



**Southeast Minnesota Area Labor Council, AFL-CIO**  
**CONSTITUTION**

**General Officers**

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## ***Preamble***

The Southeast Minnesota Area Labor Council, AFL-CIO is an expression of the hopes and aspirations of the working people in the following counties: Blue Earth, Dodge, Faribault, Fillmore, Freeborn, Goodhue, Houston, Le Sueur, Mower, Nicollet, Olmsted, Rice, Steele, Wabasha, Waseca, and Winona.

As a labor organization, we recognize the need to improve the lives of and increase power for working families, bring fairness and dignity to the workplace and secure social equity. We will accomplish this by mobilizing our members to support our causes and through building a strong diverse, free and democratic labor movement.

We will organize workers into unions, allied by common purposes and mutual reliance. We will recruit generations of organizers, amass resources to sustain their efforts and inspire workers to achieve dignity and security through organization and collective bargaining. We will generate broad understanding among our members of the necessity of organizing among our members, our leaders and all unorganized workers.

We will give political voice to workers in our area. We will fight for a public policy agenda favorable to working families at all levels of government. We will assemble a broad progressive coalition for social and economic justice. We will create a political force within the labor movement that will speak forcefully and persuasively on the public issues that affect our lives.

We will establish unions as active forces in our communities. We will build to make the voices of working families heard in our neighborhoods. We will foster vibrant local and community labor councils. We will strengthen the ties of labor with our allies. We will speak out effectively and creatively on behalf of all workers in our communities.

With confidence and trust in the inherent power and goodness of our people and the promise of unionism, we proclaim this our Constitution.

## **Article I Name and Affiliation**

This organization shall be known as the Southeast Minnesota Area Labor Council, hereinafter referred to as the Area labor Council, or Area Labor Council. It shall at all times maintain affiliation with the American Federation of Labor and Congress of Industrial Organizations (AFL-CIO) and conduct all of its affairs in accordance with the Constitution of the AFL-CIO and the Rules Governing AFL-CIO Area Labor Councils and Central Labor Councils. As a chartered organization of the AFL-CIO, this Area Labor Council shall conform its activities on state

matters to the policies of the Minnesota AFL-CIO, and on national affairs to the policies of the national AFL-CIO.

## **Article II Purpose**

The objectives of this Area Labor Council shall be to promote, through appropriate activities in the geographical area covered by the charter of the Area Labor Council, the principles of the American Federation of Labor and Congress of Industrial Organizations, including the following.

- (a) To assist in furthering the appropriate objects and policies of the AFL-CIO, or of organizations affiliated with the AFL-CIO (provided such objects or policies are not inconsistent with the objects or policies of the AFL-CIO);
- (b) To build a strong political voice for working families by engaging them in the political and legislative process on a year-round basis;
- (c) To build labor, political, community and religious support to advance affiliates' organizing and contract campaigns;
- (d) To build a strong local labor movement of working people through mobilization and education to support working families' agendas;
- (e) To build coalitions with allies to fight for working families' agendas;
- (f) To build a united and effective public voice for working families by fostering strong diverse unions which work actively and positively in their communities around common goals
- (g) To provide coordination of the AFL-CIO programmatic goals to the chartered central labor councils and recognized chapters in the defined geographic jurisdiction, while at the same time respecting each organization's autonomy;
- (h) To engage in such other activities as which are consistent with the objects objectives and principles set forth in the Constitution of the AFL-CIO and the policies of the AFL-CIO.

## **Article III Composition and Delegates**

**Section 1.** This Area Labor Council shall be composed exclusively of the following organizations within the geographic boundaries covered by the Area Labor Council, which shall conform to this constitution and the rules, and regulations adopted pursuant thereto:

- (a) Local Unions of National and International Unions and organizing committees affiliated with the AFL-CIO, and Local Unions chartered directly by the AFL-CIO, with members who live and/or work in the Area Labor Council jurisdiction;

- (b) Councils chartered by the Trade and Industrial Departments of the AFL-CIO;
- (c) Joint Boards, District Councils, AFL-CIO Central Labor Councils, chapters and similar subordinate organizations that are duly chartered by an affiliate of the AFL-CIO;
- (d) Associate Member Organizations as approved by the AFL-CIO;
- (e) Minnesota State Retiree Council, AFL-CIO;
- (f) Established AFL-CIO Constituency Groups in good standing;
- (g) Currently established Labor Assemblies within the geographic jurisdiction of the Area Labor Council, and newly organized Labor Assemblies, where an AFL-CIO organizational presence is warranted.

**Section 2.** No organization that is unaffiliated with, or is suspended from the AFL-CIO or an affiliate of the AFL-CIO shall be permitted to affiliate or be retained as an affiliate. No organization that has been suspended or expelled by a parent body affiliated with the AFL-CIO or by the AFL-CIO shall be permitted to affiliate or be retained as an affiliate. No organization officered, controlled or dominated by persons who policies and activities are consistently directed toward the achievement of the program or purposes of authoritarianism, totalitarianism, terrorism, and other forces that suppress individual liberties and freedom of association shall be permitted to affiliate or be retained as an affiliate.

**Section 3.** Affiliated organizations in good standing shall be entitled to representation at regular and special delegate meetings as follows:

- (a) Affiliated Local Unions' representation shall be based on per capita tax paid according to the following schedule:
  - 50 members or less: 1 delegate*
  - 51-100 members: 2 delegates*
  - 101-200 members: 3 delegates*
  - 201-400 members: 4 delegates*
  - 401-700 members: 5 delegates*
  - 701-1,100 members: 6 delegates*
  - One additional delegate for each additional 500 members or major fraction thereof above 1,100.*
- (b) Affiliated subordinate bodies other than local unions listed in Section 1 (b)-(g) of this Article, shall be entitled to one delegate and one vote.
- (c) No AFL-CIO constituency group or retiree organization, or its delegate, may be present for or have voice or vote in any meeting or proceeding concerning the endorsement of a political candidate or other partisan political activity concerning public elective office by the Central Body, except as noted below. Accordingly, no AFL-CIO constituency group or retiree council, or its delegate, may be present for or have voice or vote in any meeting or decision of this Central Body's Committee on Political Education (COPE),

except as noted below. These restrictions shall not apply to the Minnesota AFL-CIO Retiree Council or its representatives, so long as that organization's non-profit classification allows it to legally participate in these activities without potential jeopardy of its tax-exempt status, or the tax-exempt status of the Area Labor Council and the AFL-CIO.

