

Constitution
for
AFSCME Maryland Council 3

Article I
Bill of Rights

Section 1. No person otherwise eligible for membership in this union shall be denied membership, or otherwise discriminated against as a member, because of race, creed, color, national origin, ethnicity, sex, age, sexual orientation, gender identity or expression, disability, immigration status, or political belief.

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

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

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

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

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

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

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

Article II
Name and Headquarters

Section 1. The name of this union shall be AFSCME Maryland Council 3 of the American Federation of State, County and Municipal Employees, AFL-CIO.

Section 2. The headquarters of AFSCME Maryland Council 3 shall be Baltimore City, Maryland.

Article III
Affiliations

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

Article IV Objectives

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

Article V Membership and Dues

Section 1. The membership of this council shall consist of all AFSCME local unions in the State of Maryland, excluding Local 2250, Prince George's County, Maryland, Public School Employees.

Section 2. The minimum monthly dues for each member of an affiliated local union shall be not less than \$32.40 for members employed full time and \$24.40 for members employed part time during calendar year 2012 and these amounts shall be adjusted annually in accordance with the International Constitution. Dues and fair share fees shall be collected by the council directly from the employer of each local's members. From the amounts so received, the council shall deduct and pay to the International Union the constitutionally required International Union per capita tax and transmit to each local union its portion of the dues and fees. Any remaining amount shall be retained by the council. From the council's portion of the dues and fees it shall deduct and pay the per capita tax to the appropriate central body of the AFL-CIO.

Article VI The Convention

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

Section 2. Regular conventions shall be held in each of the even-numbered years respectively. The time and place for holding of the convention shall be set by the Council Executive Board, provided, however, that the convention shall be held between September 1st and November 30th of the year. Legislative and leadership conferences may be called in the odd-numbered years, no later than the month of October.

Section 3. Special conventions may be called at any time and upon forty-five days' notice by the Council Executive Board. One-third of the affiliated locals can, by resolution properly adopted by the membership and forwarded to the Council President, compel the calling of a special convention, for the purpose or purposes set forth in the resolution. A convention so requested shall take place within 70 days of the required number of locals properly adopting resolutions and submitting them to the Council President. A special convention can also be called by the International President or by an authorized representative of the International President.

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

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

100 or fewer, one delegate;
more than 100 but not exceeding 200, two delegates; more
than 200 but not exceeding 300, three delegates; more than
300 but not exceeding 400, four delegates; more than 400,
but not exceeding 500, five delegates; more than 500, but

not exceeding 600, six delegates; more than 600, but not exceeding 700, seven delegates; more than 700, but not exceeding 800, eight delegates; more than 800, but not exceeding 900, nine delegates; more than 900, but not exceeding 1,000, ten delegates;
more than 1,000, one additional delegate for each 1,000 additional members/fee payers or fraction thereof.

Local unions may elect one alternate delegate for each delegate.

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

Section 7. Each delegate must be a member in good standing of the local such delegate represents. Any member of the Council Executive Board who is not elected as a delegate representing a local union shall nevertheless be entitled to all the rights and privileges of a delegate except the right to vote.

Section 8. At least seventy-five days prior to the convention, the Council Secretary-Treasurer shall send to each local a copy of the convention call, accompanied by the appropriate number of credential forms. In the case of a convention at which election of officers is to take place, this shall be indicated in the convention call.

Section 9. Locals shall return the credential forms, properly executed and signed, to the council office no later than fifteen (15) days prior to the opening of the convention.

Article VII Officers and Elections

Section 1. A. The executive board of this council shall consist of five (5) at-large officers and twenty-five (25) vice presidents who shall be elected to terms of office of four years beginning in the year 2024. In 2023 the council shall conduct elections to fill new executive board positions created at the 2023 special convention and which terms shall expire in 2024.

B. The at-large officers shall be the president, the secretary-treasurer and three executive vice presidents who shall be elected by the convention as a whole. No more than one of these at-large officers shall be from the same local.

C. Eleven (11) regional vice presidents and fourteen (14) unit vice presidents shall also be elected by the convention as set forth in this section.

1. The eleven (11) regional vice presidents shall consist of:

- a) Four vice presidents elected among members whose primary work location is in the Central Region counties of: Baltimore City, Baltimore, Carroll, Harford and Howard. Not more than one of these vice presidents shall be from the same local.
- b) Three vice presidents elected among members whose primary work location is in the Western Region counties of: Allegany, Frederick, Garrett and Washington. Not more than one of these vice presidents shall be from the same local.
- c) One vice president elected among members whose primary work location is in the Eastern Region counties of: Caroline,

Cecil, Dorchester, Kent, Queen Anne's, Somerset, Talbot, Wicomico and Worcester.

