



**NATIONAL AFGE COUNCIL OF
DEFENSE FINANCE AND ACCOUNTING SERVICE LOCALS
(C-171)
CONSTITUTION AND BY-LAWS**

PREAMBLE

For the purpose of promoting unity of action in all matters affecting the mutual interests of the membership of affiliated Locals, we, as members of the American Federation of Government Employees, AFL-CIO (AFGE), hereby adopt this Constitution and By-Laws.

ARTICLE I. NAME

Section 1. This Council shall be known as the National AFGE Council of Defense Finance and Accounting Service Locals (DFAS). It shall encompass all AFGE locals present and future that contain DFAS employees as members.

Section 2. The headquarters of this Council shall be the business office of the Council President.

ARTICLE II. OBJECTIVES AND METHODS

Section 1. This Council shall promote the interests and improve the effectiveness of affiliated locals by providing a concerted voice and strength of unity, achieved by the combined efforts of those affiliated locals in order to provide service to our membership.

Section 2. This Council does not advocate the overthrow of the Constitutional form of government in the United States; does not discriminate with regard to the terms or conditions of membership because of race, creed, color, national origin, sex, age, political affiliation, handicapped condition, marital status, sexual orientation, or preferential or nonpreferential civil service status; and is not subject to corrupt influences or influences opposed to basic democratic principles.

Section 3. This Council subscribes to the provisions of Public Law 95-454, where applicable.

ARTICLE III. CONTROLLING PROVISIONS

Section 1. This Constitution shall not be inconsistent with the AFGE National Constitution. Should any provision of this Constitution conflict with the AFGE National Constitution, the AFGE National Constitution shall prevail.

Section 2. Consistent with the AFGE National Constitution, the Council President and the AFGE National President shall insure that all provisions of this Constitution are met and shall take necessary action to do so.

ARTICLE IV. MEMBERSHIP

Section 1. Only locals in good standing with AFGE whose membership includes DFAS employees shall be eligible for membership in this Council. All locals whose membership includes DFAS employees shall be required to become members of the Council.

Section 2. Representation in this Council shall be by delegates selected in accordance with the constituent local's constitution and duly certified to the Council Treasurer.

(a) Locals having DFAS currently employed membership of 50 or less shall be entitled to one delegate; 51 to 200 – two delegates; and 201 or more – three delegates.

(b) Each delegate is entitled to cast one vote on any matter before this Council. A single delegate may cast all votes to which his/her respective local is entitled.

(c) Official AFGE Credential Form C-3 will be issued to ex-officio delegates and delegates, alternate delegates, and proxy delegates elected by secret ballot plurality vote, for attendance at Council meetings. Credentials will be properly executed by constituent locals. Delegates, alternate delegates, and proxy delegates will be furnished the blue copy; the pink copy will be retained by the local; and the original and yellow copy will be forwarded to the Council.

(d) Delegates and alternate delegates to the Council will be elected to serve for a period consistent with the respective local's Constitution.

ARTICLE V. REPORTING AND FINANCIAL REQUIREMENTS

Section 1. This Council will comply with the reporting requirements of Public Law 95-454 and all applicable regulations (submission of LM Report and Constitution and By-Laws to the Department of Labor), and will comply with internal Revenue Service regulations (submission of Form 990 for the preceding year). A copy of the above forms will be provided to the AFGE National Office.

Section 2. An annual audit report on AFGE Form 41 will be submitted to the National Office.

Section 3. Every officer, agent, shop steward, or other representative or employee who handles funds or other property thereof shall be bonded. The Council must be bonded for at least ten percent of all the monies handled during the year. In accordance with Article XIX, Section 6 of the AFGE National Constitution, the National President shall negotiate a blanket bond in the amount of \$5,000 to cover up to five people who handle the Council's funds. In the event that the Council needs, desires, or is required to be bonded for additional amounts or for additional people, it shall be incumbent upon the Council to bear the additional expense of such additional bond. It will be responsible for payment of all charges for all bonding, including the initial \$5,000 bond, and it shall own all bonding paid for by the Council. In order for the bond to be effective, the Council must file a copy of the proper forms within 90 days after the close of its fiscal year.

ARTICLE VI. REVENUE

Section 1. Per capita tax to this Council shall be 25¢ per month per currently employed DFAS member, payable by the end of the month, effective on approval of the Constitution by the National Executive Council (NEC).

