

# **AFGE Local 3607**

## **Local Constitution**

### **ARTICLE I**

#### *Name*

**SECTION 1.** This local union shall be known as the American Federation of Government Employees, Local No. 3607, AFL-CIO, as set forth in its charter. See AFGE National Constitution, Article XIV, Section 1.

**SEC. 2.** The headquarters and mailing address of this local shall be prescribed in the local's bylaws.

### **ARTICLE II**

#### *Objectives and Methods*

**SECTION 1.** This local does not advocate the overthrow of the constitutional form of government in the United States. The local does not discriminate with regard to race, creed, color, national origin, sex, age, political affiliation, handicapped condition, marital status, sexual orientation, sexual identity or expression, or preferential or nonpreferential civil service status; and is not subject to corrupt influences or influences opposed to basic democratic principles.

**SEC. 2.** In the event any member(s) of the local is employed within a unit represented by an AFGE national bargaining council, the local shall affiliate with the national council(s). See AFGE National Constitution, Article XVI. The local shall pay dues and/or per capita tax to the national council for those members of the local employed within the unit represented by the council, as may be prescribed by the constitution of the council. See AFGE National Constitution, Article XVI, Section 1.

**SEC. 3.** This local is a separate, independent organization functioning in conformance with the AFGE National Constitution. Neither the local nor its officers, employees, members, or other persons has the authority to act, nor shall it be deemed to act on behalf of or as agent for the Federation or any of its other affiliates, unless such authority as applicable is expressly granted by the Federation by written authorization of the National President, or by an affiliate by written authorization in accordance with its governing procedures.

**ARTICLE III**  
***Membership***

**SECTION 1.** All persons eligible for AFGE membership as prescribed by Article III of the AFGE National Constitution and who come within the local's jurisdiction as defined by its charter shall be eligible for membership in this local.

**ARTICLE IV**  
***Dues and Initiation Fees***

**SECTION 1.** Dues shall be established and adjusted as may be necessary to ensure that they allow adequate funds for the payment of per capita tax and sufficient funds for the operating expenses of the local. See AFGE National Constitution, Article XIV, Section 7(a)7 and 7(b)7. Any change in the dues structure shall be accomplished by:

- (a) Majority vote by secret ballot of the members in good standing voting at a general or special membership meeting after reasonable notice of the intention to vote upon such question; or
- (b) By majority vote of the members in good standing voting in a membership referendum conducted by secret ballot.

**SEC. 2(a).** The local shall establish in its bylaws the amount of its initiation fee and the amount of its membership dues. See AFGE National Constitution, Article XIV, Section 7(a)5 and 7(b)5; see also Article III, Section 5. Dues may be paid by payroll deduction or by advance payment for such intervals as prescribed by the local: quarterly, semiannually, or annually. If payroll deduction is available, a local may adopt a bylaw requiring payment of dues by this method. The local may establish a separate dues rate for retired members.

**SEC. 2(b).** Members may be dropped if dues are not paid by Tuesday of the last full workweek of the month, provided, however, that a reasonable amount of time after notice of delinquency is given.

**SEC. 2(c).** Local representatives, collectors, and shop stewards shall make remittance of all dues and initiation fees collected to the Treasurer within ten days and no later than the Tuesday of the last full workweek of the month.

**ARTICLE V**

***Financial Records and Reporting***

**SECTION 1.** All receipts, checks, and cash disbursements shall be properly recorded and accounted for in the financial records.

**SEC. 2.** The Treasurer shall sign and another Executive Board member shall countersign checks covering proper expenditures for the local. In the absence of the Treasurer, such other officer as prescribed by the local's bylaws may sign in place of the absent officer.

**SEC. 3.** The officers, agents, shop stewards, or other representatives or employees of this local who handle funds or property thereof shall be bonded in accordance with law and applicable regulations. See AFGE National Constitution, Article XIX, Section 6(a).

**SEC. 4.** In order for the bond to be effective, the local shall file with the National Secretary-Treasurer a copy of its annual audit in the format prescribed by Article XIX, Section 6(d) of the AFGE National Constitution.

**SEC. 5.** All books, records, and financial accounts at all times shall be open to the inspection of the national officers or accredited representative of the National Executive Council and any duly authorized and accredited representative of the local. See AFGE National Constitution, Article XIX, Section 7.

