

**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 exerting 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 Nevada, with the area offices in locations determined by the Local 4041 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.

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.

**Article III**  
**Objectives**

Section 1. It shall be the objective of this local union to maintain collective bargaining, secure a fair and equitable living wage, improve working hours and conditions, and health and retirement 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. The effective date of membership shall be the date the application for membership is signed if a hard card is collected by a representative from AFSCME or the date received in the office, if mailed (only original documents will be accepted). The effective date for electronic enrollment for membership shall be the date the member completes enrollment and executes the electronic signature.

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

- A. Probationary employee dues shall be one half percent (1/2%) of base pay for each pay period.
- B. Permanent employee dues shall be one percent (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. Membership dues shall be payable monthly in advance to the local secretary-treasurer and in any event shall be paid not later than the 15th day of the month in which they become due. Any member who fails to pay dues by the 15th day of the month in which they become due shall be considered delinquent, and upon failure to pay dues for two consecutive months shall lose their good standing status and stand suspended. Provided, however, that any person who is paying dues through a system of regular payroll deduction, bank draft, or similar system, shall for so long as such person continues to pay through such deduction method, be considered in good standing.

Section 5. A member suspended under the above section may be reinstated to membership in the local upon payment of all arrears plus the current month's dues.

Section 6. 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. An active chapter in good standing must meet the following conditions to receive their rebate check:

- Have elections held in accordance with the Elections Manual.
- Meet monthly to conduct a board and a membership meeting.
- Submit rebate packet in accordance with the established Chapter Rebate Policy.
- Are not under the administratorship of the executive board.

Section 7. 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 any elected position within AFSCME Local 4041.

Section 8. 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 any elected position within AFSCME Local 4041.

## **Article V Conventions**

Section 1. Biennial 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 executive board shall establish the guidelines and procedures for Leadership Council so that participation 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 affiliated chapters, that are active, 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 based on membership as follows:

Representation in the local convention is accorded to each chapter, based on one (1) delegate for each fifty (50) members, or major fraction thereof. The chapter membership shall be computed based on 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 based on one (1) floor 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. Chapters sending a combined delegation must be within the same region.

Section 9. For roll call votes, the total number of per cap votes to which any delegation is entitled shall be divided equally among the delegation, with any remaining votes to be cast by the chairperson 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 paid employee of Local 4041 shall serve as a delegate for 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 date the convention convenes.

Section 13. Cost sharing: Costs for conventions and/or conferences will be shared between Local 4041, the chapters and the delegates. Local 4041 shall pay for the meeting rooms, binder contents, awards, banquets, luncheons and travel based on current travel policy. Delegates, alternate delegates and/or chapters are responsible for their lodging and lodging related costs and any meals not provided. Alternate delegates and/or chapters are responsible for all costs related to alternate delegates.

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 subchapter 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 subchapter 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 subchapter affiliated with such delegates retiree chapter or subchapter. The provisions of this section do not apply to amalgamated chapters or amalgamated subchapters chartered by AFSCME International.

## **Article VI Meetings**

Section 1. Chapter board and general membership meetings of this local shall be held monthly at a time and place fixed by the membership of the chapter. Adequate and proper notice of regular meetings shall be provided.

Section 2. The executive board of Local 4041 shall meet at least 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 Local 4041 between conventions of Local 4041. All matters affecting the policies, aims and means of accomplishing the purposes of Local 4041 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 executive board shall be held no more than 24 hours prior to the biennial convention and immediately following adjournment of the biennial 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 executive 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 4041 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 executive board shall require an independent audit of the books of Local 4041 to be conducted by a certified public accountant at least once each fiscal year and a report thereon shall be made to the Local 4041 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 Local 4041 may enter an executive session or closed session on all personnel matters with the majority vote of the executive board.
- I. A report on all actions taken by the executive board shall be made to the membership at the next regular chapter meeting by the regional vice-presidents.

Section 3. The Local 4041 President shall, with approval of the executive board, establish such department(s) as are deemed necessary for the proper functioning of Local 4041 provided that the executive board may terminate any such department(s) upon a determination that such department(s) is/are no longer necessary or that the financial resources of the local make its continuation inappropriate.

**Article VII**  
**Officers, Nominations, and Elections**

\* Elections of Local 4041 officers shall be held at the biennial convention.

Section 1. The executive officers of this local shall be a president, a vice-president, a recording secretary, and a secretary-treasurer. These statewide elected positions and regional vice-presidents (RVP) or their alternates shall constitute the executive board of Local 4041. These officers shall be elected for a two-year term beginning with the election at the regular biennial convention of this local.

- A. Four trustees, one from each region, shall be elected without priority in the manner set forth in Section 3 of this article. These trustees shall be elected for a two-year term beginning with the election at the regular biennial convention of this local.

Section 2. The executive board of this local and trustees shall be filled at the same convention at which candidates are nominated. Voting shall be by secret ballot. Second and final nominations for all Local 4041 offices shall take place in open convention and no nominating committee shall be used.

Section 3. For the purpose of electing regional vice-presidents (RVP), alternate regional vice-presidents and trustees, the state shall be divided into four (4) regions and the regional vice-presidents (RVP) from each region shall be elected by the members of the chapters within that region. One (1) RVP and one (1) alternate will be elected for every 500 members or a major portion thereof in that region. The regions' membership shall be computed based on the official membership list maintained by the Administrative Office as of January 1st of each year.

The regions and numbers along with the chapters within 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.

Section 7. The chapter officers of this local shall be a president, a vice-president, a recording secretary, and a secretary-treasurer. These elected officers and chapter board members shall constitute the chapter board for each chapter in accordance with the bylaws. These officers shall

be elected for a two-year term beginning with the election at the regular biennial convention of this local.

Section 8. All elections will be in accordance with Appendix D of the International 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.
- F. be an automatic delegate to the AFSCME International Convention.

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.
- D. be a secondary delegate or the first alternate delegate to AFSCME International Convention.

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. distribute membership rosters to chapters for the purpose of conducting elections.
- E. be a third delegate or the second alternate delegate to AFSCME International Convention.

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.
- I. be a fourth delegate or the third alternate delegate to AFSCME International Convention.

Section 5. Regional vice-presidents and Alternates 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. 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 and welfare, pension, insurance or other benefit programs covering members of such local and shall report to the membership on the results of such audit at biennial convention.

Section 7. The executive board 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. Unless the context clearly indicates otherwise the terms "this union", "the union", "Local" or "4041" refers to AFSCME Local 4041 and are used interchangeably in this constitution to mean the American Federation of State, County and Municipal Employees (AFSCME) Local 4041.

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.

### **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:

A handwritten signature in black ink that reads "Lee Saunders". The signature is written in a cursive, flowing style.

LEE SAUNDERS  
President

Approval date: October 15, 2021