Section 2. Any local containing constituent DFAS members failing to pay the monthly per capita tax, special assessment, or other indebtedness to this Council, shall be notified promptly by the Treasurer of its arrearages. If at the end of three months the local is still in arrears, it will be subject to the same penalties as failure to pay per capita tax to the Federation as set forth in the AFGE National Constitution. Constituent locals must be current in per capita tax to the Federation to be eligible to participate in Council meetings.

Section 3. Special assessments may be levied by two-thirds vote of the Executive Board of this Council when, in its judgment, it becomes necessary to carry on the work of this Council. In no circumstances shall such assessments exceed the sum of 25¢ per member in one month, nor shall there be more than four such assessments in any one year. Such action on the part of the Executive Board shall be effective only until the next annual meeting of the Council.

Section 4. A suspended local may be reinstated to full membership in this Council upon payment of all arrearages.

Section 5. All receipts, checks, and cash disbursements shall be properly recorded and accounted for in the financial records of this Council. The Treasurer shall sign and the President shall countersign checks covering proper expenditures for the Council. In the absence of either officer, the Executive Vice President shall sign.

Section 6. Providing it has received reasonable notice, any constituent local in arrears for per capita tax in the calendar month, immediately prior to any regular or special Council meeting shall be suspended from participation in Council business until per capita tax is made current. Any per capita tax in arrears may be paid at aforementioned meetings.

ARTICLE VII. OFFICERS, QUALIFICATIONS, DUTIES

Section 1. The elective officers shall be:



- (a) President, Executive Vice President, Secretary, Treasurer, elected by all locals.
- (b) Regional Vice Presidents for North, South, Central, Mid-central, and West, elected from and by the constituent locals of the respective Region.
- (c) Term of office for all officers shall be for a term of three years. An initial election shall be held at the Fall 2001 meeting of the Council, upon the issuance of a permanent charter.

Section 2. To be qualified for an office or candidate for office, an individual must meet the following qualifications:

- (a) Be a member in good standing of the constituent local;
- (b) Be a currently employed DFAS employee;
- (c) Be a member for one year of a constituent AFGE local, immediately preceding the closing of the nomination process. This requirement does not apply to newly created locals;
- (d) Must not be a member of any labor organization not affiliated with the AFL-CIO.
- (e) A Regional Vice President must be an active employee in, and nominated and elected from, the respective Region.

Section 3. (a) The President shall function as the presiding officer of the Council and shall exercise general supervision of the affairs of the Council. It shall be the duty of the President, in accordance with the mandates of the Council, to plan and pursue policies that will promote the welfare of the Council; serve as the duly elected Council delegate to all conventions, meetings, or conferences to which the Council is entitled to be present; keep the membership fully advised of his/her activities; preside at the Council meetings and at meetings of the Executive Board; travel under budget and general policies of the Council Constitution and/or the Council Executive Board; and sign all official documents pertaining to his/her office. The President shall be an ex officio member of all committees except the Election and Audit Committees.

(b) The President shall meet with the DFAS management on DFAS-wide issues affecting policies, regulations, and conditions of employment, and shall chair the Negotiations Committee.

(c) The President may hire employee(s), if the delegates to the Council have given prior approval, either by adoption of an annual budget that provides for employee(s), or by authorizing the expenditure of funds for employee(s). Employees of the Council, other than temporary employees, must have a service or employment contract, and will be advised before hiring that the contract incorporates the following: (1) any such service or employment contract must be submitted in writing for prior review and approval by the Council Executive Board, (2) it does not extend beyond the term of office of the Council President, (3) it is subject to an approved budget and availability of funds, (4) it may not cause deficit spending, (5) it may be terminated for just cause, including a disciplinary or

performance based removal, or in the event of insufficient funds, for lack of work, or for other valid reason, and (6) by entering into a contract, the Council and the employee agree that the National Office of the Federation is neither a party to the contract nor responsible for any matter arising from the contract, including the enforcement or termination of the employment.

Section 4. The Executive Vice President shall assist the President in performing his/her duties as assigned; may accompany the President in meeting with the DFAS management on DFAS-wide issues affecting policies, regulations, and conditions of employment; shall preside at any meeting of the Council at which the President is absent or assume the duties of the President if and when the President so delegates; is responsible for legislative activities, assists Regional Vice Presidents with resolving representational issues; and in the event of a vacancy in the office of President, automatically assumes the office of President for the remainder of the unexpired term. In the absence of the President and the Executive Vice-President at a regular meeting of the Council, the delegates may elect a temporary chairman for that meeting from the Council officers in attendance.

