

**Constitution**  
**for**  
**Minnesota Council Number 5**

**Article I**  
**Name and Headquarters**

Section 1. This council shall be known as Minnesota Council Number 5 of the American Federation of State, County and Municipal Employees, AFL-CIO.

Section 2. The headquarters of this council shall be in the Twin Cities metropolitan area.

**Article II**  
**Affiliations**

This council shall be chartered by the American Federation of State, County and Municipal Employees, AFL-CIO, and shall affiliate with the Minnesota AFL-CIO.

**Article III**  
**Objectives**

The objectives of this council shall be the objectives of the American Federation of State, County and Municipal Employees, AFL-CIO.

**Article IV**  
**Membership and Revenue**

Section 1. All AFSCME local unions chartered to represent employees of the state of Minnesota, the University of Minnesota, Aramark at MNSCU campuses; all AFSCME local unions in the Minnesota counties of Anoka, Cook, Dakota, Hennepin, Ramsey, Scott and Washington; and all AFSCME local unions in the Duluth metropolitan area including the cities of Duluth, Hermantown, Proctor and Two Harbors, employees of St. Louis County, Lake County Social Service and Sheriff's departments; and including AFSCME local unions in the state of Minnesota organized by Council 5 with the prior approval of the International President, excluding AFSCME locals 105, 1500 and 2827, are required to and shall affiliate with Council Number 5.

Section 2. Effective January 1, 2015, the per-capita tax rate will be \$28.64 per member per month. Effective January 1, 2016, and every year thereafter, the council per-capita tax rate will be adjusted in accordance with the provisions of the International Constitution. Per capita tax shall be paid on the number of individual monthly dues payments received by the local union during the month, and per capita tax shall be paid by the local union in the same manner for each person paying a fair-share or agency shop fee to the local union in lieu of dues. The dues of all affiliated local unions shall be transmitted directly by the employer to this council. From the dues so received, the Council Treasurer shall deduct the council per capita tax provided for in this section, and shall deduct and pay, on behalf of the local union, its constitutionally established per capita tax to the International Union not later than the fifteenth day of the month following the month in which such dues are received by the council. The Council Treasurer shall deduct and pay, on behalf of each local union, the constitutionally established per capita taxes to the appropriate central body of the AFL-CIO. After the foregoing deductions have been made, the remaining amount shall be transmitted to the local union not later than the last day of the month following the month in which such dues are received by the council together with an accounting of the amounts paid as per capita taxes to the organizations referred to above.

Section 3. For a member whose local union permits payment of dues at a part-time rate no greater than seventy-five percent of regular dues, such local union may pay per capita tax to the council at seventy-five percent of the regular rate established in Section 2 of this article.

Section 4. Monthly per capita tax payments to the council shall be made on the same number of members on which per capita tax to the International Union is paid.

Section 5. Failure of a local union to remit its council per capita tax for any month by the fifteenth day of the following month shall result in the local being declared delinquent. Any local sixty days delinquent shall be automatically suspended from the privileges and benefits of this council until all per capita tax due has been paid up to date.

Section 6. The Council Treasurer shall notify the International President and International Secretary-Treasurer of all delinquent or suspended locals and of all reinstatements.

## **Article V Convention**

Section 1. All sovereign powers and authority of the council shall be vested in the regular and special convention of the council.

Section 2. The regular convention of this council shall be held annually during the months of September or October at a place to be fixed by the executive board of the council. The election of officers shall take place at the convention of the council in the even-numbered years.

Section 3. Special conventions of this council may be called by the Council President and/or the Council Executive Board. One-third of the locals affiliated with the council may at any time require a special convention by filing a request with the Council President which petition shall name the purpose of the convention and set its date. Special conventions may also be called by the International President or an authorized representative of the International President.

Section 4. At least sixty days prior to each regular convention and at least thirty days prior to each special convention, the Council Secretary shall send to each local a copy of the convention call, accompanied by the appropriate number of credential forms. In the case of a convention at which election of officers is to take place, this shall be indicated in the convention call.

Section 5. Properly executed and signed credential forms, together with a Local Union Delegate Certification Form designating the chairperson of the local's delegation should the local elect two or more delegates, must be postmarked and returned to the council office no later than ten days prior to the opening of the convention. Any delegate whose credential was postmarked after the tenth day prior to the convention shall be deemed irregular and shall not be included in the initial report of the Credentials Committee.

