

CONSTITUTION FOR AFSCME LOCAL 4041

PREAMBLE

Workers organize labor unions primarily to secure better wages and better working conditions. We, the union members, hold they also organize to participate in the decisions which affect their workplace. One of the fundamental tenets of democratic government is the consent of the governed. Unions are an extension of that idea. Union members are both workers and citizens.

To achieve collective bargaining is an expression of citizenship in employment. Participation in the political life of the nation is but another aspect of citizenship. In the same way that unions are dedicated to the improvement of the terms and conditions of employment, we are equally dedicated to exert ourselves, individually and collectively, *to* fulfill the promise of American Life.

For unions, the workplace and the polling place are inseparable, and the exercise of the awesome rights and responsibilities of citizenship are equally required at both.

Unions are under a solemn obligation: to represent members forcefully and effectively in negotiations with management and to conduct internal union affairs according to democratic standards.

Therefore, we, the delegates assembled in official convention of AFSCME Local 4041 of the American Federation of State, County and Municipal Employees, hereby adopt this Constitution and this Bill of Rights.

BILL OF RIGHTS

The Bill of Rights for Union Members contained in the Constitution of the International Union shall be the Bill of Rights for this Local.

ARTICLE I NAME AND HEADQUARTERS

Section 1. The official name of this organization shall be AFSCME Local 4041.

Section 2. The Headquarters of this local shall be in Carson City, Nevada with the area offices in locations as are determined by the Local Executive Board to be necessary and appropriate.

ARTICLE II AFFILIATIONS

This Local Union shall be affiliated with the American Federation of State, County and Municipal Employees, the Nevada State AFL-CIO and the Nevada Central Labor Council.

ARTICLE III OBJECTIVES

Section 1. It shall be the objective of the Local Union to achieve collective bargaining, secure a comfortable living wage, improve working hours and conditions, and security for its members.

Section 2. To protect, maintain and advance membership interest, to promote membership services and educational programs, and to organize the unorganized in conformity with its jurisdiction as defined by AFSCME International and the AFL-CIO.

ARTICLE IV MEMBERSHIP AND DUES

Section 1. All employees of Nevada State, County and City entities are eligible for membership in this Local Union, subject to the requirements of the Constitution of the International Union.

Section 2. Application for membership shall be made on a standard application form, which includes a valid authorization for annual payroll deduction of dues.

Section 3. The monthly dues for Local 4041 are as follows:

- a. Probationary employees' dues shall be 1-1/2% of base pay each pay period.
- b. Permanent employees shall be 1% of base pay for each pay period
- c. The above dues rates are subject to increases by a simple majority of the membership at a scheduled convention.

Section 4. A portion of dues will be set-aside in a political actions account. The amount to be set will be determined by the Executive Board.

Section 5. All active Chapters in good standing with Local 4041 will receive rebate checks. The amount rebated to the Chapters will be 30 cents per member per month.

Section 6. An Honorary Member is any person so designated by the Executive Board who has a thorough knowledge of the State of Nevada and employees thereof, and who has shown an exceptional spirit of cooperation with both, and who is not qualified to become an Employee Member. Honorary Members may not hold state office.

Section 7. A Life Member is any member in good standing who has retired from state or local service and has been recommended by their chapter, or the Executive Board, and approved by the Executive Board. Life Members may not hold a state office.

ARTICLE V CONVENTIONS

Section 1. Annual conventions shall be held in April or May of every other year in the even-numbered years and in odd-numbered years the local shall sponsor a Leadership Council for active members of Local 4041. Further, the State Board of Directors shall establish the guidelines and procedures for Leadership Council so that participations in these councils can begin in 2010.

Section 2. A special convention of this local may be called by a two-thirds vote of the local Executive Board, or by the local President with the approval of two-thirds of the Executive Board. One-third of the chapters affiliated with the local may at any time require a special convention by filing a request with the local President, which petition shall state the purpose of the convention and set its date. A special convention may also be called by the International President or an authorized representative of the International President.