**Section 4.** The following qualifications shall apply to delegates and/or officers as appropriate:

- (a) No person shall be eligible to serve as a delegate or officer unless he or she is a member of a local union affiliated with this Area Labor Council or is a District, State, National, or International Union representative regularly servicing an affiliated union in the Area Labor Council jurisdiction.
- (b) No person shall be eligible to serve as a delegate who holds a salaried position, or any other position of administrative or executive authority, in a union or any subordinate branch of a union, that is suspended from, unaffiliated with or disaffiliated from the AFL-CIO.
- (c) No person shall be eligible to serve as a delegate, an officer, or a member of the Executive Board, a member of any committee, or as a representative, agent or employee of this organization, if he/she consistently pursues policies and activities directed towards the achievement of the programs or purposes of authoritarianism, totalitarianism, terrorism and/or other forces that suppress individual liberties and freedom of association.

**Section 5.** No delegate shall be seated except upon presentation of a proper credential from an affiliated organization in good standing. The credential shall be examined and attested to by the Credentials Committee as to the eligibility of the delegate and the standing of the organization sending the delegate. The report of the Credentials Committee shall not be made until the Committee shall have had adequate opportunity to examine the credential and to ascertain its validity, but in no case shall the report be delayed beyond the meeting following the meeting at which the credential was first presented.

**Section 6.** The Area Labor Council shall constitutionally recognize Labor Assemblies within its jurisdiction to carry out program work and serve the mission of the Area Labor Council in local communities. The Assemblies will adhere to the provisions of this Constitution and rules prescribed by the AFL-CIO.

- (a) Except as otherwise noted in this Constitution, all Labor Assemblies of this Area Labor Council shall share equal status, rights, and responsibilities;
- (b) The following former AFL-CIO Central Labor Councils are established as Labor Assemblies of the Area Labor Council to serve the same jurisdictions as the Central Labor Councils for which they are the successor organizations: Austin-Albert Lea Labor

Assembly; Mankato South Central Labor Assembly; Red Wing Area Labor Assembly' and Southeast Minnesota Labor Assembly;

- (c) New Assemblies may be organized where the Area Labor Council determines there is sufficient member density and potential activity that cannot be developed through an existing Assembly;
- (d) If a proposed new Assembly would serve part of the jurisdiction already covered by an existing Assembly, organization of the new entity will be coordinated with the existing body;
- (e) Any member of an organization in good standing as an affiliate of the Area Labor Council shall be entitled to attend and participate in Labor Assembly meetings in the jurisdiction where he/she lives and/or works. Organizations may designate delegates to Labor Assemblies in accordance with such rules and procedures as the Area Labor Council and the Assemblies may develop and disseminate to affiliates;
- (f) Each assembly will decide its own local leadership/officer structure, with the condition that the Assembly will choose one person to serve as the principal officer for the Assembly, and he/she shall be nominated by the Assembly to represent them on the Area Labor Council Executive Board as a Vice President. Such nominees shall be subject to election to the Area Labor Council Executive Board at the regular Area Labor Council elections, and shall serve a term of office that is concurrent with those of the other Area Labor Council Executive Board members;
- (g) Labor Assemblies will decide their local program and operations in accordance with the Area Labor Council Constitution and such procedures as may be adopted by the Area Labor Council Executive Board;
- (h) The Area Labor Council will assist Assemblies in planning and carrying out local program, but each Assembly will have the responsibility to conduct mobilization activity, political and legislative action, organizing support, and solidarity work in their own jurisdictions;
- (i) The Area Labor Council Vice President representing each Assembly will have primary responsibility to direct local program efforts, and will serve as the liaison between his/her respective Assembly and the Area Labor Council Executive Board and staff;
- (j) Assemblies will determine the schedule and location of their monthly meetings, but the Area Labor Council Executive Board will be notified of any change in schedule at least twenty-one (21) days in advance of the change;

**Section 7.** If the Area Labor Council sends a delegate and an alternate to the AFL-CIO state and/or national conventions, they will be chosen from different Assembly jurisdictions, unless all nominees are from the same Assembly. An assembly may elect a non-delegate representative to attend the National AFL-CIO Convention, aside from the Area Labor Council delegate and alternate delegate. Any representative chosen by an Assembly will be part of the Area Labor Council convention delegation, and will assist in deciding the Area Labor Council position on

any issue for which the Area Labor Council Board and/or delegate body have not already directed how a vote will be cast. Expenses for Assembly representatives will first be paid from escrowed Assembly funds, and then from the general treasury if escrowed funds are exhausted, with approval by the Area Labor Council Executive Board. All members of the delegation will report to the Area Labor Council and Assemblies on the actions and results of the Convention.

## **Article IV Voting**

**Section 1.** Except on roll call votes, each delegate shall be entitled to one vote. Voting shall be by voice vote or division of the house (show of hands or standing vote) unless a roll call vote is properly demanded by the required number of delegates as provided for in Section 2 of this Article. No delegate shall be permitted to cast the proxy of another delegate and no delegate shall be allowed to represent more than one organization.

**Section 2.** A roll call vote shall be held on any pending question upon demand of thirty percent (30%) or more of the delegates present.

**Section 3.** The number of votes to which a local union is entitled on roll call votes shall be the average number of members as determined in accordance with Section 4 of this Article.

**Section 4.** The number of votes shall be based on the average monthly membership of which per capita payment is made to the Area Labor Council for the first twelve (12) of the immediately preceding thirteen (13) months. Local unions affiliated for less than the base period shall have their per capita voting strength computed by adding the per capita payments for all months affiliated and by dividing that total by 12. The affiliation date of all affiliates shall be the date that its initial per capita tax check is postmarked to the Area Labor Council.

**Section 5.** The votes of a local union shall be divided equally among all its accredited delegates present and each delegate shall be entitled to cast only his/her assigned number of votes. TO facilitate the calling of the roll, one delegate may be designated to cast all of the votes of the delegates representing the local union, provided that if any delegate shall challenge the correctness of the votes so cast, the individual delegates of that local union shall be polled.

