

## **Constitution**

**for**

### **Minnesota and Dakotas Council 65**

#### **Article I Name**

Section 1. This council shall be known as the Minnesota and Dakotas Council 65 of the American Federation of State, County and Municipal Employees, AFL-CIO.

Section 2. This council shall have offices located in Nashwauk, Minnesota; St. Cloud, Minnesota; and Sioux Falls, South Dakota. Offices shall be located to best serve members and staff of AFSCME Council 65.

#### **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 in the states of Minnesota, North Dakota and South Dakota, including Minnesota State District Court Employees, Local 1500, excluding those local unions within the jurisdiction of Council 5.

Section 2. The membership dues of local unions affiliated with this council shall be established, and the per capita tax to be paid to the council by affiliated local unions and local union chapters shall be determined in accordance with the following:

The dues structure for all Council 65 local unions and chapters, shall be: 1.63% of base wages to be paid on a per pay period basis, not to exceed the monthly cap amount as described herein.

Base wage is defined as follows: the hourly rate of pay for the employee multiplied by their straight time hours of work for the pay period. Base wage will exclude overtime, shift differential, longevity, premium pay (holiday/weekends/Sunday), on-call or stand-by, attendance bonus pay, severance payments, annual vacation payouts, call back, call off and any other amounts added to a member's base compensation, to the extent that the employer is able to separate these amounts from base wages when computing the dues deduction.

The dues deduction will be subject to minimum and maximum deduction amounts as follows: The minimum deduction will be 1.63% of base wages paid on a per pay period basis. Effective January 2021, the maximum dues for members of South Dakota or North Dakota locals shall be \$47.90 and for members of Minnesota locals in Minnesota shall be \$57.70.

Effective January 1st, 2021, and then on January 1st of each subsequent year, the maximum dues deduction will be increased by an inflation index. The inflation index to be used is the average increase in wages of an AFSCME member as calculated for purposes of AFSCME International's annual minimum dues increase as described in Article IX, Section 7, of the International Constitution. The local union share of dues from members will be equal to the local union share of AFSCME's annual dues calculation.

The local union share of dues shall be from MEMBERS only, with the share equal to the local union share of AFSCME annual minimum dues calculation.

Each local of Council 65 can also specify an added fixed amount, higher percentage and/or higher maximum deduction amount to provide additional funds to the local union. The council, in conjunction with the local and using data provided by the employer, will compute the amount received for these additional deductions. The council will forward the additional local union deductions to the local union with an accounting of how the added deduction amount was computed.

Monthly per capita tax payments to the council shall be made on the same number of members as are reported in the local's per capita tax report to the International Union.

Section 3. Failure of a local union to remit its council per capita tax for any month by the 15th day of the following month shall result in a declaration of delinquency. Failure of a local union to remit its per capita tax within sixty (60) days after it is declared delinquent shall result in suspension.

Section 4. The Council Secretary-Treasurer shall notify the International Union President and Secretary-Treasurer of all delinquent or suspended locals and of all reinstatements.

Section 5. No special assessments shall be levied on the members of affiliated locals by the council except by a two-thirds vote of the delegates at a delegate assembly meeting of the council. Not more than one special assessment shall be made in any one calendar year. No special assessments shall exceed twenty-five cents (\$.25) per member per month. All special assessments shall be used solely for the purpose of promoting the welfare of the council.

Section 6. From the council per capita taxes set forth in Section 2 of this article, the executive board shall designate a portion of the membership dues per month which will be credited to the Council Arbitration Fund. The monies in this fund shall be used to defray any and all costs of grievance and interest arbitration incurred by local unions and the council. Approval of cases to be submitted to arbitration shall be vested in a committee appointed by the Council Director. The decision of this committee may be appealed to a committee appointed by the Council President. If the Council Arbitration Committee referred to above disapproves the submission of a case to arbitration, the local union shall have the right nonetheless to submit the case to arbitration but shall be responsible for the payment of arbitration costs itself. If a local union proceeds on its own to arbitration, after being denied arbitration by the Council Arbitration Committee, and said local union wins the arbitration case, then the local union share of the arbitration costs would be reimbursed to the local union out of the arbitration fund.