Section 3. All sovereign powers of this local shall be vested in the local convention when the same is in session; and such powers shall be exercised in accordance with the charter granted by the International Union, the International Union Constitution and the approved Constitution of this local.

Section 4. A quorum for the transaction of business shall consist of delegates representing not less than a majority of then affiliated chapters which are entitled to representation at the local convention.

Section 5. The convention call and credentials to the convention shall be mailed to each affiliated chapter at least 60 days prior to the convention.

Section 6. Chapter Representation shall be entitled to delegates on the basis of membership as follows:

Representation in the Local Convention is accorded to each Chapter, on the basis of one (1) delegate for each fifty (50) members, or major fraction thereof. The Chapter membership shall be computed on the basis of the official membership list maintained by the Administrative Office as of January 1st of each year. Active Chapters shall be entitled to at least one (1) delegate regardless of membership.

Chapters may elect one (1) alternate delegate for every delegate.

Section 7. Regardless of the number of delegates, chapters are entitled to vote on the basis of one (1) vote for each member or fraction thereof

Section 8. Each delegate must be a member of the chapter represented by such delegate, except as hereinafter provided. Two chapters may unite sending to the convention a delegation consisting of one or more members of one of such chapters; and such delegation shall be entitled to cast the total number of votes to which the two chapters are individually entitled.

Section 9. The total number of votes to which any delegation is entitled shall be divided equally among the delegation, with any remaining votes to be cast by the chairman of the delegation, as designated by the chapter or chapters represented. No fractional votes shall be cast.

Section 10. Officers and members of the local Executive Board who are not elected as delegates representing their chapter shall nevertheless be entitled to all the rights and privileges of delegates, except the right to vote. No member of the local Executive Board and no paid employee of Local 4041 shall serve as a delegate from any chapter.

Section 11. To vote, delegates must be on the convention floor when the vote is taken. Voting by proxy shall not be permitted.

Section 12. All delegates and alternates to the convention of the local shall be elected in accordance with the provisions of Appendix D, Elections Code, of the International Constitution. The names of such delegates shall be certified by the appropriate officers of the chapters to the Secretary- Treasurer of the local at least ten (10) days prior to the time of the convention.

Section 13. Cost sharing: Costs for the annual convention will be shared between the Administrative Office, the Chapters and the Delegates. The local shall pay for the Meeting Rooms, Binder Contents, Awards, Banquet, Luncheons and Mileage (Basis of four (4) to a car for delegates outside of a 50-mile radius.) Delegates shall pay for their lodging and any meals not provided.

Section 14. Delegates shall serve a one-year term or until their successors are duly elected. Nominations and elections of delegates to the local convention shall take place each year not more than 120 days prior to the opening of the convention.

Section 15. Each chartered retiree chapter or sub-chapter in Nevada, in good standing with AFSCME international, shall be entitled to one delegate and one vote. Such delegate shall be entitled to all the rights and privileges of the delegates except that such delegate shall not be entitled to nominate any candidate for Local 4041 office as a chapter or sub-chapter delegate or to cast the chapter's or subchapter's vote in the election of Local officers unless such delegate has been elected to that position by secret ballot vote conducted among the members of the chapter or sub-chapter affiliated with such delegates retiree chapter or sub-chapter. The provisions of this section do not apply to amalgamated chapters or amalgamated sub-chapters chartered by AFSCME International.

ARTICLE VI MEETINGS

Section 1. Chapter meetings of this Local shall be held on a monthly basis at a time and place fixed by the membership of the Chapter. Adequate and proper notice of regular meetings shall be provided. A copy of the sign-in sheets, minutes and Treasurer's report shall be forwarded to headquarters monthly.

Section 2. The Board of Directors of the Local shall be known as the Executive Board. The Executive Board shall meet quarterly. The time and place shall alternate between Las Vegas and Carson City, unless otherwise determined by the Executive Board.