**Section 6.** The Financial-Recording Secretary shall maintain, on a current basis, the official roll of affiliates, showing the average membership of each local union as established in Article IV, Sections 3 and 4.

## **Article V Meetings**

**Section 1.** The Area Labor Council delegate body shall be the supreme governing body of this Council and, except as otherwise provided in this Constitution, its decisions shall be by a majority vote.

**Section 2.** Regular Area Labor Council delegate meetings will be held at rotating locations monthly, in conjunction with the meetings of the Labor Assemblies, at the location of, and according to the schedule of the respective Assemblies' meetings. The Area Labor Council will work with Labor Assemblies and utilize available technology to assure that access to and participation in Area Labor Council delegate meetings is as convenient as possible for delegate from the Labor Assemblies who are not hosting that month's meeting. No adjournment shall take place while a vote is being taken.

**Section 3.** Labor Assemblies will meet monthly at a regularly scheduled time, date, and location determined by majority vote of the Assembly's delegates. Each Assembly will notify the Area Labor Council Executive Board of its meeting schedule, and of any changes at least twenty-one (21) days in advance of the effected meeting(s). The Area Labor Council will notify affiliates of Assembly meeting schedules.

**Section 4.** Special meetings for consideration of specific matters shall be held when: ordered by a regular meeting of the Area Labor Council, requested in writing by a majority of the Executive Board, or petitioned by the principal officer representing 30% of the locals of the Area Labor Council.

**Section 5.** Written notice of special meetings shall be given to all affiliated organizations and to all Executive Board members at least seven (7) days in advance of the meeting. Notice may be given by mail, email, and/or delivery. The matter, or matters, for consideration at the special meeting shall be stated in the notice and no other business shall be transacted.

**Section 6.** The President of the AFL-CIO and his/her designees shall have the right to participate and have a voice in all Area Labor Council Activities, meetings, and deliberations.

**Section 7.** Ten (10) delegates representing at least seven (7) different affiliated local unions shall constitute a quorum for transaction of Area Labor Council business.

## **Article VI Officers**

**Section 1.** The officers of the Area Labor Council shall consist of:

- (a) President;

- (b) Executive Vice President;
- (c) Financial-Recording Secretary;
- (d) One (1) representative from each Labor Assembly within the Area Labor Council jurisdiction, who shall each be an Area Labor Council Vice President;
- (e) State Federation General Board Representatives for this Area Labor Council's jurisdiction, the number of which is determined by the State Federation constitution;
- (f) One (1) representative from each of the seven (7) largest national/international affiliates based on membership within this Area Labor Council, unless the national/international affiliate is already represented by virtue of members serving as State Federation General Board Representatives;
- (g) Two (2) at-large representatives of and from the international/national affiliates not otherwise represented on the Executive Board by virtue of paragraphs (a)-(f) above;
- (h) One representative from the Minnesota State Retiree Council, AFL-CIO, who resides in the jurisdiction of the Area Labor Council.

**Section 2.** The above listed officers shall comprise the Executive Board of the Area Labor Council.

**Section 3.** The President, the Executive Vice President, and the Financial-Recording Secretary, known as the General Offices, shall not be from the same International Unions.

**Section 4.** At the meeting in the month immediately following the election, the newly elected Executive Board shall meet and designate three (3) Trustees from amongst its members. No more than one (1) trustee may be from the same International Union, and none of the three General Officers may serve as a Trustee.

**Section 5.** The Executive Board shall have the power, after taking all the circumstances into account, in the event of significant affiliations, or organizing, or the creation of a new Labor Assembly or chartered AFL-CIO Constituency Group within the jurisdiction of the Area Labor Council, to create additional Executive Board position(s), pending the next regular election of Executive Board members. The Board shall also be empowered, upon receipt of nomination(s) from new affiliate(s), to fill the new position until the next regular election of officers. Should the number of affiliate representatives on the Executive Board ever be less than the number of Board seats occupied by the President, Executive Vice President, Financial-Recording Secretary, representatives of the Labor Assemblies, and the Minnesota State Retirees Council, the Board shall act to increase the number of affiliate board seats so that they are the majority. Should this occur, the Area Labor Council will act to amend this constitution at the earliest opportunity to correct the imbalance.

**Section 6.** All Executive Board members, except the delegate from the Minnesota State Retiree Council, shall be dues-paying union members, either engaged in their trade or occupation or an

employee of an affiliated union, Labor Assembly, or State Federation that he/she is representing, and shall remain so at all times during the term of office. The representatives of the Minnesota State Retiree Council must be a retired member from an affiliated union. If an officer ceases to be a working member or employee of an affiliated union, the office shall be declared vacant and filled in accordance with Article VII.

**Section 7.** Each officer, at the time of the election and at all times during the term of office, shall be a duly accredited delegate from an affiliated organization. If the officer ceases to be a delegate, the office held shall be declared vacant and filled in accordance with Article VII.

**Section 8.** In accordance with the AFL-CIO Ethical Practices Code, no person who is convicted of any felony involving infliction of grievous bodily injury, any crime of dishonesty, or any crime involving abuse or misuse of such person's position, shall serve as an officer or managerial employee of the Area Labor Council.

**Section 9.** The term of office for all officers and Executive Board members shall be four (4) years, and each officer shall hold office until a successor has been elected and installed.

## **Article VII Elections and Vacancies**

**Section 1.** Elections shall be held every four (4) years at the regular meeting in the month of February, commencing in the year 2010. Nominations shall take place in the month of January, and may be reopened at any time prior to the election by majority vote. The election shall not be postponed except for absence of a quorum or by order of the AFL-CIO. A postponed election shall be held at the first succeeding regular meeting with due notice being given all affiliated organizations, or as may be directed by the AFL-CIO.

**Section 2.** Prior to the meeting at which nominations take place and no less than forty-five days prior to the election of officers, the President shall appoint an Elections Committee to oversee the election, with such appointments subject to the approval of the Executive Board. No person seeking office shall serve on the committee. Election Committee members shall also serve as ballot clerks. The Election Committee shall verify that all affiliates casting ballots are eligible to vote under the provisions of this constitution. The Chairperson of the Election Committee shall request that the Financial-Recording Secretary check the eligibility of all candidates. Immediately after the completion of the election, the Election Committee shall prepare a written signed report and ballots shall be presented to the Financial-Recording Secretary and shall be preserved and available for examination by any delegate or officer of an affiliated organization for a period of not less than six months, or until such time as any appeals are completed,

whichever is longer. The Election Committee shall review election appeals in accordance with Article VII, Section 8.