## **Article V Meetings**

Section 1. Regular meetings of this council shall be held once each year during the months of September or October at a time and place to be fixed by the executive board of the council.

Section 2. Special meetings of this council may be called by the Council President and the Council Executive Board. One-third of the locals affiliated with the council may at any time require a special meeting by filing a request with the Council President which petition shall name the purpose of the meeting and set its date. Special meetings may also be called by the International President or his/her authorized representatives.

Section 3. There shall be proper and adequate notice of all regular and special meetings of this council.

Section 4. All sovereign powers and authority of the council shall originate in the regular and special meetings of the council and all matters of policy shall be determined at the regular and special meetings of the council.

Section 5. A quorum for the transaction of all council regular and special meetings shall consist of delegates of one-third of the affiliated local unions.

## **Article VI Representation**

Section 1. Locals shall be entitled to delegates on the basis of membership as follows:

0 to 25 - one delegate and one additional delegate for each  
25 additional members or major fraction thereof.

Section 2. Regardless of the number of delegates, locals shall be entitled to vote on the basis of one vote for each member.

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 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 chairperson of the delegation, as designated by the local. No fractional votes shall be permitted. Two or more locals within the council may unite in sending to the annual or special meetings of the council a delegate who meets the qualifications in one of such locals. Any delegate so elected may cast the votes to which the locals are individually entitled. No delegate may represent more than five locals.

Section 4. The basis of representation in council regular and special meetings shall be determined from the average per capita tax paid to the council by each affiliated local union thereof for the twelve consecutive months ending three full calendar months before the month of the meetings or for such period as per capita tax has been paid in the case of local unions chartered and affiliated with the council less than this period.

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 rights and privileges of a delegate, except the right to vote.

Section 6. No local union shall be entitled to representation in any meeting 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 meeting.

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 except amendments to this constitution shall be decided by a majority vote of the accredited delegates voting, except as otherwise specifically provided in this constitution. A roll call vote will be held only at the request of the delegates from at least five different locals.

Section 8. All delegates to the regular and special meetings of the council shall be

elected in accordance with Sections 3A and 3C of Appendix D, Elections Code 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 at least ten days prior to the time of the regular or special meeting.

Section 9. Expenses of delegates attending these regular and special meetings shall be the responsibility of their local union.

Section 10. All members elected by their locals as delegates to this council shall serve as delegates for the same term of office as their local's officers.

Section 11. Each delegate shall register before each delegate assembly meeting, signing his/her name and the number of the local he/she represents. Any dispute arising over the qualifications of a delegate shall be referred to the Credentials Committee.

Section 12. The Council 65 Retiree Chapter shall be entitled to one delegate and one vote at the annual Council 65 Convention. Such delegate shall be entitled to all the rights and privileges of a delegate, except that such delegate shall not be entitled to nominate any candidate for Council 65 office as a Chapter 65 Delegate or to cast the Chapter 65 vote in the election of council officers unless such delegate has been elected to that position by secret ballot vote conducted among the members of the Chapter 65 Retiree Organization.

## **Article VII Officers and Committees**

Section 1. The officers of this council shall be:

- a president
- a vice-president
- a recording secretary
- a secretary-treasurer

There shall be four (4) district representatives and four (4) at-large representatives for an additional eight (8) executive board members.

One of the twelve (12) executive board members shall be a member of MLPNA Local 105, and one of the twelve (12) executive board members shall be a member of either a South Dakota or North Dakota AFSCME Council 65 local.

These twelve (12) shall constitute the executive board of the council and shall be elected for two-year terms. The president and the recording secretary and the eight (8) additional board members will be elected to a two-year term in the even-numbered years. The vice-president and the secretary-treasurer will be elected to a two-year term in the odd-numbered years.

Three (3) trustees shall be elected to three-year terms, except that in the initial election, one shall be elected for a one-year term, one for a two-year term, and one for a three-year term.

All officers and executive board members will be elected at-large except four (4) district executive board seats 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. Nominees for a district executive board position must be a member of a local in the district in which they are nominated.

**Each local union shall be assigned to one of four districts based on the location of the main local. Sub-locals of any main local shall be assigned to the same district as the main local. The districts shall consist of the following counties:**

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

District 2 shall be comprised of the counties of Aitkin, Anoka, Benton, Carver, Cass, Chisago, Crow Wing, Dakota, Hennepin, Isanti, Kanabec, Mille Lacs, Morrison, Pine, Ramsey, Scott, Sherburne, Stearns, Washington and Wright.