**ARTICLE VI**

***Elected Officers***

**SECTION 1(a).** The general officers shall be elected by the total membership and shall constitute the Executive Board of this local, and shall consist of the President, Treasurer, and Secretary and such others as the local's bylaws may prescribe. The local may adopt a bylaw combining the offices of Treasurer and Secretary.

**SEC. 1(b).** The local may establish bylaws which provide for the election of officers who are elected solely by members of a particular unit or work area and may provide that these officers will serve on the Executive Board.

**SEC. 2.** It shall be the duty and obligation of all local officers and all other official representatives of the local, whether elected or appointed, to support, advance, and carry out all provisions of the AFGE National Constitution, the standard local constitution and bylaws, official policies of the Federation and, to the extent not inconsistent with the foregoing, all official policies of the local. See AFGE National Constitution, Article XV, Section 2.

**SEC. 3.** The President shall be the executive officer of this local; he or she shall exercise general supervision over the affairs of the local and see that other officers comply with the responsibilities of their office and constitutional duties; comply with the National and standard local Constitutions; keep the membership apprised of the goals and objectives of the Federation; serve as an ex-officio member of all committees except the Election Committee and the Audit Committee, and investigation or trial committees when he or she is bringing the charges or is directly or indirectly involved in the matter which gave rise to the charges; automatically serve by virtue of office as a local delegate to district caucuses, council meetings, the National Convention, and such other meetings participated in by this local as the local may be entitled; preside at all local meetings; and sign all documents pertaining to the office. If the President is unable to perform his or her regular duties, either because of sickness, leave, TDY, or for some other legitimate reason, he or she shall delegate the responsibilities of that office to the officer designated in the local's bylaws as provided for in Section 4 of this Article.

**SEC. 4.** The local shall prescribe in its bylaws which officer(s) shall assist the President in performing the duties of that office. If the President is absent from a local meeting, the officer so designated will preside. In the absence of the President and the officer so designated to assist him or her, a chair will be chosen by the members from among those in attendance.

**SEC. 5.** The duties of the Treasurer shall be to maintain a bookkeeping system as prescribed by the National Secretary-Treasurer; make a financial report at each regular meeting; keep an up-to-date roll of the members; receive all monies and/or dues paid into the local and receipt thereof; keep records of all transactions; deposit money in the bank to the credit of the local; make regular monthly reports to the NST, which includes furnishing names and addresses of all new members or members who have severed their affiliations with the local and furnishing notification of changes in members' addresses; forward initiation fees and per capita tax to the National Headquarters in accordance with the requirements of the AFGE National Constitution (for regular locals per capita tax is payable before the end of each month, and all monies owed the Federation must be forwarded to the NST not later than the 20th day of the following month. See AFGE National Constitution, Article XIX, Section 3(a). For insured locals per capita tax is payable in advance to the NST before the first day of each month. See AFGE National Constitution, Article XIX, Section 3(b).); and perform additional duties and responsibilities as outlined in the AFGE Financial Officers Manual. Disbursements for payment of current bills (other than initiation fees, per capita tax, and approved budgeted expenditures) shall be approved by the local.

**SEC. 6.** The duties of the Secretary shall be to keep a complete record of the minutes of all meetings; maintain all election related documents (including copies of those pertaining to nominations, notices of meetings, and the minutes of any meetings, all of which must be sealed and preserved for one year after the election), see AFGE National Constitution, Appendix A, Part I, Section 5(j); keep up-to-date the official copy of the bylaws of the local; conduct correspondence when directed by the President; and send out notices of meetings when required.

**SEC. 7.** No officer or agent of the local shall engage in any business or financial activities with or on behalf of this local which conflict with his or her fiduciary obligation to the local.

**ARTICLE VII**  
***Election Procedures***

**SECTION 1.** The local's elections shall be conducted in accordance with the AFGE National Constitution and Appendix A thereof. Officers shall be elected for such terms as prescribed by the local's bylaws. No term shall exceed three years.

