

**CONSTITUTION OF  
THE RETIREES ASSOCIATION OF  
DISTRICT COUNCIL 37, CHAPTER 37, AFSCME, AFL-CIO**

**ARTICLE I  
NAME**

The name of this organization shall be The Retirees Association of District Council 37, Chapter 37, AFSCME, AFL-CIO. It shall be affiliated with the American Federation of State, County and Municipal Employees and with the New York City District Council of AFSCME Municipal Local Unions #37.

**ARTICLE II  
PURPOSES AND METHODS**

The Association shall safeguard and improve the economic and social conditions of those formerly employed by the public, semi-public and quasi-public agencies, institutions, authorities and corporations of New York City, by:

- a. Safeguarding and improving the retirement compensations of retired employees and employees to be retired.
- b. Safeguarding and improving their health services.
- c. Carrying on political, legislative and other programs meeting the needs of its members and of retired workers in general.
- d. Assisting members through advice and representation to obtain benefits rightfully theirs and defending them against exploitation.
- e. Initiating and carrying on educational, cultural and social programs.

The methods employed shall be the organization of the retired workers in its jurisdiction; the encouraging and support of such organizations everywhere; the support of AFSCME and of District Council 37 and the receipt of reciprocal support in return; the encouraging and support of a legitimate labor federation of retired workers and cooperation with other worthwhile groups.

**ARTICLE III  
MEMBERSHIP**

The following are eligible for membership in this Association: All retired public [service](#) employees who were at any time employed in the jurisdiction of District Council 37, AFSCME, [including those who were employed by private and non-profit organizations located in whole or in part in the New York City Metropolitan Area](#), and who are now retired under the rules of the applicable retirement system, and all retired persons entitled to draw benefits from the District Council 37 Health & Security Fund, and the spouses, surviving spouses or domestic partners of such persons.

**ARTICLE IV  
DUES AND ASSESSMENTS**

Section 1. Dues shall be \$36.00 for the calendar year 2008 and the following calendar years.

A retiree who pays dues by deduction shall be a member in good standing as soon as a valid authorization is received by the association and shall be in good standing as long as deductions continue. A retiree paying dues by hand shall be a member in good standing as soon as dues payment is received by the Association. A member whose hand paid dues are unpaid by April 1st of any calendar year shall not be in good standing.

Formatted: Different first page header

Deleted: or of the Social Security Administration

Section 2. A member joining the Association for the first time on or after October 1 of any year shall be in good standing until December thirty-first of the following calendar year.

Section 3. No right, privilege or service granted by this constitution or any decision of this Association shall accrue to a member not in good standing.

## **ARTICLE V MEETINGS OF THE MEMBERSHIP**

Section 1. The meetings of the membership while in session are the highest governing body of the Association. Except where this constitution allows certain actions to be taken at the executive board's or any officer's pleasure or discretion, all their actions are reviewable by the membership.

Section 2. Regular meetings of the membership shall be held in at least nine (9) calendar months of the year, as the membership may decide.

Section 3. Special meetings may be called by decision of the membership, by the president or by vote of the executive board.

Section 4. The president or the executive board may add items to the agenda of any special meeting and/or hold it on the same day as another special or regular meeting, provided the meeting notice so states.

Section 5. All membership meetings of this Association shall take place in the City of New York, at a central location and at a reasonable hour. Members shall receive timely notice of all meetings. A prominently displayed notice in any publication regularly mailed to them shall be sufficient. A quorum shall consist of fifty (50) members. The sergeant-at-arms and his/her assistants shall maintain order and decorum at the direction of the chair.

Section 6. [Policy for Conducting Audio and/or Video Teleconference Meetings of the Subordinate Body.](#)

- a. [Regular and special meetings of the Retirees Association of District Council 37, including its Executive Board, may be conducted through the use of audio and/or video teleconferencing \(referred to as a "virtual meeting"\) as outlined in Appendix E of AFSCME's international constitution.](#)
- b. [All equipment required to conduct the virtual meeting must be readily accessible, or made available, to all participating members.](#)
- c. [The method of virtual meeting selected must provide members with the opportunity to hear and speak to each other simultaneously and shall allow for the accurate recording of meeting minutes.](#)
- d. [Notice of any meeting conducted virtually shall include instructions on how each member is to participate in the meeting.](#)
- e. [All members present and participating via audio and/or video teleconferencing shall be included in determining a quorum. Prior to each vote on a motion, the presiding officer shall inquire as to the continued presence of those participating through audio and/or video teleconferencing. If members are no longer participating for any reason, including but not limited to because of equipment malfunction or voluntary discontinuance of the electronic connection, they shall no longer be considered as present or counted as part of the quorum.](#)
- f. [All members participating in virtual meetings may raise points of order, seek recognition to speak and submit motions for consideration.](#)
- g. [If the association enters into Executive Session, at the outset the presiding officer shall require each person participating through audio and/or video teleconferencing to give assurance that no other person is present or able to hear the conversation.](#)