District 3 shall be comprised of the counties of Blue Earth, Brown, Cottonwood, Dodge, Faribault, Fillmore, Freeborn, Goodhue, Houston, Jackson, Le Seuer, Lincoln, Lyon, Martin, Mower, Murray, Nicollet, Nobles, Olmstead, Pipestone, Redwood, Rice, Rock, Sibley, Steele, Wabasha, Waseca, Watonwan and Winona.

District 4 shall be comprised of the counties of Becker, Beltrami, Big Stone, Chippewa, Clay, Clearwater, Douglas, Grant, Hubbard, Kandiyohi, Kittson, Lac Qui Parle, Lake of the Woods, Mahanomen, Marshall, McLeod, Meeker, Norman, Ottertail, Pennington, Polk, Pope, Red Lake, Renville, Roseau, Stevens, Swift, Todd, Traverse, Wadena, Wilkin, Yellow Medicine, South Dakota locals and North Dakota locals.

If the difference between any two districts exceeds 10 percent of the total Council 65 per capita tax, the Council 65 Executive Board shall, prior to the next regular Council 65 Annual Convention, meet and redistrict to assure equal representation within all districts. The redistricting shall be subject to the approval of the delegates of the next Council 65 Convention.

The president of the AFSCME Council 65 Retiree Chapter shall, by virtue of holding that position, serve as the representative of said retiree chapter on the Council 65 Executive Board and shall be entitled to attend and participate in meetings of the executive board with voice, but no vote, on matters coming before the board.

Section 2. No more than one officer shall be from the same local.

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

Section 4. Nominations shall be made at the regular annual meeting of the council. At least fifty (50) days' advance notice shall be given to the locals prior to the nomination meeting. Nominations shall be permitted from the floor at the nomination meeting.

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 local union of which he/she is a member, and unless he/she has been a member in good standing in his/her local for the year preceding the election.

Section 6. Nominations for the executive board offices shall occur in the following order: president, vice-president, recording secretary, secretary-treasurer, the four (4) district executive board members, then the four (4) at-large executive board members. If no member of MLPNA Local 105 or a SD/ND AFSCME Council 65 local member has been elected to office at the time the at-large executive board member seat nomination begins, then each unrepresented jurisdiction (i.e., Local 105 and/or a SD/ND AFSCME Council 65 local) shall be entitled to hold and fill one of the remaining four (4) at-large executive board member seats. Nominations for trustees shall follow nominations of executive board offices.

An election shall be held at the same convention following the nomination for said offices. Bullet voting shall not be permitted. Delegates must vote for the exact number of executive board member positions to be filled.

Section 7. If more than one candidate is nominated for an office, an election by secret ballot must be held, and the delegates present from each local may cast the total vote to which their local is entitled.

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. The Council 65 President shall, upon election to office of president, become council delegate to the International Convention of the American Federation of State, County and Municipal Employees, AFL-CIO. In the event the president cannot fulfill the obligations as delegate to the International Convention and/or special convention, the vice-president shall assume those duties. Council delegates to the Minnesota AFL-CIO Federation of Labor conventions shall be elected by the Council Executive Board.

Section 10. Vacancies in office shall be filled for the remainder of the unexpired term by a majority vote of the executive board.

Section 11. Unexcused absence of an officer from three consecutive meetings of the executive board shall automatically cause his/her removal from office.

Section 12. Every officer shall, upon assuming office, subscribe to the Obligation of an Officer contained in Appendix B of the International Constitution.

Section 13. The president shall at his/her discretion appoint special or standing committees as he/she deems necessary.

Section 14. All committee members and chairpersons shall be appointed by the president with executive board approval.

### **Article VIII Duties of Officers and Committees**

Section 1. The president shall preside at all meetings of the council and of the executive board. The president shall be an ex-officio member of all committees except election committees. The president or the president's authorized deputies shall countersign all checks drawn against the funds of the council. The president shall report periodically to the membership regarding the progress and standing of the council and regarding the president's official acts. The president shall be the Council 65 delegate to all AFSCME International regular and/or special conventions.