- a. The Executive Board shall be the governing body of the Local between conventions of the Local. All matters affecting the policies, aims and means of accomplishing the purposes of the Local not specifically provided for in this Constitution or by action of the convention, shall be decided by the Executive Board.
- b. Regular meetings of the Board shall be held prior to the annual convention and following adjournment of the convention. Special meetings of the Executive Board may be called by the Local President or by a majority of the members of the Executive Board.
- c. All affiliated Chapters shall be notified at least fourteen days prior to the holding of a regular Board meeting, which shall be open to any Chapters who wish to attend. Each Chapter wishing to attend and be heard shall notify the Local President by submitting its business in writing, so that it shall be properly placed on the agenda.
- d. Expenditures of funds of the Local shall be authorized by the Executive Board.
- e. The Board shall require an independent audit of the books of the Local to be conducted by a certified public accountant at least once each fiscal year and a report thereon shall be made to the Local convention and to each affiliated Chapter. A copy of the audit report shall also be sent to the International Secretary-Treasurer.
- f. All Local Executive Board members shall be given at least fourteen days' notice in writing of each Executive Board meeting, except a special meeting, for which any reasonable notice will be sufficient. A majority of the members of the Executive Board shall be required for a quorum.
- g. The President shall establish all such committees as it deems necessary to perform such functions as are assigned to them by the President with the approval of the Executive Board. All coordinating committees shall meet at least once a year.
- h. The Executive Board of the Local may enter in executive session on all personnel matters with the majority vote of the Board.

Section 3. The Local President shall, with approval of the Executive Board, establish such departments as are deemed necessary for the proper functioning of the Local provided that the Executive Board may terminate any such departments upon a determination that such department is no longer necessary or that the financial resources of the Local make its continuation inappropriate.

ARTICLE VII
OFFICERS, NOMINATIONS AND ELECTIONS

* Elections of Local Officers will be held at the local convention.

* All elections will be in accordance to Appendix D of the International Constitution.

Section 1. The officers of this local shall be a President, a Vice-President, a Recording Secretary, a Secretary-Treasurer and four (4) trustees. The trustees shall be elected without priority in the manner set forth in Section 3 of this Article. Statewide elected positions and Regional Vice-Presidents or their Alternates shall constitute the Executive Board of the Local. These officers shall be elected for a two-year term beginning with the election at the regular convention of this Local.

Section 2. The officers of the President, Vice President, Secretary-Treasurer, Recording Secretary and (4) four trustees shall be filled by the delegates at the same convention at which candidates are nominated. Voting shall be by secret ballot. Nominations for all local offices shall take place in open convention, and no nominating committee shall be used.

Section 3. For the purpose of electing Regional Vice-Presidents, Alternate Vice-Presidents and Trustees the state shall be divided into four (4) regions and the Regional Vice-Presidents from each region shall be elected by the members of the chapters within that region. One (I) Regional Vice-President and one (I) Alternate Regional Vice-President will be elected for every 500 members or a major portion thereof in that region.

The region and numbers of Regional Vice-Presidents, Alternate Vice-Presidents and one Trustee per region to be elected from each region are as follows:

Region 1. Consists of the following Chapters:
Washoe, Sierra Range, Comstock and Corrections North.

Region 2. Consists of the following Chapters:
Big Meadow, Sagebrush, Toana and Mountain.

Region 3. Consists of the following Chapters:
Great Basin and Meadow Valley.

Region 4. Consists of the following Chapters:
Desert, Corrections South and Central.

Section 4. To be eligible for regional office, a candidate must be a full time dues paying member of the local in good standing for at least one year. A Candidate running for Regional Office must be employed within the region for which they seek to be elected. No member whose eligibility for membership is based upon employment in a position for which another organization is the exclusive representative with regard to wages, hours, or other terms and conditions of employment shall be eligible to seek or hold office at any level of the union, provided that any member now serving a term of office shall not be barred by this section from completing the remainder of such term of office.