- d) Three vice presidents elected among members whose primary work location is in the Southern Region counties of: Anne Arundel, Calvert, Charles, Montgomery, Prince George's and St. Mary's. Not more than one of these vice presidents shall be from the same local.
2. The fourteen (14) unit vice presidents shall be elected from the following:
 - a) Maryland Division of Corrections (1);
 - b) Maryland Department of Health (1);
 - c) Maryland Motor Vehicle Administration (1);
 - d) Maryland Department of Transportation, excluding MVA (1);
 - e) Maryland Department of Juvenile Services (1);
 - f) Maryland Division of Parole and Probation (1);
 - g) Maryland Higher Education (1);
 - h) Maryland Department of Human Services (1);
 - i) K-12 Boards of Education (1);
 - j) Municipalities (2);
 - k) Counties (2); and,
 - l) All other State Units and Private Employers (1).
 3. Unit vice president positions may be established by the Council Executive Board, subject to the approval of the next convention, for other units equal to or greater than 750 employees.
- D. The convention as a whole shall also elect two trustees whom shall not be members of the same local union. Trustees shall be elected to four-year terms; except for the 2012 election, in which one shall be elected for a two-year term and one for a four-year term.
 - E. While one local may have an at-large officer and a vice president on the executive board, not more than one member from any local union affiliated with the council shall serve as a vice president. In the event more than one vice president is elected from a local union, the regional vice presidents shall be elected first and the unit vice presidents shall be declared elected in the order in which the units appear in this constitution. Such vice presidents and the at-large officers herein above referenced in Section 1 (a) of this article shall constitute the executive board of this council.

Section 2. Vacancies in office shall be filled by members otherwise eligible to hold the position and by vote of the executive board until the next convention.

Section 3. Should any officer be absent from three consecutive executive board meetings without excuse acceptable to the board, that office shall be declared vacant and filled in accordance with this constitution.

Section 4. To be eligible for election to an at-large office or as a trustee, a member must be in good standing for two years immediately preceding the election in any one or more local unions properly affiliated with this council. To be eligible for election as a vice president, a member must be in good standing for one year immediately preceding the election in any one or more local unions properly affiliated with this council.

Section 5. Nominations of at-large officers and trustees shall be conducted in open convention, and no nominating committee shall be used. Any delegate may nominate any eligible member for the office of council president, secretary-treasurer, the three executive vice presidents or trustees.

Section 6. Nominations for vice presidents shall be conducted by regional and unit caucuses. Any delegate eligible to vote in a region or unit may nominate any eligible member employed in that region or unit for the office of vice president.

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

Section 8. Any local union whose jurisdiction crosses regional boundary lines shall cast all of its votes for regional vice president in the region in which the largest number of its members/fee payers are employed.

Section 9. Any local union whose jurisdiction crosses units shall cast its votes for unit vice president in proportion to the number of members/fee payers represented in each unit.

Section 10. The pre-convention incumbents shall remain in office until the election is completed and the results reported to the convention. At that time, the newly elected officers shall be installed.

Section 11. All matters concerning nominations and elections in this council shall be subject to the provisions of Appendix D, entitled Elections Code, of the International Union Constitution.

Section 12. 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 is the council's chief administrative and executive officer. The president shall give his/her full time to the council, and shall receive compensation and expenses as established by the Council Executive Board.

The council president shall:

- A. preside at all executive board meetings and council conventions;
- B. appoint all standing and special committees, subject to approval of the executive board, except as otherwise provided in this constitution;
- C. be a member ex-officio of all committees, except the Election Committee;
- D. shall co-sign all checks drawn on the accounts of the council, but may, with the approval of the Council Executive Board, designate an alternate to sign instead. No check shall be issued without the signature of either the secretary-treasurer or the president;
- E. carry on the correspondence relating to the office;
- F. report at each convention on activities of the office;
- G. under policies established by the executive board, employ, terminate, fix the compensation and expenses, and direct the activities of all staff as are required to carry out effectively the functions of the council;
- H. engage, with the approval of the Council Executive Board, such technical and professional services, including legal counsel and certified public accountants, as may be required;
- I. be the council's official spokesperson, unless otherwise designated;