Section 6. A quorum for the transaction of business at any regular or special convention shall consist of delegates representing not less than one-third of the affiliated locals entitled to representation at the convention.

## **Article VI Representation**

Section 1. Locals shall be entitled to delegates on the basis of one delegate for each twenty-five members or fraction thereof. For the purpose of determining a local union's representation and voting strength at council conventions, fair share and agency

fee payers shall be counted as if they were members. Locals may also elect an alternate delegate for each delegate.

Section 2. Regardless of the number of delegates, locals shall be entitled to vote on the basis of one vote for each member in all roll-call votes and elections coming before the convention. A request for a roll-call vote shall require the support of one-third of the accredited delegates.

Section 3. Locals entitled to more than one delegate may send fewer than their quota of delegates, and the delegates present may cast the entire vote of the local on the basis of one vote for each member in all recorded votes and elections coming before the council. The number of votes shall be divided equally among the delegates, with any remaining votes to be cast by the chair of the delegation, as designated by the local. No fractional votes shall be permitted.

Section 4. The basis of representation at any council convention shall be the average number of per capita tax units actually paid to the council by each affiliated local union during the twelve-month period ending with the fourth full month prior to the opening of the convention. In the case of any local organized or affiliated after the beginning of the twelve month period, the basis of representation shall be the average number of per capita tax units actually paid to the council for the full number of months for which per capita tax has been paid.

Section 5. Duly elected officers and members of the Council Executive Board who are not elected as delegates representing their local union shall nevertheless be entitled to all the rights and privileges of a delegate, except the right to vote. No regular employee of the council shall be eligible to be elected or to serve as a delegate to any regular or special convention of the council.

Section 6. No local union shall be entitled to representation in any convention of the council unless all of its per capita tax and other just obligations to the International Union and the council have been paid in full by or on the day credentials are presented at the convention.

Section 7. To be accredited, delegates must be on the floor when the vote is taken, and voting by proxy shall not be permitted. All issues shall be decided by a majority vote of the accredited delegates voting, except as otherwise specifically provided in this constitution.

Section 8. All delegates to any regular or special convention of the council shall be elected in accordance with the AFSCME Elections Code (Appendix D of the International Constitution). They shall be in good standing in their local and the names of such delegates shall be certified by the proper officers of the locals to the Council Secretary.

Section 9. Expenses of delegates attending regular and special conventions shall not be the responsibility of the council.

## **Article VII Officers and Elections**

Section 1. The officers of this council shall be: a President, a Vice-President, a Secretary, a Treasurer and executive board members elected as provided in Section 2 of this article, and these officers and executive board members shall constitute the executive board of this council. There shall also be appointed by the executive board an Executive Director who shall sit on the executive board with a voice, but without vote.

Section 2. Officers shall be elected for a term of two years in the even-numbered years. The President, Vice-President, Secretary, and Treasurer shall be elected at-large; provided, however, that no more than one of these shall be from the same local union.

Executive board members shall be elected from districts and sectors as set forth below in this Section:

- (a) Six districts shall be established for the purpose of electing district executive board members, as set forth below. One executive board member shall be elected from each district for each two thousand two hundred and fifty (2,250) members or major fraction thereof who reside within that district. Only delegates who reside within a district shall be eligible to nominate or vote for candidates for executive board member from such district. A candidate for district executive board member must reside within that district, except that a candidate who resides outside the state of Minnesota shall be eligible to be a candidate in the district of the county in which the candidate is employed. In any case where the members of a local union reside in more than one district, the votes of such local union shall be divided equally among the registered delegates, with any remaining votes to be cast by the chair of the delegation. Delegates shall vote in the executive board member election for the district in which they reside, except that delegates that reside outside of Minnesota shall nominate and vote in the district of the county in which they are employed. The six districts shall consist of the following counties:

District 1 shall be comprised of the counties of Carlton, Cook, Itasca, Koochiching, Lake, Pine and St. Louis;

District 2 shall be comprised of the counties of Becker, Beltrami, Big Stone, Chippewa, Clay, Clearwater, Grant, Kandiyohi, Kittson, Lac Qui Parle, Lake of the Woods, Lincoln, Lyon, Mahnommen, Marshall, Murray, Nobles, Norman, Otter Tail, Pennington, Pipestone, Polk, Pope, Red Lake, Rock, Roseau, Stevens, Swift, Traverse, Wilkin and Yellow Medicine;

