

Section 7. Receive a specific allocation from Union dues in an amount determined by the State Executive Board after receipt of the proposed amount from the State Director.

ARTICLE 11

DIVISION OFFICERS

Section 1. The Division Officers of UPW AFSCME, Local 646, AFL-CIO shall consist of the following:

- a. Division Vice-President
- b. Division Secretary
- c. Division Treasurer

Section 2. Division Vice-Presidents.

The Division Vice-Presidents shall:

- a. Preside at meetings of the Division Executive Board.
- b. Be responsible for assisting Division officers with Division programs.
- c. Be responsible for reports to the State Executive Board and the Convention when such reports are requested by the State Executive Board or the Convention.
- d. Be responsible for calling meetings of the officers of their Division which are not required by the Division by-laws.
- e. Countersign check requests for expenditure of funds allocated to the Division by the State Executive Board as provided in Article 17 of this Constitution and policies approved by Conventions or the State Executive Board.
- f. Appoint members of the Division to various committees and activities as the Union programs demand.
- g. Have their actions subject to review by the Division Executive Board.

Section 3. Division Secretary.

The Division Secretary shall:

- a. Take minutes of the Division Executive Board meetings and submit the minutes to the Division Vice-President for approval by the Division Executive Board. The approved minutes shall be kept in a file by the Division Secretary and a copy shall be submitted to the State Director.
- b. Make available upon request for inspection by members of the Division at regular Division Executive Board meetings.

Section 4. Division Treasurer.

The Division Treasurer shall:

- a. Sign check requests for expenditure of funds allocated to the Division by the State Executive Board as provided in Article 17 of this Constitution and policies approved by Conventions or the State Executive Board.
- b. Submit the annual budget approved by the Division Executive Board to the State Director no later than January 1st of each year.
- c. Submit monthly financial reports to the Division Executive Board that are prepared by the UPW.

ARTICLE 12
UNIT

The Unit shall:

Section 1. Consist of the:

- a. Unit Chief Steward
- b. Unit Secretary
- c. Unit Treasurer
- d. Of ten (10) or more members unless a Unit in the Private Sector Division consists of less than ten (10) Employees as designated by the State Director.

Section 2. Meet as determined in the Unit By-Laws.

Section 3. Decide matters affecting the Unit not decided by this Constitution, the Convention, the State Executive Board or the Division Executive Board.

Section 4. Financed by a specific amount determined by the membership of the Unit and referred to as Unit dues.

ARTICLE 13
UNIT OFFICERS

Section 1. Unit Chief Steward.

The Unit Chief Steward shall:

- a. Preside at meetings of the Unit.
- b. Be responsible for calling meetings of the Unit.
- c. Countersign check requests for expenditure of Unit funds as provided in Article 17 of this Constitution and policies approved by Conventions and the State Executive Board.
- d. Have their actions subject to review by the Unit.
- e. Be required to attend scheduled and special meetings of the Division Executive Board. A Unit Chief Steward who misses two (2) consecutive scheduled or special meetings of their respective Division shall be automatically suspended from office, unless properly excused by the officer in charge of the specific meeting. The Unit Chief Steward shall have fifteen (15) calendar days in which to file an appeal, in writing, to the State Executive Board. If the appeal is not filed timely the Unit Chief Steward shall be considered removed from office.

Section 2. Unit Secretary.

The Unit Secretary shall:

- a. Take minutes of the Unit meetings and submit the minutes to the Unit Chief Steward for approval by the Unit.
- b. Keep approved minutes in a file and submit a copy to the State Director.

Section 3. Unit Treasurer.

The Unit Treasurer shall:

- a. Sign check requests for expenditure of Unit funds as provided in Article 17 of this Constitution and policies approved by Conventions or the State Executive Board.
- b. Submit financial reports to the Unit that are prepared by the UPW.

