

1 Providing for the Operation of Area Central Labor Bodies

Submitted by the Executive Council

In 1999 the Executive Council adopted a statement endorsing the New Alliance program—a plan to reinvigorate, make more effective and further unify state and local central bodies. The 1999 Convention amended the Constitution in several respects to enable this program to flourish.

Through the New Alliance, national and local unions and the AFL-CIO have begun to join together in a voluntary process to create strong central bodies fully supported by every local union and fully capable of vigorously representing the interests of American working families at the state and local levels, where political, legislative and organizing battles increasingly are taking place.

The New Alliance is rebuilding the labor movement's state and local power by engaging the entire labor movement in a state—in full partnership with national unions and the AFL-CIO—in a process to reach consensus on central body roles, responsibilities and core programs; integrate national union and state and local central body priorities; restructure and re-map the union movement in our communities; and ensure sufficient resources for critical central body programs and activities by bringing about full participation and fair affiliation by all local unions.

Since the 1999 Convention, a key restructuring initiative in several states has been the creation of “area” labor councils or federations that either replace one or more existing central labor councils or coordinate the activities of a geographic cluster of those councils. In July 2001 the Executive Council adopted revised “Rules Governing AFL-CIO Area Labor Councils and Central Labor Councils” in part to authorize these area central bodies and define their structures and rules.

Article XIV, Section 1 of the Constitution authorizes the Federation, through the Executive Council, to charter subordinate bodies “upon a city, state or other regional basis,” and the Council’s chartering of area central bodies under the New Alliance program has implemented that authority. The proposed amendment would formally recognize the creation and operation of area labor councils and federations by inserting the word “area” in every reference to “state and local” central labor bodies that appears in the Constitution.

Therefore, the Executive Council proposes the following amendments:

Article II OBJECTS AND PRINCIPLES

3. To affiliate national and international unions with this Federation and to establish such unions; to form organizing committees and directly affiliated local unions and to secure their affiliation to appropriate national and international unions affiliated with or chartered by the Federation; to establish, assist and promote state, area and local central bodies composed of local unions of all affiliated organizations and directly affiliated local unions; and to establish and assist trade departments composed of affiliated national and international unions and organizing committees.

Article III AFFILIATES

Section 1. The Federation shall be composed of: (1) national and international unions that are affiliated with, but are not subordinate to, or subject to the general direction and control of, the Federation; and (2) the following categories of organizations that are subordinate bodies of the AFL-CIO subject to the kind and degree of

Federation direction and control provided for in this Constitution: (a) organizing committees; (b) directly affiliated local unions and national councils thereof; (c) state, area and local central bodies; and (d) trade and industrial departments.

Article IV CONVENTION

Sec. 4.(b) Each directly affiliated local union and each trade and industrial department shall be entitled to one delegate. Each state, area or local central body shall be entitled to one delegate. Directly affiliated local unions, with the approval of the President, may combine with other such unions within a reasonable distance to elect a single delegate to represent such unions.

Sec. 5. Each national or international union, organizing committee, directly affiliated local union, state, area or local central body and trade and industrial department shall be entitled to alternate delegates. Such alternate delegates shall meet the same eligibility requirements as apply to delegates, and they shall be elected or otherwise designated, and their names submitted to the Secretary-Treasurer, by the same dates as for delegates. An alternate delegate shall have no voice, vote or other standing at any convention unless and until he or she replaces a delegate.

Sec. 11.(e) All resolutions, constitutional amendments, appeals, petitions, reports and memorials submitted by a an area or local central body must first be approved at its regularly constituted delegate meeting.

Sec. 18. Questions may be decided by voice vote, show of hands or division, or, upon the request of 30 percent of the delegates present, by a roll call vote. Upon such roll call each delegate representing affiliated national or international unions, organizing committees and directly affiliated local unions shall be entitled to cast one vote for every member whom the delegate repre-

sents. Each state, area and local central body and trade and industrial department shall be entitled to one vote.

Article VIII SECRETARY-TREASURER

Sec. 4. It shall be the duty of each national and international union, organizing committee, trade and industrial department, state, area and local central body and directly affiliated local union to furnish the Secretary-Treasurer a copy of all official reports issued by them with a statement of their membership in good standing, and to furnish such additional statistical data in their possession relating to the membership as may be called for by the Secretary-Treasurer.

Sec. 7. The Secretary-Treasurer shall provide annually a financial statement of the Federation to all affiliated national and international unions, organizing committees, directly affiliated local unions and state, area and local central bodies.