District 3 shall be comprised of the counties of Blue Earth, Brown, Cottonwood, Dodge, Faribault, Fillmore, Freeborn, Jackson, Houston, Le Sueur, Martin, Mower, Nicollet, Olmsted, Redwood, Rice, Steele, Wabasha, Waseca, Watonwan and Winona;

District 4 shall be comprised of the counties of Aitkin, Benton, Cass, Chisago, Crow Wing, Douglas, Hubbard, Isanti, Kanabec, McLeod, Meeker, Mille Lacs, Morrison, Renville, Sherburne, Sibley, Stearns, Todd and Wadena;

District 5 shall be comprised of the counties of Dakota, Goodhue, Ramsey and Washington;

District 6 shall be comprised of the counties of Anoka, Carver, Hennepin, Scott and Wright.

- (b) Six employment sectors shall be established for the purpose of electing sector executive board members, as set forth below. One executive board member shall be elected from each sector for each two thousand two hundred and fifty (2,250) members or major fraction thereof employed within that sector. Only delegates who are employed within a sector shall be eligible to nominate or vote for candidates for executive board member from such sector. A candidate for executive board member from a sector must be employed within that sector. In any case where the members of a local union are employed in more than one sector, the votes of such local union shall be divided equally among the registered delegates, with any remaining votes to be cast by the chair of the delegation. Delegates shall vote in the executive board member election for the

sector in which they are employed. The six sectors shall be as follows:

- (1) city employees;
- (2) county employees;
- (3) private sector, special district employees;
- (4) school employees;
- (5) state employees;
- (6) University of Minnesota employees.

Section 3. All elections within this council shall be conducted in accordance with the AFSCME Elections Code (Appendix D of the International Constitution).

Section 4. Nominations and elections shall be held at the regular convention of the Council in the even-numbered years. At least fifty days' advance notice of the holding of nominations and elections shall be given to the locals prior to the convention. Nominations shall be permitted from the floor at the nomination meetings, as set forth below in Section 6 of this article.

Section 5. No member shall be eligible to hold office unless all accounts and per capita tax due the council and the International Union are paid in full by the member's local union, and unless such member has been a member in good standing in that local for the year preceding the election; provided that the requirement of one year's membership in good standing shall not apply in the case of a member in good standing who is employed in a bargaining unit for which the council or an affiliated local union was newly certified or recognized as the representative within the year preceding the election and the council has received dues deducted on behalf of the members employed in such unit for one or more months during the twelve-month period on which convention representation is based pursuant to Article VI, Section 4, of this constitution. No retired member shall be a candidate for office. No regular employee of the council shall be eligible to be elected or to serve as an officer or executive board member of the council.

Section 6. Nominations for the four at-large officers shall be held in the convention as a whole in the order listed in Section 1 of this article. Immediately following the completion of such nominations, separate meetings shall be held for the delegates employed in each sector for the purposes of nominating sector executive board members, followed by meetings for the delegates residing in each district for the purpose of nominating district executive board members.

Section 7. Officers shall be elected by secret ballot vote and the balloting shall be so conducted as to afford to all delegates a reasonable opportunity to vote.

Section 8. A majority of all votes cast shall be necessary to elect a candidate. When more than two candidates are nominated for a single office, and none of them receives a majority of all votes cast, all candidates except the two who received the most votes shall be dropped and a second ballot cast.

Section 9. Vacancies in office shall be filled for the remainder of the unexpired term by a majority vote of the executive board.

Section 10. Unexcused absence of an officer from three consecutive meetings of the executive board shall automatically cause removal from office.

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

## **Article VIII Duties of Officers**

Section 1. The President shall preside at all meetings of the convention and of the executive board. The President shall, except as otherwise provided in this constitution,

appoint all standing and special committees of the council, subject to the approval of the executive board. The President shall be a member ex-officio of all committees except election committees. Except as otherwise provided in this constitution, the President shall countersign all checks drawn on the funds of the council. The President shall report regularly to the executive board and to the convention on the activities of the President's office and the progress of the council. The President shall be an automatic delegate to all conventions at which this council is entitled to representation.

Section 2. The Vice-President shall assist the President in the work of the President's office. In the absence of the President or in the President's temporary inability to serve, the Vice-President shall preside at all meetings and perform all other duties normally performed by the President. The Vice-President may, with the approval of the executive board, be authorized to act as co-signer of checks drawn on the funds of the council in place of either the President or the Treasurer. The Vice-President shall be an automatic alternate delegate to the International Convention and shall be an automatic delegate to all other conventions at which this council is entitled to more than one delegate.