Section 7. Robert's Rules of Order (newly revised) shall be the guide in all cases to which they are applicable, if they do not conflict with constitutional provisions or special rules of this Association, properly adopted. The following shall be special rules:

- a. At meetings, only motions pertinent to the officers' and committee reports may be proposed at the time such reports are given;
- b. No new motions may be proposed under Old Business, which is solely reserved for motions not disposed of at a previous meeting;
- c. Any matter under New Business must be introduced by first offering a motion which may then be debated;
- d. Members may speak and make motions on any appropriate subject under Good & Welfare,
- e. No announcement, except of Association meetings and functions by appropriate functionaries, may be made at meetings except by permission of the chair. Such permission must be requested and received in advance. None except official Association publications, leaflets and other literature may be distributed or made available in the membership meeting hall at any time except by permission of the chair. Such permission must be requested and received before the meeting. None except members in good standing may speak at meetings except by invitation, or by permission of the chair. Such permission must be requested and received in advance.

Deleted: , but no motion may be accepted by the chair except by unanimous consent...

## **ARTICLE VI DISCIPLINE**

Section 1. The trial body of this Association shall consist of any five (5) members other than the recording secretary, appointed by the president, and who have no direct interest in any matter they are to hear. The president shall designate one to be the chair. The recording secretary shall act as the secretary of the trial body, without a vote.

Section 2. In case the president is a directly interested party, he/she shall request the first vice-president to make the appointments. In case the first vice-president is a directly interested party, the president shall ask any disinterested member of the board to make the appointments. In case any member of the trial body thereafter is found or finds himself/herself to be an interested party, the chair of the trial body shall make the appointment to replace him/her.

Section 3. a. Once appointed, a trial body shall continue until it has disposed of all matters before it, notwithstanding that the terms of office of any or all of its members may have expired in the meantime.

- b. If a member of the trial body ceases to be in good standing, his/her service on the trial body shall terminate without replacement. If more than one member ceases to be in good standing, the chair shall appoint sufficient people to bring the trial body to full strength. If the chair ceases to be in good standing, the president, first vice-president or other member of the board shall make the appointments, following the provisions of Sections 1 and 2 above.

Section 4. Any person may file charges against any member or employee of the Association on the following grounds and no other:

- a. Violation of any provision of the constitution;
- b. Refusal or deliberate failure to carry out, or obstruction to the carrying out by others, of any decision of the membership, of the executive board, of the trial or appeals body, or the lawful direction of an officer;
- c. Any action which assists, or is intended to assist, a dual or competing

organization within the jurisdiction of this Association;

- d. Misappropriation, embezzlement or any other improper or illegal use of Association funds or property or of the funds or property of any associated or fraternal organization;
- e. Conviction of a crime, the nature of which is such as to bring the Association into disrepute;
- f. Having obtained membership through fraud or misrepresentation;
- g. The solicitation, giving or acceptance of a bribe or gift of more than nominal value from any person or group, especially when its intention is to affect or reward the conduct of an Association official or member even if otherwise legitimate;
- h. Intentionally or repeatedly interfering with any official of the Association in carrying out of such official's proper functions, or with the meetings or functions of the Association or any of its components or instrumentalities.

Section 5. The recording secretary shall provide the accused party a copy of the charges within 20 business days of their filing. The trial body shall set the trial date, after consultation with the parties, no later than 31 business days after the filing of the charges, which shall be no earlier than 15 business days nor later than 31 business days after having forwarded a copy of the charges to the accused.

Deleted: 15

Deleted: calendar

Section 6. Trials shall be conducted in conformity with the principles of proper notification, of representation by counsel, the attendance of witnesses, the duty to produce pertinent papers and records of the Association, the right not to incriminate oneself, and the generally accepted principles of due process.