ARTICLE 14
ELIGIBILITY FOR OFFICE

Section 1. Active members of the Union in good standing shall be eligible for elective office in the United Public Workers, provided, however, Employees of the Union shall only be eligible for election to the office of State Director.

Section 2. Candidates for State Director, President and Secretary-Treasurer may be from any Division.

Section 3. Candidates for Division offices must be a member of the Division for which the nominee seeks office.

Section 4. Candidates for State Director, President and Secretary-Treasurer must have been members in good standing of the UPW for at least one (1) year at the time of their nomination.

ARTICLE 15
NOMINATIONS AND ELECTIONS

Section 1. The State Director, State President and State Secretary-Treasurer shall be nominated and elected at the regular Convention by Convention delegates.

Section 2. The Division Vice-President, Division Secretary, Division Treasurer and Division Delegates to the State Executive Board of each Division shall be nominated and elected by the members of each Division every two (2) years between November first (1st) and December thirty first (31st).

Section 3. The Unit Chief Steward, Unit Secretary and Unit Treasurer of each Unit shall be nominated and elected by the members of each Unit every two (2) years between January 1st and March 31st.

Section 4. Nominations and Elections for Officers shall be conducted in accordance with the AFSCME Elections Code contained in the AFSCME Constitution and the AFSCME Local Union Election Manual.

ARTICLE 16
VACANCIES

A vacancy in the following offices shall be filled as follows:

Section 1. State President shall be filled by the State Secretary-Treasurer for the period remaining until the next regular election at the Convention.

Section 2. State Secretary-Treasurer and State Director shall be filled by appointment by the State President for the period remaining until the next regular election at the Convention with the approval of the State Executive Board.

Section 3. Division Vice-President shall be filled by election at the next meeting of the Division Executive Board after meeting the requirements of Article 15, Section 4 of this Constitution. In the interim, the Division Treasurer or Division Secretary shall perform the Vice-President's duties.

Section 4. Unit offices shall be filled by election by the membership of the Unit after meeting the requirements of Article 15, Section 4 of this Constitution.

Section 5. Division Secretary and Division Treasurer shall be filled by election at a meeting of the Division Executive Board after meeting the requirements of Article 15, Section 4 of this Constitution. In the interim the Division Secretary or the Division Treasurer shall temporarily serve in both offices.

Section 6. Division Delegate shall be filled by election at a meeting of the Division Executive Board after meeting the requirements of Article 15, Section 4 of this Constitution.

ARTICLE 17
UNION FUNDS

Section 1. Funds, property, and other assets of the local including any separately funded or specifically allocated and reserved funds administered by the Union shall be deemed held in trust

for the benefit of the respectively participating members under the administrative review of the State Executive Board and the Convention.

Section 2. Expenditure of funds shall be substantiated by authorizations and documentation meeting the requirements of the AFSCME Financial Standards Code, applicable State and federal laws and the UPW AFSCME and International Constitutions.

Section 3. Financial records shall be audited by a duly registered accountant at the end of each fiscal period and reported to the membership.

Section 4. In the event of a dispute within a Division or Unit as to the right to or custody of funds or property, the decision of the Convention or the State Executive Board shall be final and binding on officers and members of the UPW.

Section 5. In the event a Division or Unit disbands, dissolves, is no longer represented by the UPW as the exclusive representative, or otherwise discontinues its existence, funds and property shall be promptly forwarded to the State Director and shall become the property of the UPW.

Section 6. An officer leaving the Union for any reason shall promptly turn over money and property of the Union in the officer's possession to the officer's successor or to the remaining officers.

Section 7. The income of this Union shall be derived from initiation fees, dues, fines, assessments, interest on monies in bank and other financial institutions, dividends from investments, gifts, net income on any business ventures and from any other legal source.