Section 3. No less 45 nor more than 120 days prior to an election of Area Labor Council officers, the Area Labor Council shall compile and notify each affiliated organization of the availability of a list containing the following information: (i) the name and address of each of the Area Labor Council's elected officers (including Executive Board members); (ii) the name and mailing address of each of the organizations affiliated with the Area Labor Council; (iii) the name of each of the affiliated organization's principal officers; (iv) each organization's projected per capita voting strength and delegate entitlement at the election; and (v) to the extent available, the names and mailing addresses of the delegates. Officers and organizations affiliated with the Area Labor Council shall also be entitled to inspect at the place where the records are kept and to make their own notes concerning the most current underlying records relating to the information included in the list provided above. This Area Labor Council shall also compile and notify each affiliated organization of the availability of a list containing the information set forth above in each non-election year in the same month in which the information was last provided.

**Section 4.** The following rules and procedures shall apply to Area Labor Council elections:

- (a) The election shall be held in accordance with Rule 9(b) of the Rules Governing AFL-CIO Area Labor Councils and Central Labor Councils;
- (b) Election ballots shall be signed by the delegates casting the ballot and shall show the affiliate name, organization and the number of votes cast;
- (c) It shall require a majority vote to elect officers. In cases where no candidate for a particular office receives a majority on the first vote, all but the two candidates for that office receiving the greatest number of votes shall be eliminated and a second vote shall be taken;
- (d) In the event an election results in a violation of Article VI, Section 3 the persons who are elected to the officers with the highest rank shall be declared election. For purposes of this subsection the rank of the offices shall be determined by the order named in Article VI, Section 1. The individual receiving the next highest votes shall fill any vacancy created as a result of this section;
- (e) Run-off elections under subsection (c) or subsection (d) or which are made necessary by a tie vote may be deferred until the next regular meeting by majority vote of the Labor Council. Due notice shall be given all affiliates of a run-off election;
- (f) Each affiliated organization entitled to a seat shall determine its nominee(s) to the slate, but nothing shall preclude nominations from the floor;
- (g) The election for uncontested offices may be by acclamation. The election for contested offices shall be held by written or printed ballots. Each ballot shall clearly show the name, organization and number of votes of the delegate casting the ballot;

**Section 5.** The following procedures will apply to the selection of this Area Labor Council's slate for the State Federation's Geographic Area Representatives.

- (a) The selection of nominees for the Geographic Area Representatives for the SE Area Labor Council shall take place at the same time and place as election for other Area Labor Council Executive Board members;
- (b) Candidates for these positions must, at the time of their nomination and throughout their term of office, be members in good standing of organizations which are current in their affiliation with the Minnesota AFL-CIO;
- (c) The number of positions to be nominated shall be the number of Geographic Area Representatives to which the SE Area Labor Council was entitled at the previous State Federation election, in accordance with applicable provisions of the State Federation Constitution;
- (d) Individuals nominated for the SE Area Labor Council slate to serve as the Geographic Area Representative to the Minnesota AFL-CIO General Board must be elected at the Minnesota AFL-CIO Convention that follows their nomination.
- (e) If, after the Area Labor Council nominations are completed, a determination is made, in accordance with the State Federation Constitution, that the Area Labor Council is not entitled to the same number of General Board Representatives as the number nominated by the Area Labor Council, the following rules will apply:
  - a. If the Area Labor Council is entitled to less Geographic Area Representative seats on the State Federation General Board than were nominated by the Area Labor Council, the individual(s) who received the lowest number of votes in the Area Labor Council election will not be included on the slate the SE Area Labor Council takes to the State Federation Convention. In the case of tie votes, a flip of the coin will be used to determine which individual will be deleted from the list of prospective nominees;
  - b. If the SE Area Labor Council is entitled to more Geographic Area Representatives seats on the State Federation General Board than were nominated at the Area Labor Council meeting, an Area Labor Council special election will be held in order to fill the additional seats, and accordingly, to determine the additional candidates that the Area Labor Council will nominate for the Geographic Area Representative seats on the General Board at the State Federation Convention.
  - c. Geographic Area Representatives that are elected during the State Federation election process shall be entitled to serve of the SE Area Labor Council General Board if, at the time of their election, they do not hold any position on the Southeast Area Labor Council Executive Board.

**Section 6.** Ballots shall become part of the records of the area labor council and shall be preserved and available for examination by any officer of an affiliated organization for a period of not less than six months.

**Section 7.** Officers will be given the Oath of Obligation and installed in office at the conclusion of the election, except that an officer-elect who is unavoidably absent shall be installed at the earliest possible meeting following the election, or may be given the Oath of Obligation at a meeting of the Executive Board.

**Section 8.** In the event of a vacancy in any office, the president shall recommend a member in good standing to fill the vacant position, subject to the approval of the Executive Board.

**Section 9.** A candidate for office or an affiliated organization may file a protest of the Area Labor Council election of any officer or Executive Board member to the Elections Committee within 30 days of the certification of the election. The Elections Committee shall review the protest in accordance with the appropriate provisions of Article X of this Constitution.

**Section 10.** In accordance with the AFL-CIO Ethical Practices Code, no person who is convicted of any felony involving the infliction of grievous bodily injury, any crime of dishonesty or any crime involving abuse or misuse of such person's position, or employment in a labor organization or an employee benefit fund shall serve as an officer or managerial employee of the Central Labor Council.

**Section 11.** Absence from three consecutive Executive Board and/or delegate meetings of the Area Labor Council without an acceptable excuse shall be sufficient grounds for the Executive Board to declare any Board seat vacant by majority vote. Following such action, the President will move to fill the seat in accordance with Section 7 of this Article.