All parties shall be under obligation not to use dilatory tactics, refrain from personalities and breach of decorum and to obey the instructions of the trial body.

Section 7. The trial body, in its discretion, may guide itself by such established rules and precedents of other union organizations as it deems appropriate, but is under no obligation to do so.

Section 8. The trial body, if it finds the accused guilty, may assess any one or more of the following penalties:

- a. A formal reprimand;
- b. A fine, not to exceed five years dues, to be paid to the Association;
- c. Full or partial restitution where the consequences of the offense can be measured in material terms;
- d. Removal from office;
- e. Suspension from the right to hold any elected office for a period not to exceed three years;
- f. Suspension from membership not to exceed three years;
- g. Expulsion from membership.

Section 9. The decision of the trial body may be appealed to the full executive board of the Association by either party in writing, no more than 20 business days after notification of the decision. Board members with a direct interest in the matter shall not be qualified to sit on an appeal, and in addition each party shall have two peremptory challenges. If the president is a directly interested party he/she shall appoint another to be the chair. If the appeals body is reduced to less than seven board members qualified to serve, the president or the chair in his/her place shall appoint enough Association members without a direct interest to bring the number qualified and able to sit to seven.

Deleted: ten (10)

Section 10. The appeals body, at its discretion, may either act on the trial record or rehear the matter. Its decision shall be final.

Section 11. If a party wishes a verbatim record of proceedings before the trial body, the party shall be responsible for the cost of such record and of three copies of the transcript, one of which shall be furnished to the trial body and one to the opposing party. The reporter shall attach an affidavit to every copy of the transcript certifying that it is a true record of the proceedings.

The parties, for their own convenience, may use recording devices, but such recordings will under no circumstances be accepted as a record of the proceedings. The chair must be notified of recording.

## ARTICLE VII NOMINATIONS AND ELECTIONS

Section 1. The officers of the Association shall be:

- a. President
- Executive Vice-President
- Secretary-Treasurer
- Recording Secretary

- b. There shall be (8) Vice-Presidents, without priority:

Vice-President for Publicity and Public Relations  
 Vice-President for Inter-Union Relations  
 Vice-President for Political Action and Legislation  
 Vice-president for Education and [Health Services](#)  
 Vice-President for Social Security, Pensions, and Medicare  
 Vice-President for Housing  
 Vice-President for Membership

Deleted: Vice-President for Health Services

- c. Ten (10) Associate officers, without priority:

Associate Secretary-Treasurer  
 Associate Recording Secretary  
 Associate Vice-President for Publicity and Public Relations  
 Associate Vice-President for Inter-Union Relations  
 Associate Vice-President for Political Action and Legislation  
 Associate Vice-President for Education and [Health Services](#)  
 Associate Vice-President for Social Security, Pensions and Medicare  
 Associate Vice-President for Housing  
 Associate Vice-President for Membership

Deleted: Associate Vice-President for Health Services

- d. The duly elected chair of any authorized sub-chapter shall, by virtue of such office, also be a vice-president of the Association.

Deleted: <#>Member at Large --- to assist other officers and Vice President in performance of their duties when requested.

Deleted: of over 500 members

Section 2. The above officers, vice-presidents and associate officers shall constitute the executive board of the Association. They shall be elected for a term of three years but shall serve until their respective successors have been lawfully elected and installed.

Section 3. a. Nominations for the above offices, except for the member at large and the chair of authorized sub-chapters, shall be made at a regular or special membership meeting beginning in April of 1983 and in every third (3rd) year thereafter. The Vice-Presidents who are chairs of authorized sub-chapters shall be elected by the respective sub-chapters in accordance with their bylaws. The member at large shall be nominated at the meeting when nominations will take place. If a contested election is indicated, it will take place at the next scheduled membership meeting.

- a. No later than the end of February of the election year, the president with

approval of the membership, shall appoint the members of an election committee, consisting of at least five (5) members, designating one to be chair and one to be vice-chair. Members of the election committee must be neutral in the election and may not engage in any partisan activities.

- b. The election committee shall conduct the election. It shall establish rules for the election provided that no such rules shall conflict with this constitution and shall provide those rules to the members at the nominating meeting.
- c. The election committee shall cause a notice of the nominations to be mailed to every member at the member's last known address at least 21 days prior to the nominations meeting.
- d. At the nominations meeting, the chair of the election committee will receive nominations from the floor for all offices in the order specified in Article VII of this constitution.
- e. To be eligible for nomination to any office a member must have been in good standing on the first of April preceding the nominating meeting and have been a member of AFSCME and/or this Association for three years, of which a minimum of 12 months immediately preceding this first of April must have been in the Association. A member under any judicial process may be a candidate and be installed if elected even though an adverse decision might disqualify him/her later. Any member convicted of a financial crime shall not be eligible to run for office.