Article X EXECUTIVE COUNCIL

Sec. 16. The Executive Council shall be authorized by a two-thirds vote to: (i) adopt an ethical practices code that covers the executive officers and employees of the AFL-CIO and the state, area and local central bodies and to establish an appropriate enforcement system and appropriate sanctions for violations of such code; and (ii) require trade and industrial departments and national and international unions affiliated with the AFL-CIO to adopt and enforce within their own organizations ethical practices codes that are consistent with the AFL-CIO code and to establish appropriate sanctions for non-compliance with this requirement. In the event the sanctions provided for by the Executive Council include suspension from the AFL-CIO or from AFL-CIO office, that sanction may be imposed only by a two-thirds vote of the Council after an appropriate hearing.

Article XIV
STATE, AREA AND
LOCAL CENTRAL BODIES

Sec. 3. The Executive Council shall issue rules governing the conduct, activities, affairs, finances and property of state, area and local central labor bodies and providing procedures for the discipline, including suspension, trusteeship and expulsion of such bodies or suspension or expulsion of their officers. Such rules shall define the powers of the President, or his designee, with respect to disciplinary action against state, area and local central labor bodies and their officers. They shall provide for notice and hearing in all

cases in which such action is taken, but shall permit emergency action (including the authority to suspend officers and establish a trusteeship over such central labor bodies and their property) prior to hearing where in the opinion of the President the interests of the Federation so require. The rules shall further provide for appeals to the Appeals Committee of the Executive Council, and shall also provide that decisions appealed from shall remain in full force and effect pending such appeal.

Referred to the Constitutional Committee

2

Clarifying That No Unaffiliated or Suspended Organization May Be Allowed Representation or Recognition in the AFL-CIO

Submitted by the Executive Council

Article III, Section 6 of the Constitution provides that no organization whose affiliation with the AFL-CIO “has been suspended or whose charter has been revoked,” and no subordinate body of such an organization “shall, while unaffiliated, be allowed representation or recognition in the AFL-CIO” or in any subordinate body or affiliate of the AFL-CIO.

This provision has always been interpreted and applied to cover not just organizations that have been suspended or whose charters the AFL-CIO has revoked, but also organizations that have never been affiliated with the AFL-CIO or that have disaffiliated voluntarily from the AFL-CIO. The purposes of the rule—to involve in AFL-CIO programs and accord AFL-CIO protections to organizations that join and support the Federation, rather than independent unions—are served in the same manner regardless of whether an unaffiliated organization has ever been affiliated and regardless of how a prior affiliation ended. The proposed amendment

would make that more comprehensive, and historically applied, coverage explicit.

Therefore, the Executive Council proposes the following amendments to Article III, Section 6:

Article III AFFILIATES

Sec. 6. No organization that is unaffiliated with, or is suspended from, ~~whose affiliation with this Federation has been suspended or whose charter has been revoked,~~ and no affiliate or subordinate body of such an organization, shall, while unaffiliated or suspended, be allowed representation or recognition in the AFL-CIO, in any subordinate body of the AFL-CIO, or in any national or international union or organizing committee affiliated with the AFL-CIO. Any affiliate violating this section shall be subject to suspension from the AFL-CIO.

Referred to the Constitutional Committee

3 Clarifying That Written Notice by the AFL-CIO of Arrearages in Per Capita Taxes or Assessments Must Precede an Automatic Suspension for Nonpayment

Submitted by the Executive Council

Article XVI, Section 6 provides that the Secretary-Treasurer must notify an affiliate of its failure to timely pay its per capita taxes or assessments, and that automatic suspension from the Federation occurs when an affiliate becomes three months in arrears.

The proposed amendment would strengthen and clarify this provision by specifying that all notices of arrearages must be in writing, that a notice must convey when automatic suspension is imminent, and that the notified affiliate has a defined period—20 days—within which to cure its arrearage before the suspension occurs. The amendment would provide explicit guidance to both the Federation and affiliated unions regarding a situation that arises infrequently but concerns the important matter of whether or not an AFL-CIO affiliation will be severed.

Therefore, the Executive Council proposes the following amendments to Article XVI, Section 6:

Article XVI PER CAPITA TAXES AND ASSESSMENTS

Sec. 6. Any affiliated organization that does not pay its per capita tax on or before the fifteenth of ~~each~~ the month, and assessments when due and payable, shall be notified in writing of that fact by the Secretary-Treasurer. Any affiliated organization that is three months in arrears in payment of per capita tax or assessments, and is so notified in writing shall, unless it has returned to good standing within 20 days of such notification, be suspended automatically from the Federation and can be reinstated only after such arrearages are paid in full.

Referred to the Constitutional Committee

4 Authorizing the Executive Council to Issue Provisional Charters to New Affiliates in Order to Set Particular Conditions for a Regular Affiliation

Submitted by the Executive Council

Article III, Section 4 of the Constitution authorizes the Executive Council, or the President by delegation, to issue charters to new AFL-CIO affiliates. In every case the affiliation is full-fledged and permanent, meaning that, absent the union's voluntary disaffiliation, only the extraordinary act of suspension or charter revocation—which only the Convention is empowered to do, and by a two-thirds vote, under Article III, Section 5—can end the affiliation.