Section 5. In meeting with management as required on regional issues affecting policies, regulations, or conditions of employment, the Regional Vice Presidents shall seek input from all constituent locals relating to adoption of new or changed policy, regulation, or any change in the conditions of employment affecting their respective locals. They are responsible for communicating information in relation to all meetings with management to their constituent locals in a timely manner. The Regional Vice Presidents, along with their constituent locals, shall meet with management on regional issues affecting policies, regulations, and conditions of employment.

Section 6. The Secretary shall keep a record of the minutes of all meetings, keep all official records of the Council except those that are specifically assigned to others, and notify the membership of all regular or special meetings. The Secretary shall serve as a member of the Constitution Committee, keep the Constitution and By-Laws up-to-date, and is responsible for communications related to the Constitution and By-Laws. The Secretary will furnish a copy of the Council Constitution and By-Laws to each affiliated local. The Secretary will furnish copies of the following documents to the delegates at all regular meetings and mail copies to the locals who do not attend the meetings: financial reports, Executive Board meeting minutes; an up-to-date list of affiliated locals and their last known address/telephone number; and an up-to-date log that records all notifications from management concerning proposed DFAS-wide issues affecting changes to policies, regulations, and conditions of employment. The Secretary will furnish official credentials to affiliated locals no later than 60 days prior to a Council meeting when an election will be conducted at the meeting. If the Secretary is absent from a meeting, the presiding officer may appoint a temporary Secretary, who will keep a record of the minutes and furnish them to the Secretary.

Section 7. The Treasurer shall receive, receipt for, disburse, and keep account of all monies received or disbursed for the Council; deposit all revenue in banks to the credit of the Council; and provide a financial report at all meetings and whenever otherwise requested to do so by the President. At the end of his/her term of office and each year, the Treasurer shall submit the Council's books to an Audit Committee selected by the delegates in attendance at a Council



meeting for an audit and report. The Treasurer shall complete financial officers training provided by AFGE as soon as practicable, unless completed within the previous three years.

Section 8. No officer or Council representative shall engage in any business or financial activities with or on behalf of the Council, which conflict with his/her fiduciary obligations.

ARTICLE VIII. ELECTIONS

Section 1. Officers of this Council shall be nominated and elected in accordance with applicable provisions of this Article and Appendix A of the AFGE National Constitution. The Election Committee shall send a notice of nomination and election to all known Local Presidents, Local Treasurers, and delegates in good standing at least 60 days prior to the meeting. At the meeting preceding the meeting at which the scheduled election is to be held, the local delegates shall select an Election Committee that will conduct the election of Council officers.

Section 2. The Election Committee will comply with all reasonable requests of any candidate to distribute by mail or otherwise at the candidate's expense, campaign literature in aid of such person's candidacy to all known Local Presidents, Local Treasurers, and delegates in good standing. The Election Committee shall refrain from discrimination in favor or against any candidate with respect to the use of lists of delegates. Whenever the Council Election Committee authorizes the distribution of campaign literature, by mail or otherwise, to known Local Presidents, Local Treasurers and delegates on behalf of any candidate or of the Council itself with reference to such election, similar distribution at the request of any other bona fide candidate shall be made by the Council Election Committee with equal treatment as to the expense of such distribution. Adequate safeguards to insure a fair election shall be provided. Each candidate shall be afforded an opportunity to have a reasonable number of observers, who are members, present throughout the election procedure, including the tally of ballots.

A reasonable opportunity shall be given for the nomination of candidates, and every DFAS member in good standing of each local of this Council, and otherwise qualified, shall be eligible to be a candidate, to hold office, or to support the candidate or candidates of his/her choice without being subject to penalty, discipline, or improper interference or reprisal of any kind by the Council or any member thereof. Each delegate in good standing shall be entitled to nominate and vote in accordance with this Constitution. The votes cast by delegates and proxy delegates to the Council shall be counted, and the results published separately. The Council Election Committee shall turn over to the Secretary, after challenges are acted upon or the time for challenges has expired, the ballots and all other records pertaining to the election. The records shall be preserved by the Secretary for one year and shall be made available to the AFGE National President upon request.