- J. be responsible for the contents of the council's publications;
- K. serve as the council's delegate to conventions of the International Union and to conventions and conferences of all other bodies with which this council is affiliated;
- L. serve as chairperson of all negotiating committees in bargaining;
- M. in advance of each fiscal year shall submit to the executive board a proposed budget for the coming fiscal year, setting forth the anticipated income and the sources thereof and the anticipated expenditures and their purposes. The proposed budget shall be transmitted to the secretary-treasurer at least ten days prior to its submission to the executive board. The proposed budget shall be subject to revision and adoption by the executive board; and
- N. carry out such other duties as are provided in this constitution or as the executive board may direct.

Section 2. The secretary-treasurer shall:

- A. receive and take charge of all money and property of the council;
- B. deposit all money in a bank which is insured by the Federal Deposit Insurance Corporation in the name of the council, and money so deposited shall be withdrawn only by check signed in accordance with this constitution;
- C. draw and sign checks for such purposes as are required by this constitution or are authorized by the convention or the executive board;
- D. keep or cause to be kept an accurate record of receipts and disbursements and shall render a report thereon at each meeting of the Council Executive Board;
- E. report fully on the financial standing of the council to the Council Executive Board and to each affiliated local union not less than quarterly;
- F. ensure that officers and employees of the council are bonded in accordance with the AFSCME International Constitution and applicable law; and
- G. with the approval of the executive board, authorize a deputy to sign checks instead. No check shall be issued without the signature of either the secretary-treasurer or the president.

Section 3. The executive vice presidents 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. Each executive vice president shall be assigned, immediately after the installation of officers at the council convention and in alphabetical order of their last names, to carry out these responsibilities, if necessary, for a period of sixteen consecutive months during the president's term.
- C. upon approval by the Council Executive Board, be authorized to act as co-signer of checks drawn on the council funds in place of either the president or the secretary-treasurer.

Section 4. The executive board shall be the highest governing body of this council, except when the convention is in session, and shall possess all the powers of the convention except the power to amend this constitution.

Section 5. The executive board shall meet regularly at least once a quarter and shall hold special meetings at the call of the Council President or of a majority of the

members of the board. Regular quarterly meetings shall be held during regular business hours and at a time and location determined by the president, subject to approval of the executive board. Special meetings may also be called by the International President or his/her authorized representatives.

Section 6. A quorum for the transaction of business at meetings of the executive board shall consist of a majority of the members of the board.

Section 7. A certified public accountant shall, once each year, audit the books and records of the council and the trustees shall see that the results of such audit are communicated to all affiliated local unions.

Article IX Council Steering Committees

Section 1. Members within AFSCME Maryland Council 3 who work in higher education or who have the same departmental secretary, and are represented by different locals, shall form steering committees. These steering committees shall be made up of the presidents of the various locals or their designees.

Section 2. The unit vice presidents shall be the chairs of their respective steering committees. The DOT steering committee shall be co-chaired by the MVA unit vice president and the DOT excluding MVA unit vice president.

Section 3. The steering committees shall help guide strategy for the locals within their unit and inform the work of the unit-level labor/management committees.

Section 4. The steering committees shall meet at least quarterly at the call of the steering committee chairs with notice to the president. The president can also call special meetings of the steering committees. Minutes of these meetings shall be recorded and disseminated to the member local unions.

Article X Miscellaneous Provisions

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

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

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

Article XI Amendments

Section 1. This constitution may be amended by proposals submitted by local unions that are properly introduced at the convention and approved by two-thirds vote of the convention. Such proposals shall be submitted in writing to the secretary-treasurer of the council at the council's headquarters office at least ten (10) days prior to the opening of the convention. No proposal to amend the constitution can thereafter be introduced except by permission of two-thirds of the convention.

Section 2. Any proposed amendment which is submitted to the Council Secretary-Treasurer at least 60 days prior to the opening of the convention shall be reproduced in full and mailed to each affiliated local union not later than 30 days prior to the opening of the convention. Any amendment which is so introduced and distributed may be approved by majority vote of the convention.

Section 3. The Council Executive Board shall review and make a recommendation to the convention on any proposal to amend the constitution.

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

Approved by:

A handwritten signature in black ink that reads "Lee Saunders". The signature is written in a cursive style with a large, stylized initial "L".

LEE SAUNDERS
President

Approval date: July 18, 2023