In May 2001, the Executive Council adopted a policy statement, “Process and Criteria Governing Issuance of AFL-CIO Charters to Independent Organizations.” This policy sets forth principles and criteria to guide the Council's consideration of charter applications. The statement endorses the option of issuing provisional charters in special circumstances where, for example, a currently affiliated national or international union with significant representation in the independent union's primary jurisdiction cannot promptly reach necessary understandings with the independent union, yet there are sound reasons to affiliate the independent union with the AFL-CIO without further delay.

In adopting this policy, the Executive Council endorsed a process for such circumstances under which the independent union could be chartered provisionally for a period up to three years, during which conditions for a regular affiliation would be satisfied or the Council by majority vote could revoke the charter. Absent such revocation, at the expiration of the provisional period the charter's provisional status would end and a regular affiliation would take effect.

The proposed amendment would authorize the Council to do just that. The amendment is not intended to make provisional chartering the

norm, but to make it an available option so the AFL-CIO can more flexibly and effectively attain the complementary goals of unifying the American labor movement within the AFL-CIO, facilitating strategic mergers of unions operating in similar geographic, industrial and occupational sectors and forging relationships of solidarity among all AFL-CIO affiliates.

Therefore, the Executive Council proposes the following amendments to Article III, Sections 4 and 5:

Article III AFFILIATES

Sec. 4(a). The Executive Council may issue additional charters or certificates of affiliation to other organizations desiring to affiliate with this Federation. This power may be delegated to the President. Charters or certificates of affiliation shall not be issued to national or international unions, organizing committees, or directly affiliated local unions in conflict with the jurisdiction of affiliated national or international unions, except with the written consent of such unions, and shall be based upon a strict recognition that both craft and industrial unions are equal and necessary as methods of trade union organization, and that each affiliated national and international union is entitled to have its autonomy, integrity and jurisdiction protected and preserved.

Sec. 4(b). Where the Executive Council determines that it would be necessary or appropriate to subject the approval of a charter to one or more future conditions, the Executive Council may issue a provisional charter. In such cases, the provisional status of the charter shall be removed following a specified period of time not to exceed three years, and the

affiliation shall thereupon be deemed permanent, absent a vote of the Executive Council to revoke the charter.

Sec. 5.(b) Except as provided in Section 4(b) of this Article, No national or international union shall have its charter or certificate of affiliation with the Federation revoked except by a two-thirds roll-call vote at the convention. A

revoked charter or certificate of affiliation may be restored by either a two-thirds roll call vote of the convention or a two-thirds vote of the Executive Council if it is determined that the organization is conducting its affairs in a manner consistent with the obligations of an AFL-CIO affiliate.

Referred to the Constitutional Committee

7

Providing That the AFL-CIO's Regular Convention Shall Be Held Once Every Four Years, Rather Than Once Every Two Years

Submitted by the Executive Council

Article IV, Section 2 of the Constitution requires that the regular conventions of the Federation be conducted every two years. This provision remained in effect even after the convention voted in 1997 to increase the terms of elected office from two years to four years. Thus under the Constitution currently, mid-way through each four-year election cycle, the Federation is still obligated to hold a regular convention even though there are no constitutionally mandated actions that need be taken at that time.

Meanwhile, the cost to the Federation of holding a mid-term convention is substantial. And for affiliates, most of whom typically have their own union conventions at least once if not more during this same cycle, the time and expense incurred in preparing for and attending this additional convention is significant as well. Yet, the Constitution also authorizes the Executive Council or affiliates to call for a special convention between regular conventions if necessary.

The proposed amendment would require the Federation to hold a regular convention every four years, rather than every two years. To provide additional flexibility in the scheduling of the convention, it would further expand the period during which the convention must take place from the last four months to the last six months of the convention year. Finally, recognizing that when the convention is held in the early part of

the six-month window it may not be possible to calculate unions' voting and delegate entitlement based on a 24-month period that does not end until June 30 of the convention year, the amendment would change the formula's 24-month period to one ending with the last calendar month occurring before the 90th day preceding the opening date of the convention.

Therefore, the Executive Council proposes the following amendments:

ARTICLE IV CONVENTION

Sec. 2. The regular conventions of the Federation shall be held every ~~two~~ four years, ~~beginning in 1955,~~ at a time during the last ~~four~~ six months of the year. The time and the place for holding the regular conventions shall be designated by the Executive Council, which shall give at least 90 days' notice of the time and place designated.