No monetary or other resources of AFGE or any employer shall be used to promote the candidacy of any person in an election. Union resources may be utilized for notices, factual statements, or issues not involving candidates, and other expenses necessary for the holding of an election.

Section 3. The membership strength shall be the average number of DFAS currently employed

members for which per capita tax was paid during the 12-month period ending 60 days prior to the date of the Council elections. To be eligible to vote, a local must pay prior to voting all per capita tax and other accounts due to the Council and Federation from such locals as of 60 days prior to the election.

Section 4. For purposes of entertaining timely election complaints, a complainant has five days after announcement or publication of the election results to submit a timely election complaint. To the extent the five-day period runs past the close of business of the Council election meeting, the election meeting shall be deemed standing in recess until the five-day period after announcement or publication of the election results expires.

ARTICLE IX. EXECUTIVE BOARD AND COUNCIL COMMITTEES

Section 1. The elected Council officers shall comprise the Executive Board and will meet at least quarterly, at the call of the President, or by request of a majority of the members of the Board. A majority of the members of the Board shall constitute a quorum; the meeting may be conducted by telephone conference call or other electronic media.

Section 2. It shall be the duty of the Executive Board to devise and initiate such actions as may be necessary in the interim between Council meetings, not inconsistent with the objectives of the Council, this Constitution, or the AFGE National Constitution. Executive Board meetings are open "sunshine" meetings, and advance notice will be given to locals. Local delegates may attend Executive Board meetings at their local's expense, but cannot participate in its deliberations or vote. Minutes of the Executive Board meetings, resolutions, and other actions shall be duly recorded and regularly reported to the Council's locals.

Section 3. Expenditures in excess of \$500 per month must have prior approval either as authorized by the budget approved by the delegates or by separate vote of the Council's delegates at a meeting. All expenditures authorized by the Executive Board will be reported in writing at the next regular meeting of the Council. Upon request, a copy of such report will be made available to any officer in good standing of the Council or constituent Local President.

Section 4. Committees may be established as the Council may direct, and the membership of such committees shall be appointed by the President, subject to the approval of the Council Executive Board. Standing committees shall be: A-76, Agency-wide Negotiating, Audit, Legislative, Organizing, and Women's/Fair Practices Committees.

Section 5. In the case of a vacancy in any office of this Council except President (see Article VII, Section 4), the Executive Board may appoint an individual to fill the vacancy. A special election will be held if the unexpired term is more than 12 months. The locals will be notified within 15 days after the vacancy becomes known by the Council President.

ARTICLE X. DELEGATES

Section 1. This Council is entitled to two delegates for representation at the AFGE National Convention, except in the election of National Officers. The President and Treasurer of this

Council, by virtue of their election to those offices, shall serve as ex officio delegates.

ARTICLE XI. COMPLAINTS AND APPEALS

Section 1. Complaints against any of the Council officers arising out of or resulting from an individual's conduct or status as a Council officer on matters concerning the operation of the Council, excluding Council officer elections (which are processed in accordance with the procedures set forth in Appendix A of the AFGE National Constitution), will be processed as follows:

(a) Constituent locals or members thereof shall register a complaint first with the Council President. A committee of investigation and, if probable cause is found, a trial committee shall be appointed by the Council President, or the Executive Board if the Council President is the accused. The Council President, or the Executive Board, as appropriate, shall insure that neither the committee of investigation nor the trial committee includes the complainant(s) or the accused, and in no case will the committee of investigation and the trial committee be composed of any of the same members. No member shall be eligible to serve on the Executive Board or trial committee for the hearing of charges under this Article if he/she is directly or indirectly involved in the matter which gave rise to the charges upon which the accused is to be tried, and the committees shall otherwise be impartial. A hearing on the complaint shall be conducted consistent with applicable provisions of Article XVIII of the AFGE National Constitution. The trial committee's findings of fact and decision shall become effective after 30 days from its service by certified mail to all constituent locals, unless disapproved by a majority of them during that 30 day period. A committee of investigation's finding of no probable cause or trial committee's decision exonerating the accused shall not be subject to Council approval, or be subject to any further action within the Council or the Federation.