Members who are or who become members of any union in the public service or who derive a more than minor part of their livelihood from any such union or from funds controlled or managed by it are, for the duration of such membership or such income, not qualified to seek or hold office in this Association.

- f. The election committee shall offer each nominee the opportunity to decline the nomination at or immediately after the nominations meeting. The committee shall verify eligibility of nominees for office. In any case where there is only one nominee for any office, such nominee shall be declared elected.
- g. Any challenge concerning the eligibility of any nominee must be specific, made in writing and be received by the election committee chair within five (5) days of the nominating meeting, and shall be referred to the election committee for decision. The decision shall be reported to the executive board before the election.
- h. The election shall be by mail ballot among members in good standing as of the last day of February of the election year. Ballots shall be mailed in May no less than two weeks after the nominations meeting and a voting period of three weeks shall be allowed. The mail ballot shall be administered by an outside impartial third party vendor approved by the executive board.
- i. Election of all officers shall be by majority of the votes cast for that office as certified by the election committee based on the report of the outside party conducting the election. For any position for which no one receives a majority, a run-off election shall be held between the two nominees who received the highest number of votes in the first balloting. Ballots shall mailed no less than two weeks and no more than four weeks from the date the election committee certifies the election results. A voting period of three weeks shall be allowed. The candidate receiving the majority of the votes cast in the run-off shall be elected.
- j. Each candidate may have one observer at all stages of ballot handling. Observers shall be members of AFSCME.
- k. Those elected shall take office immediately upon certification of the election

**Deleted:** the American Arbitration Association unless the election committee recommends another outside impartial third party

**Deleted:** and such recommendation is

by the election committee without regard to any other or later ceremony. Candidates shall be informed promptly of the election results, which shall be announced in the next publication of the Association and at the next membership meeting.

- l. Any protest of the election must be in writing and received by the election committee within ten (10) calendar days following the certification of the results. The committee will meet to render a decision, which must be made in writing within 30 calendar days of the filing of the protest. If the committee holds a hearing, all parties at interest shall be afforded an opportunity to be heard. If the election committee upholds the protest, it may order a suitable remedy including a new election for the position(s) involved.
- m. Appeals from any decision of the election committee must be filed in writing with the Executive Board within 10 calendar days of the decision. The Executive Board will meet to render a decision, which must be in writing and rendered within 30 calendar days of the filing of the appeal. If the Executive Board holds a hearing, all parties at interest shall be afforded an opportunity to be heard. If the Executive Board upholds the protest, it may order a suitable remedy including a new election for the position(s) involved.
- n. Decisions of the Executive Board may be appealed to the AFSCME International Executive Board in writing within 10 calendar days of the decision.
- o. The election committee shall have full charge of the election and shall be discharged following the presentation and acceptance of its report. All election records, used, spoiled and challenged ballots, shall be retained safely and not destroyed before the lapse of twelve (12) full months.
- p. The AFSCME Retiree Election Code shall govern in all election matters not specifically covered in this constitution.

Section 4. a. No publication of this Association, financed in whole or in part by this Association, shall endorse or support any candidate for any elective office within this Association.

Section 5. In the case of a vacancy in any office, the executive board shall hold nominations and elect a qualified member to the vacancy for the unexpired term. Until such time, in the case of a vacancy in the office of president, the executive vice-president shall act as such; in the case of a vacancy in any other office, the associate shall act.

#### **ARTICLE VIII DUTIES OF EXECUTIVE BOARD AND OFFICERS**

Section 1. a. The Executive Board is the governing body of the Association whenever the membership is not in session. Subject to this constitution and the applicable decisions of the membership, the board is authorized and required to take all actions necessary for the welfare of the Association.

- b. The Executive Board shall hold a regular meeting once in each of ten calendar months. Twelve members shall constitute a quorum. Special meetings may be held at the call of the president, by vote of the board or by the petition of one-third or more of the board members.