Sec. 9.(a) The number of members of each national and international union and organizing committee for the purpose of selecting delegates and for roll-call votes, and the number of members of each directly affiliated local union for roll-call votes, at the convention shall be the average monthly number on which per capita tax is paid for the 24-month period ending ~~June 30~~ with the last calendar month occurring before the 90th day preceding the opening date of ~~the year~~ the convention ~~is held~~.

8

Clarifying That Where the Number of Nominees for an Elected Office Does Not Exceed the Number of Individuals to be Elected to the Particular Office, the Nominee(s) Shall be Declared Elected by Acclamation

Submitted by the Executive Council

Article VI of the Constitution describes the means by which candidates shall be nominated and elected to office in the Federation. Historically, this Article has always been interpreted to mean that when the number of individuals who are nominated for a particular office does not exceed the number of available positions to be filled in that same office, the nominees are declared to be elected and no actual balloting is required.

The purpose of this amendment is to make explicit this historical interpretation.

Therefore, the Executive Council proposes the following amendments to Article VI, and proposes to renumber other subsections accordingly:

ARTICLE VI ELECTIONS

Sec. 1.(a) ~~Beginning in 1997, the~~ officers shall be elected at every ~~other~~ regular quadrennial convention ~~for a term of four years.~~

(b) If there is only one nominee for any Executive Office the nominee shall be declared elected and there shall be no election conducted for that office. If the number of nominees for the offices of Vice President does not exceed the number of Vice Presidents to be elected, the nominees shall be declared elected and there shall be no election conducted for those offices.

(~~b~~c) The election for any office as to which there are more nominees than positions to be elected shall be conducted by written ballot, with each affiliate having the number of votes to which it is entitled on a roll-call vote, as provided in Article IV.

9

Reducing the Number of Executive Council Meetings That Must Be Held Each Year

Submitted by the Executive Council

Articles VII and X of the Constitution require that the AFL-CIO Executive Council meet at least three times each year. Traditionally, the Council has met in mid-winter and approximately six months later in early August. In recent years, at least, there have also been meetings in the Spring, in addition to those conducted in connection with the conventions. Considerable time and expense are associated with these meetings, both for the Federation and for participating affiliates and Council members. And, with increasing reliance on the Executive Council committee structure, much business of the Council is conducted in committee meetings that are held independent of the formal Council meetings as well.

The proposed amendment would reduce the required number of Executive Council meetings per year from three to two. The amendment would not preclude the President or the Council from calling more meetings if deemed necessary, but would remove the obligation to do so.

Therefore, the Executive Council proposes the following amendments:

ARTICLE VII PRESIDENT

Sec. 1. The President shall be the chief executive officer of the Federation. He shall supervise the affairs of the Federation, sign all official documents and preside at regular and special conventions, and at meetings of the Executive Council and the General Board. He shall call meetings of the Executive Council at least ~~three times~~ twice each year.

ARTICLE X EXECUTIVE COUNCIL

Sec. 3. The Executive Council shall meet upon the call of the President at least ~~three times~~ twice each year at a time and place designated by the President.

10

Authorizing Central Bodies to Allow Allied Retiree Organizations Designated by the Executive Council to Affiliate or Otherwise Participate

Submitted by the Executive Council

Article XIV, Section 1 of the Constitution describes the organizations that are eligible to affiliate or otherwise participate in state and local central bodies. [Note that separately proposed Constitutional Amendment No. 1 would amend this article to cover area as well as state and local central bodies.]

Under this provision, central bodies “shall be composed exclusively of locals of [affiliated] national and international unions and organizing committees..., directly affiliated local unions, local central bodies within the geographical limits of the state and regional bodies, and such other subordinate bodies and constituent entities as the Executive Council may determine are eligible for affiliation or other participation.”

In many parts of the country, particularly as they are more actively seeking to work in coalition with the labor movement’s natural allies, state federations have wished to offer state chapters of allied retiree organizations representation or other forms of participation enjoyed by other affiliates. And, while the inclusion of “constituent entities” in the provision as it now stands is arguably broad enough to cover certain retiree organizations, this amendment would

explicitly give the Executive Council authority to extend eligibility to state chapters of the Alliance for Retired Americans, as this new organization increasingly seeks to work in coalition with the labor movement on a number of critical issues of mutual concern.

Therefore, the Executive Council proposes the following amendments:

ARTICLE XIV

STATE AND LOCAL CENTRAL BODIES

Sec. 1. Central bodies subordinate to the Federation may be chartered upon a city, state or other regional basis as may be deemed advisable by the Executive Council and shall be composed exclusively of locals of national and international unions and organizing committees, affiliated with the Federation, directly affiliated local unions, local central bodies within the geographical limits of state and regional bodies, and such other subordinate bodies, ~~and~~ constituent entities and allied retiree organizations as the Executive Council may determine are eligible for affiliation or other participation.