Section 3. The Secretary shall keep a record of the proceedings of all conventions and of all executive board meetings. The Secretary shall carry on the official correspondence of the council except as the executive board may direct otherwise. The Secretary shall perform such other duties as the executive board may require. In the performance of these duties the Secretary may request staff assistance as may be deemed necessary, which assistance shall be provided by the Executive Director.

Section 4. The Treasurer shall receive and receipt for all monies of the council. The Treasurer shall deposit all money so received in the name of the council in an insured account in a financial institution selected by the executive board, and money so deposited shall be withdrawn only by check signed by the President and the Treasurer; provided that, with the approval of the executive board, the President and Treasurer may each designate deputies to sign in their place, except that no check drawn on the funds of the council shall be signed solely by deputies. The Treasurer shall prepare and sign checks for such purposes as required by the constitution or are authorized by the convention or the executive board. The Treasurer shall keep an accurate record of receipts and disbursements and shall submit to the convention and to the executive board complete and accurate financial statements, including an operating statement and a statement of the council's assets and liabilities. The Treasurer shall act as custodian of all properties of the council. The Treasurer shall pay the per capita taxes to the International Union. In the performance of these duties the Treasurer may request such staff assistance as may be deemed necessary, which assistance shall be provided by the Executive Director.

Section 5. The executive board shall be the governing body of the council except when conventions of the council are in session. All matters affecting the policies, aims and means of accomplishing the purposes of the council not specifically provided for in this constitution or by action of the delegates at a regular or special convention shall be decided by the executive board. The board shall meet monthly or at the call of the President or a majority of the members of the executive board. A report on all actions taken by the executive board shall be made to the delegates at the following convention. A majority of the members of the executive board shall be required for a quorum. The executive board shall cause to be made at least annually an independent audit of the council's finances, and shall report to each regular council convention and to each affiliated local the results of such audit. Any affiliated local union shall, upon request, be provided with a copy of the audit.

## **Article IX Executive Director**

Section 1. There shall be appointed by the executive board an Executive Director who shall sit on the executive board with a voice but no vote. The Executive Director shall serve at the pleasure of the board, and the compensation, expenses and benefits of the Executive Director shall be determined by the executive board.

Section 2. The Executive Director is the council's administrative and executive officer, and must give full time to the council. The Executive Director shall, under policies established by the executive board, employ, terminate, fix the compensation and expenses, and direct the activities of such staff as are required to carry out effectively the functions of this council. The Executive Director shall, with the approval of the executive board, engage such technical and professional services, including legal counsel and independent auditors, as may be required.

Section 3. No later than the November executive board meeting of each year, the Executive Director shall submit in writing to the executive board a proposed budget for the coming year. The proposed budget shall set forth the anticipated income and its sources and the anticipated expenditures and their purposes. The proposed budget may be revised by the executive board, which must approve a final budget no later than the December executive board meeting. The fiscal year for this council shall begin on the first day of January and end on the last day of December.

## **Article X PEOPLE Committee**

Section 1. The Minnesota PEOPLE Committee existing at the time of the adoption of this constitution shall remain in existence and operation, with its then current membership, through the regular public elections to be held in November 2004.

Section 2. Beginning after the regular public elections to be held in November 2004, the members of the PEOPLE Committee shall be appointed by the President, subject to the approval of the executive board. In making such appointments, due regard shall be given to providing appropriate representation to all districts and sectors of the council.

Section 3. No candidate for public office shall be endorsed by the council without the prior approval of the executive board. The executive board shall consider the recommendation of the PEOPLE Committee before making any such endorsement, except that, when time is of the essence, the executive board may act on an endorsement without a recommendation from the PEOPLE Committee.

## **Article XI Policy Committees**

Section 1. In any case where a bargaining unit includes the members of more than one local union or the employees of a single employer are represented by more than one local union, such local unions may form a policy committee, except that, in the case of local unions in the state and university sectors, such local unions shall be required to form policy committees. The purpose of such policy committees shall be to coordinate the activities of the local unions representing employees of such employer or in such bargaining unit and to advise and assist the council on matters affecting the interests of their members. In addition, the executive board may establish additional policy committees based upon sector, geography or type of employment.

