

1 **CONSTITUTION**

2 **FOR**

AFSCME NEW JERSEY COUNCIL 63

3 **ARTICLE I**
4 **BILL OF RIGHTS**

5 Section 1. No person otherwise eligible for membership in this union shall be denied
6 membership, on a basis of unqualified equality, because of race, creed, color, national
7 origin, sex, age, sexual orientation, disability, or political belief.

8 Section 2. Members shall suffer no impairment of freedom of speech concerning the
9 operations of this union. Active discussion of union affairs shall be encouraged and
10 protected within this organization.

11 Section 3. Members shall have the right to conduct the internal affairs of the union free
12 from employer domination.

13 Section 4. Members shall have the right to fair and democratic elections, at all levels
14 of the union. This includes due notice of nominations and elections, equal opportunity for
15 competing candidates, and proper election procedures which shall be constitutionally
16 specified.

17 Section 5. Members shall have an equal right to run for and hold office, subject only to
18 constitutionally specified qualifications, uniformly applied.

19 Section 6. Members shall have the right to a full and clear accounting of all union funds
20 at all levels. Such accounting shall include, but not be limited to, periodic reports to the
21 membership by the appropriate fiscal officers and periodic audits by officers elected for
22 that purpose or by independent auditors not otherwise connected with the union.

23 Section 7. Members shall have the right to full participation, through discussion and
24 vote, in the decision-making processes of the union, and to pertinent information needed for
25 the exercise of this right. This right shall specifically include decisions concerning the
26 acceptance or rejection of collective bargaining contracts, memoranda of
27 understanding, or any other agreements affecting their wages, hours, or other terms and
28 conditions of employment. All members shall have an equal right to vote and each vote
29 cast shall be of equal weight.

30 Section 8. Charges against a member or officer shall be specific and shall be only on
31 grounds provided in the International Constitution. Accused members or officers shall
32 have the right to a fair trial with strict adherence to due process. The accused shall be
33 considered innocent until proven guilty.

34 **ARTICLE II**
35 **NAME AND HEADQUARTERS**

36 Section 1. The name of this union shall be AFSCME New Jersey Council 63 of the American
37 Federation of State, County and Municipal Employees, AFL-CIO.

38 Section 2. The headquarters of AFSCME New Jersey Council 63 shall be in Mercer County
39 New Jersey.

1 **ARTICLE III**
2 **AFFILIATIONS**

3 This council shall be chartered by the American Federation of State, County and
4 Municipal Employees and shall affiliate with the appropriate state labor council of the AFL-
5 CIO within the jurisdiction of the council.

6 **ARTICLE IV**
7 **OBJECTIVES**

8 The objective of this council shall be to carry out within the State of New Jersey the
9 objectives of the American Federation of State, County and Municipal Employees.

10 **ARTICLE V**
11 **MEMBERSHIP AND DUES**

12 Section 1. The membership of this council shall consist of all AFSCME local unions in
13 the state of New Jersey except for NUHHCE Local 1199J, AFSCME.

14 Section 2. The monthly membership dues of the Council shall be a minimum of \$21.37
15 per full-time member, \$15.93 per part-time member and \$10.70 per lower part-time
16 member. These amounts shall be adjusted annually in accordance with the
17 International Constitution. The council shall receive all dues payments directly from
18 employers, or if applicable, from members who self-pay dues or use electronic funds
19 transfer to pay dues. All local unions affiliated with New Jersey Council 63 will
20 participate in the central dues collection accounting program. Within forty-five days of
21 its receipt of dues, the council shall deduct and pay to the International Union the
22 constitutionally required International Union per capita tax and transmit to each local
23 union its portion of the dues. From the council's portion of dues it shall deduct and pay
24 the per capita tax to the appropriate central body of the AFL-CIO. Any remaining
25 amount shall be retained by the council.

26 **ARTICLE VI**
27 **THE CONVENTION**

28 Section 1. All sovereign power of this council shall be vested in the council convention
29 when the same is in session.

30 Section 2. Regular conventions shall be held biennially in odd-numbered years beginning
31 in 2019. The time and place for holding of the convention shall be set by the council
32 executive board, provided, however, that the convention shall be held between March 1 and
33 May 31.

34 Section 3. Special conventions may be called at any time and upon 60 days' notice by
35 the council executive board. One-third (1/3) of the affiliated locals can, by resolution
36 properly adopted by the membership and forwarded to the council president, compel the
37 calling of a special convention, for the purpose or purposes set forth in the resolution. A
38 convention so requested shall take place within ninety (90) days of the required number
39 of locals properly adopting resolutions and submitting them to the council president. A
40 special convention can also be called by the International President or by an authorized
41 representative of the International President.