A Regional Officer who voluntarily ceases to be employed within the jurisdiction of the affiliated local his/her elected region and/or who becomes an authorized representative of employees in a non-AFSCME bargaining unit, shall be immediately removed from the position of Regional Vice-President. Any and all elections within this local shall be conducted in accordance with Appendix D, Elections Code, of the International Union Constitution.

Section 5. If a vacancy occurs in this local it shall be filled in accordance with Appendix D, of the International Union Constitution.

Section 6. Every officer shall, upon assuming office, subscribe to the obligation of an Officer contained in Appendix B of the International Union Constitution.

ARTICLE VIII DUTIES OF OFFICERS AND EXECUTIVE BOARD

Section 1. The-President shall:

- A. Preside at all meetings of the local union and of the Executive Board.
- B. Be a member of all committees except for the elections committee.
- C. Countersign all checks drawn against the funds of the local.
- D. Appoint all standing committees and all special committees of the local, subject to approval of the Executive Board.
- E. Report periodically to the membership regarding the progress and standing of the local and regarding the President's official acts.

Section 2. The Vice President shall:

- A. Assist the President in the work of the President's office.
- B. In the absence of the President or in the President's inability to serve, preside at all meetings and perform all duties otherwise performed by the President.
- C. Upon approval by the local executive board, be authorized to act as a co-signer of checks drawn on the local funds in place of either the President or the Secretary-Treasurer.

Section 3. The Recording Secretary shall:

- A. Keep records of the proceedings of all membership meetings and of all Local Board meetings.
- B. Carry on the official correspondence of the local, except as the Local Board may direct otherwise.
- C. Perform such other duties as the Local Board may require.
- D. At the responsibility of the Local Board's Recording Secretary, membership rosters and drop lists shall be distributed to all chapter secretaries on a monthly basis.

Section 4. The Secretary-Treasurer shall:

- A. Receive and receipt for all monies of the local union.
- B. Deposit all money received in the name of the local union in a bank or banks selected by the Executive Board, and money so deposited shall be withdrawn only by check and signed by the President and the Secretary-Treasurer.
- C. Prepare and sign checks for such purposes as required by the constitution or are authorized by the membership or the Executive Board.
- D. Prepare and submit the monthly membership report to the International Union office and see that a check is drawn in payment of the local's per capita tax each month and sent to the International Secretary-Treasurer.
- E. Keep an accurate record of receipts and disbursements and shall, once each month, submit to the membership a monthly operating statement of the financial transactions of the local for the previous month.
- F. Act as custodian of all properties of the local union.
- G. Give a surety bond for an amount to be fixed by the Executive Board of the local union, at the expense of the local union and through the International Union.
- H. See that any financial reports required by the International Union Constitution to be submitted to the International Union are submitted in accordance with the International Union Constitution.

Section 5. Regional Vice Presidents shall:

- A. Assist the Chapter President(s) and Chapter Board(s) in the Operation of the Chapters within their Region.
- B. Endeavor diligently to keep the Chapters and members within the Region in good standing. Encourage ethical conduct among members; assist in the supervision within the Region; and the promotion of, and adherence to, the objectives of the Local.
- C. Serve as a liaison between the Local's staff and membership.
- D. Submit a written report on the Region when requested by the Local's President or the Executive Board.
- E. The Regional Vice-President shall be responsible to communicate to all chapters within their Region and report on all proceedings at the Local Convention, Executive Board and various special meetings. In the event of an emergency which prevents the attendance of a Regional Vice-President at meetings, immediately following said meetings, it is the Regional Vice- President's responsibility to designate a representative to make the report.
- F. Establish communications with the Alternate Regional Vice-President on all matters. Also, to use the services of the Alternate Regional Vice-President in carrying out the duties and assignments for the Region.

Section 6. One Trustee per region shall make or cause to be made at least semi-annually an audit of the finances of the local including the finances concerning any health welfare, pension, insurance or other benefit programs covering members of such local, and shall report to the membership on the results of such audit.