## **Article VIII Duties of Officers**

**Section 1.** The President shall: be the presiding officer of meetings of the Area Labor Council and of the Executive Board; serve as a co-signer on Area Labor Council checks; countersign orders for the payment of funds of the Area Labor Council. The President will exercise general supervisions over the affairs and activities of the Area Labor Council between regularly scheduled Area Labor Council meetings and Executive Board meetings, and is expected to consult regularly with Executive Board members, by phone, fax, email or in person; have the power to interpret the Constitution, subject to ratification of the Area Labor Council; be an ex-officio member of all Committees and perform such other duties as usually pertain to the office and as may be ordered by the Area Labor Council or the Executive Board. The President shall

serve as chair of the screening committee for recruitment and recommendation for hiring of staff. A representative of the AFL-CIO shall be invited to participate on this Committee. The President shall appoint additional member from the Executive Board to serve on this committee. The President shall direct the staff of the Area Labor Council.

**Section 2.** The Executive Vice President shall assist the President and perform such other duties as requested by the President. He/she shall preside over meetings of the Area Labor Council and of the Executive Board and perform such other duties of the President when he/she is absent or incapacitated. In the absence or incapacitation of either the President or the Financial-Recording Secretary, the Executive Vice President shall serve as a co-signer on Area Labor Council checks and may countersign authorized orders of the Area Labor Council treasury (vouchers).

**Section 3.** The Financial-Recording Secretary shall be the custodian of the records of the Area Labor Council; keep correct record of the proceedings of all meetings of the Area Labor Council and of the Executive Board, and be responsible for assuring distribution of such records to the Board, delegates, and affiliates; receive and disburse all funds of the Area Labor Council upon proper authorization; shall ensure that the financial records are kept in a manner which conforms with generally accepted accounting standards; and abides by accounting and financial controls that meet the applicable requirements of the Code of Ethical Practices approved by the Executive Council of the AFL-CIO, and other such standards as may be required by the Secretary-Treasurer of the AFL-CIO under the Rules Governing AFL-CIO Area Labor Councils and Central Labor Councils. The Financial-Recording Secretary shall maintain up-to-date records of all affiliated organizations, reflecting their respective standing, as well as the names and address of all duly seated delegates. He/she shall maintain an accounting of the source and disposition of all funds; manage the funds, showing the accounts in such detail as the Executive Board and delegate body may require; and submit the Area Labor Council books and records for audit at least quarterly and otherwise upon request of a majority of the Executive Board. Administrative staff may assume some of the aforementioned duties if directed to do so by the President. He/she shall be custodian of the official seal of the Area Labor Council, which seal shall be impressed on all official documents and papers issued under the authority of the organization. In the absence or incapacitation of both the President and the Executive Vice President, the Financial-Recording Secretary shall perform the duties of the President.

**Section 4.** The Vice President representing each Labor Assembly shall represent the interest of his/her Assembly on the Executive Board, and shall be the presiding officer of their respective Assembly. He/she shall conduct Assembly meetings, and, in the absence of three general officers, may conduct the business of the Area labor Council delegate meetings. Vice Presidents representing Assemblies shall have the authority to co-sign checks for any special accounts held by the Area Labor Council for the Assembly's use.

**Section 5.** The Trustees shall be the custodians of the physical properties of the Area Labor Council and shall prepare and maintain an inventory of all such properties showing the date of purchase, the cost and estimated current value. They shall examine records of the Financial-Recording Secretary quarterly and shall issue a written report to the Executive Board on the condition of these records. They shall also conduct an annual audit and issue written report to the Board and delegates.

**Section 6.** Every officer and employee(s) of this Area Labor Council, whether elected or appointed, has a high fiduciary duty and sacred trust to serve the best interest of the members honestly and faithfully.

- (a) All officers and employees having fiscal responsibility shall be bonded;
- (b) No officer or employee shall own property or have a personal financial interest which conflicts with the full performance of his/her fiduciary duties
- (c) All officers and employees shall abide by the applicable standards of conduct mandated by the AFL-CIO Ethical Practices Code.

## **Article IX Executive Board**

**Section 1.** The Executive Board shall be composed of all the officers enumerated in Article VI, Section 1.

**Section 2.** The Executive Board shall be the governing body of the Area Labor Council between monthly delegate meetings. It is authorized and empowered to take such action and render such decisions as may be necessary to carry out fully the decisions and instructions of the Board and as may be necessary and appropriate to safeguard and promote the best interests of the Board and its affiliated unions. Each Executive Board member shall be entitled to one (1) vote.

**Section 3.** The President or his/her designee shall serve on appropriate strategic planning committees.

**Section 4.** The Executive Board shall meet monthly at such time and place as it may determine, and at such other times as the President or 30% of its members may call for a meeting. Board member will be notified of meetings in writing, and such notice will include an agenda.

**Section 5.** The Executive Board shall have the power to make a temporary appointment to any office not otherwise provided for in this Constitution for the period of a temporary disability or

the absence of an officer or, in case of a permanent vacancy, until a special election has been held.

**Section 6.** The Executive Board shall be responsible for securing voluntary office space and enter into terms regarding phone, photocopying, internet access, fax usage and other necessary equipment arrangements.

**Section 7.** The Area Labor Council and Labor Assemblies will work with the State Federation, other Area Labor Councils, and the National AFL-CIO to coordinate ongoing, unified affiliation campaign focused on the goal of affiliating all eligible union members in Minnesota at all levels of the AFL-CIO. Each Executive Board member shall assist in this effort and work to assure full affiliation of their respective organization(s). Vice Presidents representing Labor Assemblies will have specific responsibility to assist in affiliating local unions in their jurisdiction.

**Section 8.** A quorum for transaction of the business of the Executive Board shall consist of the majority of its members.

## **Article X Charges and Hearing**

**Section 1.** Any affiliated organization by vote of its membership, or any officer of or delegate to the Area Labor Council shall have the right to file charges:

- (a) Against any delegate to the Council for having engaged in conduct or a course of activity hostile or contrary to the best interests of this Council, or its Constitution;
- (b) Against any officer of the Council for violating the Constitution or rules of the AFL-CIO or the Constitution of the Council, or for conduct unbecoming an officer, misappropriation of funds, malfeasance in office or neglect of duty;
- (c) Against any organization affiliated with the Area Labor Council for having engaged in conduct or a course of activity hostile or contrary to the best interests of the Area Labor Council or contrary to this Constitution.