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 inability to serve, the vice-president shall preside at all meetings and perform all duties otherwise performed by the president. The vice-president shall be the Council 65 alternate delegate to all AFSCME International regular and/or special conventions.

Section 3. The recording secretary shall keep a record of the proceedings of all delegate meetings and of all executive board meetings. He/she shall perform such other duties as the executive board may require. He/she or his/her authorized deputy shall take charge of all correspondence.

Section 4. The secretary-treasurer shall receive and receipt for all monies of the council. He/she shall deposit all money so received in the name of the council in a bank or banks insured by the FDIC selected by the executive board, and money so deposited shall be withdrawn only by check signed by the president and the secretary-treasurer (or their authorized deputies). The savings portion of the deposits may be invested in government securities insured by the federal government. He/she shall prepare and sign

checks for such purposes as are required by the constitution or are authorized by the delegates or the executive board. He/she shall keep an accurate record of receipts and disbursements and shall submit to the delegates an operating statement of the financial transactions of the council. He/she shall act as custodian of all properties of the council.

Section 5. The executive director is the council's administrative and executive officer. He/she must give his/her full time to the council. He/she 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 his/her office. In advance of each fiscal year, the Council Executive Director shall submit to the executive board a proposed budget for the coming year, setting forth the anticipated income and source thereof and the anticipated expenditures and their purposes. The proposed budget shall be subject to revision and approval by the executive board. The fiscal year for this council shall begin on January 1, and end on the last day of December.

Section 6. The trustees shall make or cause to be made at least semi-annually an audit of the council's finances and shall report to the affiliated local unions on the result of such audit.

Section 7. The executive board shall be the governing body of the council except when meetings 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 meeting shall be decided by the executive board. The board shall meet quarterly or at the call of the president or a majority of the members of the board. A report on actions taken by the executive board shall be made to the delegates at the following meeting. A majority of the members of the executive board shall be required for a quorum. The executive board shall cause an audit to be made at least semi-annually and the results reported to the council.

Section 8. Officers and executive board members shall receive a mileage allowance and per diem equal to the current IRS guidelines. Executive board members shall receive a meeting stipend of \$300 to attend in-person executive board meetings. Board members shall also be reimbursed for necessary overnight hotel/motel costs. Virtual or phone executive board meetings shall follow AFSCME Council 65 policy for payment.

Section 9. All committees shall meet at the call of the president, the chairperson or a majority of the members of the committee. A report on all actions taken shall be made to the executive board and then to the delegates at the next following meeting. A majority of the members of the committee shall be required for a quorum.

## **Article IX Miscellaneous Provisions**

Section 1. This council shall at all times be subject to the provisions of the 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 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 Council President or the Council Executive Board.

Section 3. Robert's Rules of Order Newly Revised shall be the guide in all cases where applicable, and in which they are not inconsistent with this constitution and special rules and regulations of this council.

Section 4. All judicial procedures shall be conducted in accordance with Article X of the International Constitution.

Section 5. 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 10% of the assets handled by the council annually.

Section 6. Salaried employees of Minnesota and Dakotas Council 65 shall not be allowed to hold an elective office in any AFSCME local affiliated with Minnesota and Dakotas Council 65.

### **Article X Amendments**

Section 1. Amendments to this constitution may be voted upon at the annual meeting or any special delegate assembly meeting of the council. Amendments proposed by affiliated local unions shall be submitted in writing to the executive board at the any AFSCME Council 65 office not later than forty-five (45) days in advance of the meeting at which they are to be voted upon. A copy of such amendments shall be mailed to all affiliated locals not later than thirty (30) days in advance of the meeting. The executive board, however, may submit amendments at any time prior to the opening of the annual meeting and may submit amendments to be voted upon at special meetings by giving advance notice and a copy of the proposed amendment to each local thirty (30) days in advance of the special meeting. Amendments shall be adopted by a majority vote of delegates voting.

Section 2. This constitution and all amendments shall take effect only upon written approval of the International President.

Section 3. A majority vote of the executive board shall decide any question regarding the interpretation of this constitution and the decision shall stand until the provision is altered by the delegates to a regular or special meeting in accordance with Section 1 of this article.

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: November 23, 2021