**SEC. 2(a).** In accordance with Appendix A, Part I, Section 1(e) of the AFGE National Constitution, the sole qualifications for candidacy to local office are that a member must:

- (1) Be a member in good standing;
- (2) Be a member for one year of an AFGE local, immediately preceding the closing of the nomination process. This requirement does not apply to newly created locals;
- (3) Not be a member in any labor organization not affiliated with the AFL-CIO.

See AFGE National Constitution, Appendix A, Part I, Section 1(e).

**SEC. 2(b).** No person who is identified with corrupt influences or totalitarian movements may serve as an officer of the local.

**SEC. 3.** The local shall prescribe in its bylaws the manner by which its elections will be conducted: manual ballot *or* mail ballot.

**SEC. 4.** In the case of a vacancy in the office of President, such officer as may be prescribed by the local's bylaws shall fill the office for the unexpired term. Vacancies in any other office unless otherwise prescribed by the local's bylaws shall be filled for the unexpired term by appointment by the Executive Board.

**ARTICLE VIII**  
***Executive Board and Committees***

**SECTION 1.** The Executive Board shall meet at the call of the President.

**SEC. 2.** It shall be the duty of the Executive Board to devise and initiate such actions as may be necessary in the interim between the local's meetings, but such actions shall not be inconsistent with the objectives of the Federation and shall be subject to local approval.

**SEC. 3.** Expenditures by the Executive Board in excess of \$500 per month must have prior approval of the local's members either as authorized by the budget approved by the local or by separate vote of the local's members. All expenditures authorized by the Executive Board will be reported in writing at the next regular meeting of the local. Upon request a copy of such report will be made available to any member in good standing of the local.

**SEC. 4.** The Executive Board shall prepare an annual budget subject to the membership's approval, which shall ensure at a minimum that the local's revenues are sufficient to meet its financial obligations.

**SEC. 5.** Standing and special committees may be established in the manner prescribed by a local's bylaws.

**ARTICLE IX**  
***Delegates***

**SECTION 1.** Delegates, alternate delegates, and proxy delegates to the National Convention, district caucus, and council meetings must be elected by name and in accordance with applicable provisions of the AFGE National Constitution. See AFGE National Constitution, Article VI, Article VIII and Appendix A, Part I, Section 6.

**SEC. 2.** The local's President if elected to that office shall serve as a delegate to the National Convention, district caucus, council meetings, and such other meetings at which the local is entitled to representation. If the local is entitled to additional delegates, the additional delegates shall be elected by an election called for that purpose, unless the local's bylaws prescribe that the local's other officers shall serve as delegates by virtue of their office.

**ARTICLE X**

***Offenses, Trials, Penalties, Appeals***

**SECTION 1.** All offenses, trials, penalties, and appeals shall be accomplished in accordance with the AFGE National Constitution. See AFGE National Constitution, Article IX, Section 5 and Article XVIII.

**ARTICLE XI**

***Bylaws***

**SECTION 1.** The local shall establish bylaws, establishing among other things the frequency and location of regular meetings, provisions for calling special meetings, a regular order of business, provisions for a quorum, the date, manner and location of nominations and elections, and other operating procedures of the local.

**SEC. 2.** No bylaw shall conflict with the provisions of the AFGE National Constitution, this constitution or, if applicable, the constitution of a national bargaining council.

**SEC. 3.** Bylaws shall be adopted and amended only after a one month notice to the local's membership and by a two-thirds vote of members who have voted. Voting may occur either at a membership meeting, with provision for absentee vote, or by mail ballot. Such bylaws do not require NEC approval.

**SEC. 4.** Copies of this constitution and the local's bylaws shall be available upon request to the Secretary to all members in good standing of the local.

Constitution & Bylaws amended November 5, 2009  
**AFGE Local 3607**

**Bylaws**

**SECTION 1.** The The headquarters of the local is at EPA office that is the Local President's primary work location. The Local shall maintain a US Post Office mailing address that is distinct from the President's EPA office address.

**SEC. 2(a).** Regular meetings of the local shall generally be held on the first Thursday of the month.

**SEC. 2(b).** The meetings shall generally be held in the EPA Conference Center, commencing at 11:30AM

**SEC. 3.** Special meetings may be called by the President, two-thirds vote of the Executive Board or upon written petition of at least ten percent of the membership. Five days written notice of the specific purpose of the meeting must be given to the membership. No business other than that specified in the notice will be discussed.