**Section 2.** All charges or election protests (Article VII, Section 8) shall be in writing, specifying the particular act or acts charged; shall be signed by the charging party or by its officers, if an affiliated organization; and election protests shall be filed with the chair of the Elections Committee.

**Section 3.** Upon receipt of the charges or protest properly filed, the officer in receipt of the charges shall provide copies to the Executive Board within fifteen (15) days. The Executive

Board shall meet and consider the matter within thirty (30) days, and shall determine by majority vote whether or not the charges or protest merit a hearing. Elections protests shall be filed first with the Elections Committee, which shall report its finding to the Executive Board within thirty (30) days.

**Section 4.** If a hearing is warranted, all parties to the dispute shall be given at least thirty (30) days notification of the hearing date, along with a copy of the charges and protest, and a record of action taken by the Executive Board or Election Committee to date. Both the accused and the charging party shall be accorded full opportunity to be heard and to present evidence.

**Section 5.** Following a hearing, the Executive Board shall render a decision and shall notify all parties of its decision within thirty (30) days after the hearing. Such notification shall be sent by certified mail. The Executive Board, by two-thirds vote, may suspend or expel any delegate or affiliated organization or remove any officer or board member found guilty of the charge(s). By majority vote, the Executive Board may initiate appropriate disciplinary action short of suspension or expulsion. Both the accused and the charging party shall be accorded full opportunity to be heard and to present evidence. In the case of an election protest, the appropriate remedies may extend up to and including the rerun of the election.

**Section 6.** The decision of the Executive Board in any charge or protest shall be reported to the next Area Labor Council meetings. Such decision shall be final and binding unless appealed as hereinafter provided.

**Section 7.** The decision of the Executive Board may be appealed to the Area Labor Council delegate body by either party. Notice of such appeal shall be filed in writing with the President or the Financial-Recording Secretary within ten (10) days of the Executive Board's report to the Area Labor Council. The appeal shall be heard expeditiously and at a regular meeting of the Area Labor Council. At that time, the charging party, the charged party, and the Executive Board, through its selected spokesperson, in that order, shall be allowed ten (10) minutes each to present statements of the case, following which the delegates shall vote on the question of sustaining the decision of the Executive Board. It shall require a majority vote to sustain the decision.

**Section 8.** The final decision of the Area Labor Council may be appealed to the AFL-CIO as provided in the Rules Governing AFL-CIO Area Labor Councils and Central Labor Councils. The decision of the Area Labor Council shall remain in effect during appeal unless reversed, modified or temporarily stayed by the AFL-CIO.

**Section 9.** In accordance with Rule 26 of the Rules Governing AFL-CIO Area Labor Councils and Central Labor Councils, no organization or individual seeking redress under this Article shall

resort to any court until all relief within the AFL-CIO as provided for within this Constitution, Rules Governing AFL-CIO Area Labor Councils and Central Labor Councils and the Constitution of the AFL-CIO is exhausted.

## **Article XI**

### **Per Capita Taxes and Fees**

**Section 1.** Each affiliated local union shall pay a monthly per capita tax of fifty cents (\$0.50) on each of its members regularly employed within the jurisdiction of the Area Labor Council. A local union desiring to affiliate shall pay one month's per capita tax at the time of affiliation. Per capita tax for succeeding months shall be due on the first of each month thereafter. Per capita tax in each case shall be based on the number of dues-paying member for the preceding month. If per capita tax for any month is not paid by the first of the following month the local union shall be deemed in arrears.

**Section 2.** Unions that are affiliated with the Minnesota AFL-CIO will receive a twenty-five cent (\$0.25) credit toward their per capita tax payment. The number of members for whom a union receives this credit will be based on the proportion of its statewide affiliation and its membership living within the Area Labor Council. In no case will a union be credited for more members than the number on which it pays per capita tax to the Area Labor Council. This credit will be attributed to the affiliate's account at least semi-annually.

**Section 3.** Other affiliated organizations, as defined in Article III, Section 1, shall pay an annual fee of twenty-five dollars (\$25.00). Each organization shall pay one year's fee at the time of affiliating. The annual fee for succeeding years shall be due no later than March 15, and if not paid by the first of April, the organization shall be deemed in arrears.

**Section 4.** The Financial-Recording Secretary shall notify a local union or other organization that becomes two (2) months in arrears of the delinquency in writing. If the affiliate become three (3) months in arrears it shall not be considered in good standing and shall not be entitled to voice or vote in Area Labor Council meetings. The Financial-Recording Secretary shall notify the local of their suspension in writing.

**Section 5.** A local union or other organization which has been suspended, or which has withdrawn from membership, may be reinstated by payment of all amounts due at the time of suspension or withdrawal and the current per capita tax or annual fee. The average membership of a reinstated local union, for purposes of roll call voting, shall be calculated from the date of reinstatement as if it were a new affiliate, unless the affiliate pays the back per capita tax for the months due at the time of suspension or withdrawal. This amount shall never exceed more than four (4) months.

**Section 6.** The Executive Board, after receiving and reviewing a written request for exoneration, may recommend exoneration of any local union from payment of per capita tax for any month that in the opinion of the Executive Board there exists good cause to exonerate an organization. Exoneration shall be subject to ratification by the Area Labor Council delegate body, however, the delegates representing such local shall not vote on the question of exoneration. Exonerated members shall be regarded, for purposes of this Constitution, as paid up members for the period of exoneration.

**Section 7.** A local union paying per capita tax on less than its full, dues-paying membership shall be subject to suspension by the Executive Board under the procedures of Article IX of this Constitution. The Executive Board may require a local union to produce proof of membership where reason exists to believe such local union is violating this provision. If the local union shall fail or refuse to produce such proof on request, the Executive Board may base its determination on such evidence as may be available.

## **Article XII**

### **Financial Practices and Audits**

**Section 1.** All funds of this Area Labor Council shall be placed on deposit in a national bank or other federally regulated insured financial institution, as designated by the Executive Board, and shall be paid out only by checks bearing two (2) signatures of the following three (3) officers: President, Executive Vice President, and Financial-Recording Secretary.

**Section 2.** Annually the Executive Board shall develop a work plan and detailed budget, which will also include specific work plans and budgets for the Labor Assemblies of the Area Labor Council. Delegate body approval of the detailed budget shall constitute advance authorization of expenditures within the parameters specified in each given category of the budget. Subsequent ongoing delegate body approval of individual expenditures will not be required as long as they are reported monthly and the amounts do not exceed those approved for their respective categories of the budget.