Section 8. Where the Union has investments in other organizations, institutions, agencies, or corporation, the State Director, President and Secretary-Treasurer and other persons whom the State Executive Board shall designate, shall serve as trustees for such investments and may perform any act with reference to such investments as they deem necessary and in the best interests of the UPW and the membership; provided, however, that such officers or other person shall not dispose of income from such investments except for the benefit of the UPW and the membership. The State Director, President and Secretary-Treasurer and any other person whom the State Executive Board shall designate, shall also act for the UPW in business ventures undertaken by the UPW and with the same restrictions as to the disposal of net income derived from such ventures.

ARTICLE 18

DELEGATES TO AFSCME CONVENTION

Section 1. The State Executive Board shall determine the number of delegates who will represent the United Public Workers at Conventions of the American Federation of State, County and Municipal Employees.

Section 2. The following order of priority shall be used after the number is determined by the State Executive Board:

- a. State Director
- b. State President
- c. State Secretary-Treasurer
- d. Division Vice-Presidents, in order of the greatest number of members in their Division
- e. Division Secretaries in order of the greatest number of members in their Division
- f. Division Treasurers in order of the greatest number of members in their Division
- g. Division Delegates prorated according to the number of members of the Divisions.

Section 3. When a Delegate is unable to attend the AFSCME Convention, the vacancy shall be filled from the Division in which the vacancy exists from the remaining members of the State Executive Board.

ARTICLE 19 PAC COMMITTEES

Section 1. There shall be a standing committee known as UPW AFSCME State Political Action Committee. It shall be chaired by the State President.

Section 2. The UPW AFSCME State Political Action Committee shall consist of the State President, the State Secretary-Treasurer, the State Director and the Division Vice-Presidents.

Section 3. Actions and recommendations of the UPW AFSCME State Political Action Committee shall be subject to the approval of the State Executive Board except political endorsements.

Section 4. There shall be a standing committee in each Division known as the UPW AFSCME Division Political Action Committee. It shall be chaired by the Division Vice-President.

Section 5. The UPW AFSCME Division Political Action Committee shall consist of the Division Executive Board.

Section 6. Actions and recommendations of the UPW AFSCME Division Political Action Committee shall be subject to the approval of the respective Division Executive Boards except political endorsements.

Section 7. The work of the UPW AFSCME Political Action Committees shall be financed by a specific allocation from Union dues in an amount determined by the State Executive Board after receipt of the proposed amount from the State Director.

Section 8. The UPW AFSCME Political Action Committee funds shall be accounted for and administered by the UPW as required by Article 17 of this Constitution.

Section 9. The UPW AFSCME Political Action Committee funds shall not be used in federal elections.

ARTICLE 20 OFFENSES, TRIALS, AND APPEALS

Refer to AFSCME Constitution, Article X, Judicial Procedure.

ARTICLE 21 AMENDMENTS

Section 1. Proposed amendments to this Constitution shall be presented for consideration through the Unit to which the proponents of the amendment belong. Proposed amendments shall be in writing.

Section 2. At regular Conventions, proposed amendments that have not been adopted by appropriate Units may be offered for consideration in the name of the Unit and bearing the names of at least three (3) members of the Unit.

Section 3. Proposed amendments may also be submitted by delegates, through their respective Divisions, at the Convention. This Constitution may be amended at regular biennial Conventions. Amendments at regular Conventions shall be adopted by a two-thirds (2/3) roll call vote.

Section 4. Proposed amendments may also be submitted to the membership at any time upon the presentation of a petition bearing the signatures of ten percent (10%) of the members, from at least two (2) Divisions of the Union. Upon receipt of such a petition, the State officers shall put the proposed amendments to a referendum vote, either at the time of the election of State officers or through a special referendum vote. A majority of the votes cast shall determine whether the amendment is approved.

Section 5. This Constitution, as amended, shall be the official Constitution of UPW AFSCME until changed by amendments as provided in Article 21.

APPROVED BY:

Gerald W. McEntee [S] 9/15/04

GERALD W. McENTEE Date
International President