**SEC. 4.** Only members of the local in good standing shall be allowed to vote.

**SEC. 5.** The regular order of business will be:

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

**SEC. 6.** A quorum of this local shall consist of 6 members. A quorum of any committee shall consist of a majority of the members thereof.

**SEC. 7.** Unless otherwise specified by law (e.g., secret ballot election or dues) or by constitution and bylaws, all questions before the local will be decided by vote of the members present first by voice vote, then by a showing of hands. The Executive Board may decide to allow absentee ballots for specific issues.

**SEC. 8.** The decision on whether the Local will take a grievance to arbitration shall be decided by a two-thirds vote of the entire Executive Board, whether or not individual Executive Board members are present at the meeting where the decision is made. If the Executive Board chooses not to take a dispute to arbitration, the grievant may appeal the decision to the Local membership. The membership may overturn the Executive Board's decision by a majority of those members voting. The grievant's membership status will not be a basis for either the Local's or the membership's decision of whether or not to take a grievance to arbitration. A secret ballot may be used for such matters.

Nothing in this section prevents the appropriate steward or other Union official from invoking arbitration with the Federal Mediation and Conciliation Service (FMCS) prior to the decision of the Executive Board or the membership. However, the Union may not retain the arbitrator's services prior to the decision of the Executive Board.

**SEC. 9.** Any bargaining unit employee alleging an arbitrary, discriminatory, or bad faith processing of the employee's grievance or other complaint shall timely appeal to the president of the employee's respective local. Such appeal must be in writing, alleging specific grounds, and must be accomplished within the time requirements set forth in the bargaining agreement or other applicable proceeding or immediately upon discovery of such alleged improper processing. Upon receipt of the written appeal, the Executive Board shall immediately conduct a review and take appropriate action as warranted. Invocation of this appeal procedure for matters of this nature is the exclusive remedy available to an aggrieved employee.

**SEC. 10.** The time allowed for debate of any particular issue before the local and the time allowed for speeches will be twenty (20) minutes. The time allowed for debate may be extended by a majority of those present and voting.

**SEC. 11.** The general officers of this local who comprise the Executive Board are as follows:

President  
Vice-President  
NEIC Vice President  
Treasurer  
Secretary  
Chief Steward  
Women's/Fair Practice Coordinator  
Legislative Representative

**SEC. 12(a).** The Executive Board shall operate under democratic principles, with a majority vote of a quorum of members deciding matters. A quorum of the Executive Board shall consist of three (3) members. The President's vote shall constitute the tie-breaker when necessary to

decide an issue. In the event of that an Executive Board is not fully staffed, a quorum shall consist of one half of all Executive Board members currently serving in a position.

**SEC. 12(b).** All checks covering proper expenditures for the local shall be signed by two (2) Executive Board members.

**SEC. 13.** Duties for the President, Treasurer or Secretary are prescribed by the local constitution, Article VI.

**SEC. 14.** The Vice-President shall assist the President in the performance of the duties of that office. See local constitution, Article VI, Sections 3, 4.

**SEC. 15.** In the case of a vacancy in the office of President, the Vice President shall fill the office for the unexpired term. See local constitution, Article VII, Section 4.

**SEC. 16.** The duties of the Chief Steward are to coordinate all grievances, direct the activities of the Stewards; assign the areas in which they will be responsible, and to keep the Local informed of matters of interest brought to the attention of Stewards by the members.

**SEC. 17.** The duties of the Woman's and Fair Practices Coordinator shall be to act as the women's rights/civil rights advocate for the Local Union. The Coordinator shall counsel members and offer advice to the Local Union regarding issues impacting women and minorities. The Coordinator also may represent members with EEO discrimination complaints within the Agency or before the EEOC, the MSPB, or in arbitration.

**SEC. 18.** The duties of the Legislative Representative shall be to educate and inform Local Union officials and members about legislative matters that may impact employees rights, working conditions or responsibilities.

**SEC.19.** The Vice President for NEIC shall serve as a Union representative and an advocate for the NEIC bargaining unit. Only Local members who are employed in the NEIC bargaining unit may serve as Vice President for NEIC. Only Local members who are employed in the NEIC bargaining unit are eligible to vote for candidates for the office of Vice President for NEIC.