Section 7. The Executive Board shall consist of statewide elected positions and Regional Vice-Presidents or their Alternates and shall be the governing body of the local union except when meetings of the local union are in session. All matters affecting the policies, aims and means of accomplishing the purposes of the local not specifically provided for in this Constitution or by action of the membership at the regular or special meeting shall be decided by the Executive Board. The Board shall meet at the call of the President or the majority of the members of the Board. A report on all actions taken by the Executive Board shall be made to the membership at the next following meeting. A majority of the members of the Executive Board shall be required for a quorum.

ARTICLE IX MISCELLANEOUS PROVISIONS

Section 1. This local union shall be at all times subject to the provisions of the Constitution of the American Federation of State, County and Municipal Employees.

Section 2. Except to the extent specified in this Constitution, no officer of the local union shall have the power to act as agent for or otherwise bind the local union 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 local union except to the extent specifically authorized in writing by the President of the local union or by the Local Board of the local union.

Section 3. The rules contained in the current edition of *Robert's Rules of Order*, Newly Revised shall govern this local union in all cases to which they are applicable and in which they are not inconsistent with the Constitution and special rules of this local union or of the American Federation of State, County Municipal Employees.

Section 4. WHAT IS A RESOLUTION: A resolution is an idea or thought initiated by a member or group of members at the grass roots level and carried to the uppermost levels of government through a simple, but effective process. It is a thought that benefits the working conditions of State employees. A resolution may be uncomplicated such as changing the hours of work from 8:00a.m. to 5:00p.m. to 8:00 a.m. to 4:30 p.m., or it can be complicated, affecting not only state employees but other government jurisdictions and the general public.

Section 5. SUBMISSION: Where and to whom should you submit your resolution (idea)? An idea is formulated with a single member or group of members. The idea is reduced to writing and presented at a regular chapter meeting.

If the resolution is accepted by the membership at a Chapter meeting it is submitted to the Headquarters in accordance with Local4041 Constitution.

1. A resolution intended for consideration at the Annual Convention:
 - a. Must be approved at a regular chapter meeting prior to the chapter submitting the resolution to the Headquarters; AND

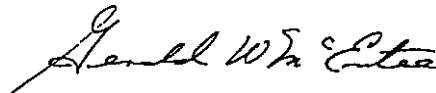
- b. Must be delivered to the Headquarters in duplicate not less than forty-five (45) calendar days prior to the convening of the session of the Annual Convention; OR
 - c. May be presented for submittal by a chapter president to the Local Board at the Pre- Convention Board Meeting after it has been approved by the chapter. The chapter president will provide one hundred and fifty (150) copies of the resolution and give an oral explanation as to why the resolution is submitted late. The Local Board will approve or disapprove introduction of the late resolution to the Annual Convention on the merits of the resolution's untimely submittal; OR
 - d. May be submitted by the Chairman of a Standing Committee to which the Resolution pertains to the Local Board at the Pre-Convention Board Meeting. The Local Board will approve or disapprove introduction of the resolution to the Annual Convention on the merits of the resolutions subject matter and it will not be considered untimely.
2. A resolution that requests the Local to conduct a survey must include the cost schedule required to perform the survey.

Upon receipt of the resolution from the Chapter or Local Board, Headquarters corrects any inconsistencies, clerical or grammatical errors. The resolution in final form is coded according to subject matter. It is then reproduced in sufficient quantity to allow each official Annual Convention representative a personal copy. The finalized resolution is presented to the Annual Convention for consideration.

ARTICLE X AMENDMENTS

This Constitution may be amended, revised, or otherwise changed by a majority vote of the members voting on such proposed change and such change shall take effect only upon written approval of the International President. Proposed amendments to this Constitution must be made at a regular or special convention of the local union and read and voted on at a subsequent meeting of the local union, adequate and proper notice to the date on which it is taken. A written copy of the proposed amendment shall be furnished to every eligible voter at the meeting at which the vote is taken.

APPROVED BY:



GERALD W. McENTEE
International President
Approval Date: 4/8/2010