Section 2. Local unions shall be entitled to delegate representation and votes in policy committee meetings based on the same formula used to determine delegate representation and voting strength in council conventions; provided, however, that if a local union includes members who fall within more than one policy committee, the delegate representation and voting strength in each policy committee shall be based on the actual number of members employed within such policy committee. Delegates must meet the same eligibility requirements provided for convention delegates and must be employed in the jurisdiction of the policy committee. In the election of local union delegates to a policy committee, only members employed within the jurisdiction of a policy committee shall be eligible to vote for delegates to that policy committee. In any case where a local union president is not elected as a delegate to a policy committee having jurisdiction over

members of that local union, such local president or designee may attend meetings of that policy committee as a non-voting observer, without regard to whether such local president is employed within the jurisdiction of that policy committee.

Section 3. Each policy committee shall, subject to the approval of the Council Executive Board, adopt rules to govern its operations; provided that such rules may not be in conflict with this constitution or the constitution of the International Union. Each policy committee shall elect a chairperson and such other officers as are provided for in the rules of that policy committee. In the case of a state or university employees' policy committee, the rules of such policy committee shall establish the procedure for ratifying any agreement affecting the members under the jurisdiction of such policy committee that is subject to ratification under Paragraph 7 of the Bill of Rights for Union Members in the International Constitution. The local unions participating in a policy committee shall be responsible for funding all expenses related to the meetings of such policy committee.

Section 4. Regular meetings of a policy committee shall be held at least once each year at the call of the chairperson of such policy committee. Special meetings of a policy committee may be called by the chairperson of that policy committee, the Executive Director of the council or by delegates from the most recent regular meeting of that policy committee representing at least one-third of the local unions under the jurisdiction of that policy committee. At any special meeting of a policy committee, the delegates shall be those who were eligible to attend the most recent regular meeting of that policy committee.

Section 5. Each policy committee may consider labor/management matters affecting the members under the jurisdiction of that policy committee. These may include but not be limited to: the establishment and recommendation of bargaining goals; the establishment and recommendation of standard contract provisions; the exchange of information regarding the settlement of grievances; mutual assistance in organizing, servicing and bargaining; and, where appropriate, joint bargaining with a common employer.

## **Article XII Miscellaneous**

Section 1. This council shall at all times be subject to the provisions of the International Constitution of the American Federation of State, County and Municipal Employees, AFL-CIO.

Section 2. Except to the extent specified in this constitution, no officer of the council shall have the power to act as an agent for or otherwise bind the council in any way whatsoever. No member or group of members or other person or persons shall have the power to act on behalf of or otherwise bind the council except to the extent specifically authorized in writing by the President of the council or the executive board of the council.

Section 3. All judicial procedures shall be conducted in accordance with Article X of the International Constitution.

Section 4. All officers and employees of this council shall be bonded at the expense of the council through the International Union office. The minimum bond shall be no less than ten percent of the assets handled by the council annually.

Section 5. Open Meetings. All meetings of the executive board are open to observation by any member in good standing of a local union affiliated with the council. Meetings may be closed if the board decides by a majority vote that serious injury or damage might otherwise be done to this council, the federation or any individual.

Section 6. Open Agenda. Any member in good standing of the council shall be placed on the agenda of the next meeting of the executive board upon written request, including electronic mail.

Section 7. The rules contained in the current edition of Robert's Rules of Order Newly Revised, shall govern this council in all cases to which they are applicable and in which they are not inconsistent with this constitution and special rules of this council or of the American Federation of State, County and Municipal Employees.

### **Article XIII Amendments**

Section 1. Except as provided in Section 2 of this article, this constitution may be amended, revised or otherwise changed only by a two-thirds vote of the delegates voting on such proposed change at a regular or special convention and such change shall take effect only with the written approval of the International President.

Section 2. Any amendment which is submitted to the Council Secretary not later than sixty days prior to the opening of a convention, a copy of which shall be mailed by the Council Secretary to each affiliated local union not later than thirty days prior to the opening of the convention, may be approved by a majority vote of the convention.

Section 3. The convention shall not consider any amendments submitted after the opening of a convention, except that the executive board may submit proposed amendments at any time.

Section 4. The executive board shall review and make a recommendation to the convention on any proposal to amend the constitution.

Approved by:

A handwritten signature in black ink that reads "Lee Saunders". The signature is written in a cursive, flowing style.

LEE SAUNDERS  
President

Approval date: October 22, 2014