**Section 3.** Member mobilization and communication for political and legislative action, and the routine costs to carry out these activities throughout the Area Labor Council's jurisdiction, will be provided for in the Area Labor Council work plan and budget. Appropriate expenditures will include costs for Labor-to-Labor phonebanks, walks, mailings, etc., but will not include communication or mobilization of the public.

**Section 4.** No funds shall be expended unless authorized by the Area Labor Council delegate body, or, in case of emergency, by the Executive Board. All invoices, receipts, and other

supporting documents shall be attached to a prescribed voucher, which shall be signed and countersigned by two (2) of the three (3) General Officers.

**Section 5.** The accounts and financial records of the Area labor Council, including any Labor Assembly special accounts and those of all Committees and subordinate agencies, shall be audited each quarter, annually, and at any time at the request of a majority of the Executive Board. All audits will be at the direction of the organization's trustees and shall be summarized in a written report. A copy of these reports shall be provided to the Executive Board and will be made available to affiliates upon request. In any year in which the Area Labor Council has receipts of \$150,000 or more, the trustees shall secure a financial review by an outside auditor. An audit shall be conducted at the onset of a term of a new Financial-Recording Secretary.

**Section 6.** The Area Labor Council will maintain the funds, property, and other assets that have been transferred from former Central Labor Councils in its jurisdiction. These assets will be earmarked and recorded as separate line items in the Area Labor Council budget, for the sole and exclusive use of the Labor Assemblies that are successor organizations of these CLCs. These funds and assets will only be dispersed or disposed of upon the vote of the delegates of the respective Assembly. Assembly expenditures will be in compliance with this Constitution, applicable laws, and AFL-CIO rules. The Area Labor Council will supplement the earmarked funds for each of these Assemblies with \$200 per calendar year for good and welfare. Each Assembly may add to these funds through such fundraising activity as may be carried out under the law and in accordance with AFL-CIO rules. The Area Labor Council will include an accounting of the opening balance, expenditures, and closing balance for these funds in the monthly financial report.

**Section 7.** The Area Labor Council, through its Committee on Political Education (COPE), shall establish a bank account in accordance with the laws governing Political Action Committees in the state of Minnesota and applicable AFL-CIO rules. Three percent (3%) of the monthly per capita tax receipts of the Area Labor Council shall be deposited into the PAC fund. COPE may supplement these funds with such other revenue as they may legally raise and deposit under the law. These funds shall be audited in accordance with the provisions of this Constitution and AFL-CIO rules.

**Section 8.** The fixed expenses of former Central Labor Councils as specified below shall be paid from the Area Labor Council general treasury on behalf of each Labor Assembly on an ongoing basis:

*Austin-Albert Lea Labor Assembly: none*

*Mankato-South Central Labor Assembly: \$1,560*

*Red Wing Area Labor Assembly: \$920*

*Rochester Area Labor Assembly: \$3,944*

**Section 9.** The Area Labor Council will pay delegate expenses for Labor Assembly delegates attending the State Federation convention, if they are not otherwise compensated by the Area Labor Council or an affiliate. The Executive Board will determine appropriate expenses and amounts on an as-needed basis, which may include mileage, overnight hotel fees, registration fees, and meal per diem.

**Section 10.** The Area Labor Council and the Labor Assemblies may respectively contribute donations to charitable organizations whose work is compatible with the mission of the Area Labor Council and AFL-CIO. The Executive Board will determine appropriate amounts and make contributions to organizations that have overlapping jurisdictions between two or more Labor Assemblies. Each Labor Assembly may contribute to local organizations within its respective jurisdiction.

**Section 11.** All officers and agents of this Area Labor Council having a financial responsibility shall be covered by a fidelity bond in an amount to be determined by the Executive Board, or as may be required by the Secretary-Treasurer of the AFL-CIO. Should the amount of this bond exceed the amount of the bond regularly finished without cost by the AFL-CIO, the Area Labor Council shall pay the additional cost of such bond.

**Section 12.** The Executive Board shall develop and periodically update a travel, expense, and reimbursement policy for approval by the delegate body. This policy will be applied consistently to all Area Labor Council and Assembly expenditures, and will provide the procedures and limitations for officers, delegates, and other authorized persons to be reimbursed for necessary and legitimate expenses incurred in the performance of authorized activities for the Area Labor Council. In all cases, an itemized accounting of such expenses shall be submitted to the Executive Board.

**Section 13.** The General Officers shall assure that the Area Labor Council files all such reports as may be required by the AFL-CIO, including those required by the Rules Governing AFL-CIO Area Labor Councils and Central Labor Councils.

### **Article XIII**

#### **Lists**

All lists of affiliates or members of affiliates in possession of the Central Labor Councils shall be used exclusively in carrying out the authorized programs and work of the Council and shall not

be released to any person or organization for any other purpose unless such release has been duly authorized by the Council and the appropriate officers of the affiliate or affiliates involved.

#### **Article XIV Committees**

**Section 1.** The following standing committee of a minimum of four (4) members each shall be appointed by the President with the advice and consent of the Executive Board: Ethical Practices, Finance, Personnel, and Strategic Planning. Other committees may include but are not limited to: Mobilization, Organizing Support, Community Services, and Economic Development.

**Section 2.** Special Committees may be established from time to time by the Executive Board as needed, and shall be appointed by the President unless otherwise directed by the Executive Board or delegate body.

**Section 3.** All Committees shall report regularly to the Executive Board and delegate body. Any Committee which fails to function shall be dismissed and a new Committee appointed.

#### **Article XV Legislative and Political Action**

**Section 1.** The legislative and political activities of the Area Labor Council shall be under the direction of the Executive Board.

**Section 2.** The Area Labor Council shall advance the political mobilization program under the direction of the Area Labor Council Committee of Political Education (COPE):

- (a) COPE shall operate in conformity with the policies of the AFL-CIO including Rules 30-46 of the Rules Governing AFL-CIO Area Labor Councils and Central Labor Councils, and the State COPE;
- (b) COPE shall have the power to formulate bylaws to govern its operation;
- (c) COPE shall administer and make decisions on distribution of the funds of the Area Labor Council Political Action Committee (PAC) account reference in Article XII, Section 7.