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

1 Section 5. Locals shall be entitled to delegates on the basis of members as follows:

- 2 - 100 or fewer, one delegate;
- 3 - More than 100 but not exceeding 200, two delegates
- 4 - More than 200 but not exceeding 300, three delegates
- 5 - More than 300 but not exceeding 400, four delegates
- 6 - More than 400 but not exceeding 500, five delegates
- 7 - One additional delegate for each additional 200 members or fraction
- 8 thereof exceeding 500.

9 Local unions may elect one alternate delegate for each delegate.

10 Section 6. Regardless of the number of delegates, locals shall be entitled to vote on the
11 basis of one vote for each member or fraction thereof. Locals entitled to more than one
12 delegate may send fewer than their quota of delegates and the delegates present may
13 cast the entire vote of the local on all recorded votes and elections coming before the
14 convention. The number of votes shall be divided equally among the delegates, with any
15 remaining votes to be cast by the chairman of the delegation, as designated by the local.
16 No fractional votes shall be permitted.

17 Section 7. Each delegate must be a member in good standing of the local such
18 delegate represents. Any member of the council executive board who is not elected as a
19 delegate representing a local union shall nevertheless be entitled to all the rights and
20 privileges of a delegate except the right to vote.

21 Section 8. At least ninety (90) days prior to the convention, the council secretary- treasurer
22 shall send to each local the convention call, accompanied by the appropriate number of
23 credential forms. In the case of a convention at which election of officers is to take place,
24 this shall be stated in the convention call.

25 Section 9. Locals shall return the credential forms, properly executed and signed, to the
26 council office no later than thirty (30) days prior to the opening of the convention.

27 **ARTICLE VII**
28 **OFFICERS AND ELECTIONS**

29 Section 1.

30 A. The executive board of this council shall consist of four (4) officers, an executive
31 director, and at least nine (9) additional executive board members. The officers
32 shall be president, vice president, secretary-treasurer and recording secretary. At
33 each convention at which elections are held, the delegates shall first elect the
34 officers, then the executive director, and then the executive board members. The
35 term of office shall be four (4) years, beginning with the election in 2021. The term
36 of office for those elected at the founding convention in 2018 shall be for three (3)
37 years.

38 B. The four (4) officers, the executive director, and three (3) executive board
39 members shall be at-large members of the executive board, elected by the
40 convention as a whole.

1 C. The following six (6) sectors shall each have at least one executive board
2 member:

- 3 - State employees (including CCWU, court, and turnpike employees)
- 4 - Municipal employees (including members employed by quasi-city
5 agencies: housing authority and library)
- 6 - County employees
- 7 - Higher education employees (including county college members)
- 8 - School district employees
- 9 - Private sector employees

10 One additional executive board seat shall be allotted for a sector that employs 10
11 but less than 20% of the council membership; two additional executive board seats
12 shall be allotted for a sector that employs 20% but less than 30% of the council
13 membership; and three (3) additional executive board seats shall be allotted for a
14 sector that employs 30% or more of the council membership. These percentages
15 shall be determined based upon membership levels during the twelve-month
16 period ending with the fourth full month prior to the opening of the convention.

17 D. Starting in 2021, if on the 120th day prior to a regular convention, the council's
18 membership has increased or decreased by more than 5,000 from the total
19 membership number at the time of the founding convention of Council 63, the size
20 of the executive board shall be increased or decreased by two executive board
21 members per increase or decrease of each 5,000 members. In the case of any
22 such increase or decrease in membership, the executive board shall establish a
23 committee of eight members to include the president of the executive board, the
24 council executive director, and one member from each of the six sectors to
25 determine the manner in which the executive board will be increased or decreased,
26 but in all cases the increase or decrease shall be implemented as proportionally
27 as possible among the sectors based on percentage of membership in the
28 council. No officer or at-large executive board seats shall be eliminated or created
29 because of this section, and no sector shall cease to have the minimum of one
30 allotted executive board seat as a result of this section. The committee shall meet
31 as soon as practicable and present its recommendations to the executive board
32 for a vote at the next executive board meeting.

33 E. The convention as a whole shall also elect three (3) trustees, no two or more
34 of whom may be from the same sector. Trustees shall be elected to four (4) year
35 terms, except that at the initial election at the Convention in 2018 one Trustee
36 shall be elected for a one year-term, and two trustees shall be elected for a three-
37 year term.

38 Section 2. Vacancies in any office or at-large position on the executive board, the executive
39 director, or trustee, shall be filled for the remainder of the unexpired term by members
40 otherwise eligible to hold the position and by vote of the executive board until the next
41 regular convention. Vacancies in any of the six sector-specific executive board positions
42 shall be filled for the remainder of the unexpired term by members otherwise eligible to
43 hold the position and by an election by the members of that sector; except that if a
44 vacancy occurs for a sector executive board position within 180 days of the opening of
45 any regular biennial convention, no special sector convention shall be called and the
46 delegates representing that sector shall elect the executive board member at the regular
47 biennial convention.