**SEC. 20.** A Sergeant-at-Arms shall be appointed by the President. The Sergeant-at-Arms shall ensure that no one enters the meetings without proper authority; assist the presiding officer in the maintenance of order; welcome and introduce guests; see that each member's presence is recorded in a log; provide a roll to call should the recording of individual votes be necessary, and perform other duties as may be assigned by the presiding officer.

**SEC. 21.** Nominations of officers shall be held in November and elections and installation shall be held in December after proper notice to local members. A quorum is not required for

nominations and/or elections. See AFGE National Constitution, Appendix A, Part I, Section 3. Candidates shall not run for more than one elected office; however, the running as a delegate shall not be in conflict with an elected officer position. A runoff election, if necessary, shall be held at the same meeting.

**SEC. 22.** An Election Committee shall be elected by majority vote of local members present and voting at a meeting preceding the start of the nomination procedure. See AFGE National Constitution, Appendix A, Part I, Section 2.

**SEC. 23.** All officers will be administered the "Oath of Union Officers" contained in the AFGE National Constitution upon their installation in office. Officers shall serve for two (2) year terms.

**SEC. 24.** The current edition of *Robert's Rules of Order Newly Revised* shall govern the proceedings of all meetings of the local, when not inconsistent with the provisions of the standard local constitution, the AFGE National Constitution, or these bylaws.

**SEC. 25.** The local's officers on the executive board shall serve, by virtue of their office, as delegates to the National Convention, and district caucus. The officers shall have the opportunity to act as the local's delegate(s) in the following order of succession:

- President
- Vice President
- Legislative Advocate
- Women's/Fair Practice Coordinator
- NEIC Vice President
- Secretary
- Treasurer
- Chief Steward

The President shall serve by virtue of office as the Local's delegate to AFGE Council 238. The Legislative Representative shall serve as the Local's alternate delegate to AFGE Council 238.

**SEC. 26.** Such committees as may be established by the local shall be comprised of members appointed by the President subject to the approval of the Executive Board (except for the Election Committee) *or* elected by the local's members. See Section 14 of these bylaws.

**SEC. 27.** Stewards, other than the Chief Steward, shall be appointed by the Executive Board.

**SEC. 28.** The initiation fee for members shall be \$ 0.50. See AFGE National Constitution, Article XIV, Sections 7(a)5 and 7(b)5.

**SEC. 29(a).** Effective the first pay period of calendar year 2010, the dues structure for Bargaining Unit members shall be as follows:

<u>Grade</u>	<u>Withholding</u>
GS 04 - 06	\$7.70 per pay period (\$200.20 per year)
GS 07 - 11	\$12.45 per pay period (\$323.70 per year)
GS 12 and higher	\$15.95 per pay period (\$414.70 per year)

**SEC. 29(b).** The dues structure for Non - Bargaining Unit members shall be the same as the rate paid by the current Bargaining Unit members of the same grade level.

**SEC. 29(c).** The membership dues for members who have retired from Federal service shall be set at the rate of the local's fixed obligations per member.

**SEC. 29(d).** For any member that does not pay membership dues via payroll deduction, payment of dues may be made quarterly, semi-annually, or annually. Dues shall be paid within thirty days of notification by the local.

**SEC. 29(e).** For members (Bargaining Unit, Non-Bargaining Unit or retired) participating in the AFGF dental plan who do not pay via payroll deduction, full payment for that period must be pre-paid as the same time membership dues are paid. If the dental plan fee is raised at any time, these members will have the option of: a) dropping out of the dental plan and receiving a pro-rated refund, or b) making an additional payment to cover the increased cost of the premium for the remainder of the period for which the member is pre-paid.

Revision history:

Bylaws approved Oct 9, 2003;

Bylaws amended to increase dues Feb 5, 2004 & Dec 7, 2006;

Bylaws Section 8 amended Apr 2, 2009

Bylaws amended: Sections 1 & 11 amended, insert new Section 19, renumber (increment by 1) subsequent sections, amend (re-numbered) Section 25; Sept. 3, 2009.

Bylaws amended to increase dues, Nov. 5, 2009