**Section 3.** All legislative and political activities shall conform to the policies of the State Federation on state matters and to the policies of the AFL-CIO on national affairs. The Executive Board will work with its Labor Assemblies and the State Federation to develop and coordinate a uniform policy on legislative and political activity throughout the Area Labor Council, including screenings, endorsements, and related jurisdictions:

- (a) Decisions on candidate and issue endorsements and recommendations in political jurisdictions that fall entirely within the jurisdiction of a Labor Assembly will be made exclusively by the Assembly, unless the Assembly body refers the decision to the Area Labor Council;
- (b) In cases where political jurisdictions overlap Labor Assembly boundaries, the affected assemblies and the Area Labor Council Executive Board will work to assign primary responsibility to one Assembly. Each affected Assembly will have the opportunity to participate in candidate screenings and make recommendations to the Assembly with primary responsibility;
- (c) In the case of overlapping political boundaries, if the affected Assemblies are not able to agree on primary jurisdiction, the Area Labor Council will be responsible for screening and endorsement recommendations. The Area Labor Council will also have responsibility in cases where no Labor Assembly exists in the area of a political jurisdiction;
- (d) When legislative redistricting results in boundary changes that may impact which Assembly should have responsibility for political and legislative activity in an area, the Area Labor Council and Assemblies will work with the State Federation to reach an agreement on appropriate jurisdictions;
- (e) The Area Labor Council General Officers and Field Staff will be included in Assembly screenings and endorsement decisions for consistency and continuity.
- (f) All endorsement decisions and recommendations shall include a pledge of candidate to support the right of employees to organize.

**Section 4.** The President, Executive Vice President, and Financial-Recording Secretary shall serve in these respective officer capacities on the Committee on Political Education. These officers and the remainder of the Executive Board shall constitute the Committee on Political Education. Additional members may be added to the Committee in accordance with properly approved COPE bylaws.

## **Article XVI**

### **Collective Bargaining, Strikes, and Boycotts**

**Section 1.** This Area Labor Council shall not take part in any collective bargaining activities or in any labor dispute involving any affiliated local union except upon the request or with the consent of that national or international union or organizing committee with which such local union is affiliated or, in the case of local unions directly affiliated to the AFL-CIO, except upon the request or with the consent of the President.

**Section 2.** This Area Labor Council does not have the power or authority to originate a boycott or to initiate action to place an employer on an “unfair” or “do not patronize” list. All such action shall be taken only on written request of the aggrieved union or in response to an action of the

AFL-CIO. When such action is requested by an aggrieved union, the Labor Council shall be governed by appropriate procedures of Rule 22 of the Rules Governing AFL-CIO Area Labor Councils and Central Labor Councils.

## **Article XVII**

### **Rules, Parliamentary Authority and Amendments**

**Section 1.** The procedures to be followed by this Area Labor Council with respect to boycotts, unfair lists, strikes, collective bargaining and publications issued or endorsed by this Area Labor Council, and in all other matters, shall be in accord with Rules Governing AFL-CIO Area Labor Councils and Central Labor Councils.

**Section 2.** In case of conflict between the provisions of this Constitution or other laws or actions of the Area Labor Council and the Constitution of the AFL-CIO and/or the Rules Governing AFL-CIO Area Labor Councils and Central Labor Councils issued by the Executive Council of the AFL-CIO, the latter shall prevail and appropriate steps shall be taken by the Area Labor Council Executive Board to initiate such amendment to this Constitution or to change or modify the laws or actions of this Area Labor Council as necessary to bring them into conformity with the Constitution and Rules of the AFL-CIO.

**Section 3.** The parliamentary rules contained in Robert's Rules of Order, Revised shall govern the Area Labor Council in all cases to which they are applicable and in which they are not inconsistent with this Constitution, or such special rules of order as may be adopted by this Area Labor Council.

**Section 4.** This Constitution may be amended by any regular meeting of this Area Labor Council by two-thirds of the votes cast, provided the proposed amendment(s) shall be submitted in writing to the Financial-Recording Secretary at the preceding regular meeting and properly certified by an affiliated organization or by a delegate representing an affiliated organization. Amendments may also be proposed by the Executive Board. All proposed amendments shall be read in full at the meeting at which received, and copies shall be made available upon request to any affiliate and delegate prior to final consideration. Amendments to this Constitution shall become effective when approved by the President of the AFL-CIO.

**Section 5.** Order of Business

1. *Call to Order*
2. *Pledge of Allegiance to the Flag*
3. *Minutes of the previous meeting*
4. *Credentials Committee report*

5. *Obligation and seating of new delegates*
6. *Executive Board Report*
7. *Financial Report*
8. *Committee Reports*
9. *Unfinished Business*
10. *New Business*
11. *Nominations*
12. *Elections*
13. *Installation of Officers*
14. *Good and Welfare*
15. *Adjournment*

Note: The “order of business”, like parliamentary “rules of order”, may be suspended temporarily for a particular purpose by a two-thirds vote. The Constitution or bylaws cannot be suspended.

## **Article XVIII**

### **Oaths of Obligation**

**Section 1.** Upon acceptance of a delegate’s credential, the presiding officer shall administer the following obligation:

“I, (name of delegate), do solemnly pledge my honor that I will obey the rules and regulations of this Area Labor Council and, to the best of my ability, perform all the duties I may be called on to discharge as a delegate thereto. I also pledge that I will patronize only union labels, shop cards and service buttons when they are available and that I will qualify myself to vote in all local, state, and federal elections, if eligible to do so.”

**Section 2.** Before entering upon the duties each officer-elect shall assume the following obligation:

“I, (name of delegate), agree to defend the principles of trade unionism; to work to improve the lives of working families; to help build a strong political voice for working families and strong alliance for the labor movement. I promise to uphold the rules of the Area Labor Council and the constitution of the AFL-CIO. I promise to build full participation and full affiliation in our AFL-CIO state and local labor bodies. I also pledge that will deliver all books, papers, and property belonging to the Area Labor Council in my possession to my successor in office, and to surrender such items to the President of the AFL-CIO upon his/her official demand. All this I solemnly affirm.”