48 Section 3. Should any member of the executive board be absent from three
49 consecutive executive board meetings without excuse acceptable to the board, that
50 position shall be declared vacant and filled in accordance with this constitution.

1 Section 4. To be eligible for election to any office or as a trustee, a member must be
2 in good standing for one year immediately preceding the election in any one or more local
3 unions properly affiliated with this council.

4 Section 5. Nominations of officers, executive director, at-large executive board members,
5 and trustees shall be conducted in open convention, and no nominating committee shall
6 be used. Any delegate may nominate any eligible member for council at-large officers,
7 executive director, and trustees.

8 Section 6. Nominations for non-at-large executive board members shall be conducted by
9 sector caucuses. Any delegate eligible to vote in the caucus may nominate any eligible
10 member employed in that sector for the office of sector executive board member.

11 Section 7. Following the nominating procedures, nominees shall be afforded the
12 opportunity to decline, and the name of any person so declining shall not appear on the
13 ballot. No person shall be a candidate for more than one office. Any challenge to the
14 eligibility of any nominee shall be filed in writing with the committee on elections, which
15 shall report on the eligibility of the nominee prior to the election.

16 Section 8. The pre-convention incumbents shall remain in office until the election is
17 completed and the results reported to the convention. At that time, the newly elected
18 officers shall be installed.

19 Section 9. All matters concerning nominations and elections in this council shall be subject
20 to the provisions of Appendix D, entitled Elections Code, of the International Union
21 Constitution.

22 Section 10. Every officer shall, upon assuming office, subscribe to the Obligation of an
23 Officer contained in Appendix B of the International Union Constitution.

24 **ARTICLE VIII**
25 **DUTIES OF OFFICERS AND EXECUTIVE BOARD**

26 Section 1. The council president shall:

- 27 A. preside at all executive board meetings and council conventions;
- 28 B. appoint all standing and special committees, subject to approval of the
29 executive board, except as otherwise provided in this constitution;
- 30 C. be a member ex-officio of all committees, except the election
31 committee;
- 32 D. shall co-sign all checks drawn on the accounts of the council unless
33 unavailable. No check shall be issued without two authorized signatures, at
34 least one of which is: president, vice-president, secretary-treasurer,
35 recording secretary, or the executive director;
- 36 E. carry on the correspondence relating to the office;
- 37 F. report at each convention on activities of the office;
- 38 G. serve as the council's alternate delegate to conventions of the
39 International Union and to conventions and conferences of all other
40 bodies with which this council is affiliated; and
- 41 H. carry out such other duties as are provided in this constitution or as the
42 executive board may direct.

43 Section 2. The secretary-treasurer shall:

- 44 A. receive and take charge of all money and property of the council;
- 45 B. deposit all money in a bank which is insured by the Federal Deposit Insurance
46 Corporation in the name of the council, and money so deposited shall be
47 withdrawn only by check signed in accordance with this constitution;
- 48 C. draw checks for such purposes as are required by this constitution or are
49 authorized by the convention or the executive board;
- 50

- 1 D. keep or cause to be kept an accurate record of receipts and disbursements
2 and shall render a report thereon at each meeting of the council executive
3 board;
- 4 E. report fully on the financial standing of the council to the council executive board
5 and to each affiliated local union not less than quarterly;
- 6 F. ensure that officers and employees of the council are bonded in accordance
7 with the AFSCME International Constitution and applicable law;
- 8 G. shall keep or cause the financial records of the council to be maintained in
9 accordance with the AFSCME Financial Standards Code; and
- 10 H. shall co-sign all checks drawn on the accounts of the council unless
11 unavailable. No check shall be issued without two authorized signatures, at
12 least one of which is: president, vice-president, secretary-treasurer,
13 recording secretary, or the executive director.

14 Section 3. The vice president shall:

- 15 A. assist the president in the work of the president's office.
- 16 B. in the absence of the president or in the president's inability to serve, preside
17 at all meetings and perform all duties otherwise performed by the president.
- 18 C. be authorized to act as co-signer of checks drawn on the council funds in
19 place of either the president or the secretary-treasurer if they are
20 unavailable. No check shall be issued without two authorized signatures, at
21 least one of which is: president, vice-president, secretary-treasurer,
22 recording secretary, or the executive director.