(b) The trial committee shall render a decision suspending the accused for a specific time from his/her office, removing him/her from the office, barring him/her from holding any office for a specified time, and/or suspending for a specified time or expelling him/her from membership, or finding her/him not guilty as accused. After decision of the trial committee, an officer suspended or barred from office or suspended or expelled from membership shall have the appeal right to the National Executive Council (NEC) set forth in Article XVIII, Section 9, of the AFGE National Constitution, by service upon the National Secretary-Treasurer within 15 days of receipt of the trial committee's decision.

(c) The NEC shall review the case and affirm or reverse the decision, reduce the penalty, or return the case to the Council for a new trial before a different trial committee. If the decision of the NEC should affirm any adverse action taken against the appellant by the Council, upon receipt of the NEC's written decision, the appellant may further appeal to the next AFGE National Convention.

ARTICLE XII. AMENDMENTS

Section 1. This Constitution and any amendments thereof (with the exception of per capita tax) shall become effective and remain so when it is approved by a two-thirds vote of the delegates of

this Council present and voting at a regular or special meeting, or by mail vote, and subsequently by the AFGE National Executive Council.

Section 2. Any proposed amendment to this Constitution shall be submitted to the Secretary in writing no less than 30 days prior to a regular Council meeting. The Secretary shall notify all delegates of the proposed amendment not less than 15 days prior to the date on which action will be taken to amend.

Section 3. Amendments may be adopted between meetings through mail ballot by two-thirds vote of the votes cast by delegates from constituent locals.

Section 4. Amendments concerning a change in per capita tax structure may be adopted by a majority vote of the delegates in good standing, voting at a general or special meeting of this Council, after reasonable notice of the intention to vote upon such question, or by majority vote of the members of the constituent locals in good standing, voting in a membership referendum conducted by secret ballot.

ARTICLE XIII. LOCALS' RIGHTS

Section 1. All constituent locals shall have the right to conduct their internal local business without interference, coercion, or restraint by this Council, insofar as such matters are not in conflict with this Constitution, the AFGE National Constitution, and the master labor agreement executed between the agency and the Council.

Section 2. Each constituent local in good standing shall be entitled to full participation on all matters before this council through the medium of a delegate(s).

Section 3. If not prohibited by the master agreement, each constituent local shall be entitled to negotiate supplemental collective bargaining agreements with local management for the purpose of implementing the national agreement or regional agreements, and covering those matters more appropriately negotiated at the local level. Each constituent local negotiating such a supplementary agreement shall have the right and responsibility to administer and enforce such agreement.

Section 4. Information concerning upcoming negotiations shall be presented to the locals prior to the start of negotiations for review and input. Locals shall have 30 days after receipt to provide their input.

BY-LAWS

Section 1. The Council shall meet at least semiannually in regularly scheduled meetings.

Section 2. Special meetings may be called at any time by the President, by request of a majority vote of Council officers, or upon written request from a majority of affected locals. The specific purpose of the meeting shall be provided, and only those items listed in the notice will be dis-

cussed or voted on at such a special meeting.

Section 3. The order of business at regular Council meetings will be:

- (a) Roll call of officers
- (b) Reading of the minutes of the previous meeting
- (c) Report of financial condition by the Council Treasurer
- (d) Reports of committees
- (e) Unfinished business
- (f) New Business
- (g) Comments for the good of the Council
- (h) Adjournment

In meetings involving the election of officers, the election will be the first order of business. A quorum is not required for nominations and/or elections.

Section 4. A quorum of this Council shall consist of a majority of the constituent locals.

Section 5. Unless otherwise specified by law (e.g., secret ballot election or per capita tax referendum) or by Constitution, all questions before the Council will be decided by vote of the delegates present, first by voice vote, and then by a show of hands.

Section 6. The time allowed for debate on any particular issue before the Council and the time allowed for speeches will be governed by circumstances and by majority vote of those delegates present. Any limitations as to time allowed for debate may be extended by a majority of those present and voting.

Section 7. Installation of officers will commence as soon as practicable after the report of results by the Election Committee.

Section 8. *Robert's Rules of Order Newly Revised* shall govern the proceedings of all meetings of this council, when not inconsistent with the provisions of this Constitution and By-Laws.

Section 9. These By-Laws may be amended by a two-thirds vote of the delegates, as provided in Article XII of this Constitution, to become effective upon NEC approval.

Section 10. The DFAS master labor agreement and amendments thereto will be submitted for agency approval upon ratification by a majority of the constituent locals responding within 45 days. National contracts negotiated with the agency are subject to review by the AFGE National President, and the agency shall be so notified.