23 Section 4. The recording secretary shall:

- 24 A. keep a record and minutes of the proceedings of all conventions and meetings
25 of the executive board and the council.
- 26 B. ensure that the minutes of the above conventions and meetings are sent to
27 the appropriate bodies in a timely manner.
- 28 C. carry on the official correspondence of the council except as the executive
29 board may direct otherwise.
- 30 D. be authorized to act as co-signer of checks drawn on the council funds in
31 place of either the president or the secretary-treasurer if they are unavailable.
32 No check shall be issued without two authorized signatures, at least one of
33 which is: president, vice-president, secretary-treasurer, recording secretary,
34 or the executive director.
- 35 E. perform such other duties as may be provided in this constitution or by the
36 actions of the convention or executive board.

37 Section 5. The executive board shall be the highest governing body of this council, except
38 when the convention is in session, and shall possess all the powers of the convention
39 except the power to amend this constitution.

40 Section 6. The executive board shall meet regularly at least bi-monthly at a time and
41 location determined by the president, subject to approval of the executive board. Local
42 Union Presidents meetings, for informational purposes and not the transaction of
43 business, shall be held bimonthly in the months the executive board's meetings are not
44 held. Special meetings may be called by the council president or a majority of the
45 members of the executive board. Special meetings may also be called by the International
46 President or his/her authorized representatives.

47 Section 7. A quorum for the transaction of business at meetings of the executive board shall
48 consist of a majority of the members of the executive board.

1 Section 8. A certified public accountant shall, once each year, audit the books and records of
2 the council and the trustees shall see that the results of such audit are communicated to all
3 affiliated local unions.

4 **ARTICLE IX**
5 **EXECUTIVE DIRECTOR**

6 Section 1. The executive director shall be a member in good standing of a local union
7 affiliated with the council, elected, and shall serve on a full-time basis. The salary of the
8 executive director shall be set by the executive board. The executive director shall be a non-
9 voting member of the executive board.

10 Section 2. The executive director shall:

- 11 A. Be the chief administrative and executive officer of the council;
- 12 B. Under policies established by the executive board, employ, terminate, fix the
13 compensation and expenses and direct the activities of such staff as are
14 required to carry out effectively the objectives of the council;
- 15 C. Engage, with the approval of the council executive board, such technical and
16 professional services, including legal counsel and certified public accountants,
17 as may be required;
- 18 D. Be the council's official spokesperson, unless otherwise designated;
- 19 E. Be responsible for the contents of the council's communications;
- 20 F. Be an ex-officio member of all committees of this council; except the Elections
21 Committee.
- 22 G. Serve as the council's delegate to conventions of the International Union and
23 to conventions and conferences of all other bodies with which this council is
24 affiliated;
- 25 H. Co-sign checks drawn on the accounts of the council. No check shall be
26 issued without two authorized signatures, at least one of which is: president,
27 vice-president, secretary-treasurer, recording secretary, or the executive
28 director;
- 29 I. In advance of each fiscal year the executive director shall submit to the
30 executive board a proposed budget for the coming fiscal year, setting forth the
31 anticipated income and the source thereof and the anticipated expenditures
32 and their purposes. The proposed budget shall be transmitted to the
33 secretary-treasurer at least ten days prior to its submission to the executive
34 board. The proposed budget shall be subject to revision and adoption by the
35 executive board; and
- 36 J. Carry on such correspondence as relates to the office of executive director
37 and carry out such other duties as are provided in this Constitution or as the
38 executive board may direct.
39

40 **ARTICLE X**
41 **MISCELLANEOUS PROVISIONS**

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

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

7 Section 3. The rules contained in the current edition of Robert's Rules of Order Newly
8 Revised shall govern this council in all cases to which they are applicable and in which
9 they are not inconsistent with this constitution and special rules of this Council or of the
10 American Federation of State, County and Municipal Employees.

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ARTICLE XI AMENDMENTS

13 Section 1. This constitution may be amended by proposals submitted by the executive
14 board or by local unions. Such proposals may be submitted in writing to the secretary-
15 treasurer of the council at the council's headquarters office at least 60 days prior to the
16 opening of the convention.

17 Section 2. Any proposed amendment which is submitted to the council secretary-
18 treasurer at least 60 days prior to the opening of the convention shall be reproduced in
19 full and mailed to each affiliated local union not later than 30 days prior to the opening of
20 the convention. Any amendment which is so introduced and distributed may be
21 approved by majority vote of the convention. No proposal to amend the constitution can
22 thereafter be introduced except by permission of two-thirds of the convention.

23 Section 3. The council executive board shall review and make a recommendation to the
24 convention's constitution committee on any proposal to amend the constitution.

25 Section 4. Any amendment approved by the convention shall be immediately submitted
26 to the International President and such amendment shall take effect only upon written
27 approval of the International President.

28 **Approval Date:**