The executive board, in its discretion, shall:

- i. Pass on all the president's appointments except those to the election committee;
- ii. Designate the Association's delegates or representatives to any other body or meeting except as otherwise provided in this constitution;

- iii. In case of vacancies elect new officers for the unexpired term as provided in this constitution;
- iv. Approve or authorize all disbursements or the incurring of any obligations except as otherwise provided, designate the auditor of the Association's accounts and oversee the Association's fiscal and business affairs;
- v. Set the compensation for employees of the association;
- vi. Support or oppose legislation or candidates for public office, but no public endorsement may be made without the concurring vote of the membership;
- vii. Take any and all necessary actions not reserved by this constitution to the membership.

Section 2. a. The President is the executive officer of the Association. He/she shall make a report at all meetings of the membership and the board and shall respond to questions. He/she shall manage the Association's affairs, subject to this constitution and policy established by the membership or the board, be its spokesman and direct the activities of its officers, Vice-Presidents and Associate officers.

- b. The President shall preside over all meetings of the membership and of the board and call special meetings as required under this constitution. He/she may call on any other member to preside in his/her place. He/she shall appoint the Sergeant-At-Arms and his/her assistants, the members of any trial body and the members and officers of all committees and sub-committees established by the membership or the board, subject to the approval of the board, and be a member ex-officio of all committees except the election committee. A member not qualified to be an officer may not serve as an officer of a committee except with the consent of the board.

Between meetings of the membership and the board, and subject to this constitution and their decisions, he/she shall manage the Association's affairs, and be its spokesperson.

- c. By virtue of election to that office, the President shall be the chief representative of the Association to all affiliate bodies, including but not limited to, being a delegate to the AFSCME convention, the AFSCME Retiree Council, the District Council 37 Delegates Council and any other organization with which the Retirees Association may become affiliated. The president shall be the association's representative to the DC 37 Executive Board.

Section 3. a. The Executive Vice-President shall act as president when the President is unable to execute the functions of the office and, if a vacancy occurs, until the Executive Board elects a member to serve out the unexpired term. The Executive Vice-President may be assigned such duties as the President deems appropriate.

- b. By virtue of election to that office, the Executive Vice-President shall be the second delegate or first alternate to the AFSCME Convention, to the AFSCME Retiree Council and to the DC 37 Delegates Council, subject to and limited by the Association's allotment of delegates and alternates to these bodies.

Section 4. The Secretary-Treasurer is the chief financial officer of the Association and is responsible for its books, funds, property and premises. He/she shall direct the activities of the Association's staff hired for these purposes.

He/she is responsible for collecting and receiving all monies due the Association and for depositing them in federally insured banks selected with the concurrence of the Executive Board or for investing them in certificates of deposit which are federally insured or in obligations of the United States also with the concurrence of the Executive Board.



He/she shall pay all bills and claims in amounts and for purposes that have been authorized by the executive board as recorded in its minutes. The Secretary-Treasurer shall keep track of expenditures and/or obligations.

The Secretary-Treasurer shall make monthly reports to every regular board meeting of the receipts, disbursements, balances and liabilities of the Association, to every regular membership meeting. He/she shall submit his/her accounts promptly for any audit approved by the executive board at his/her recommendation and make them available for inspection by any board member and as may be otherwise constitutionally required.

The Secretary-Treasurer shall, by virtue of election to that office, serve as delegate or alternate delegate to the AFSCME Convention, to the AFSCME Retiree Council and to the DC 37 Delegates Council, subject to and limited by Associations allotment of delegates and alternate bodies.

Section 5. The Recording Secretary shall take or cause to be taken accurate minutes reflecting the actions of the membership and of the board and present the minutes for the approval of these bodies at their next following meetings. He/she shall keep or cause to be kept a file of these minutes available for inspection by any member in good standing. He/she shall act as recording secretary of all trial bodies.

Section 6. The officers, elected pursuant to Article VII, Section 1b shall chair committees within their respective spheres and submit suggestions for appointments to their membership to the president. They shall propose policies and activities to the Board and report regularly.

The Associate officers elected pursuant to Article VII, Section 1c shall function under the direction of their respective officers or Vice-Presidents and take their place during their absence.

Section 7. Sub-chapter chairpersons designated as vice-presidents in accordance with Article VII, Section 1e, shall attend at least two Association Executive Board meetings per calendar year and all AFSCME Conventions and Retiree Council meetings. In the event of an excusable absence of the sub-chapter chairperson, the first vice chairperson shall assume the responsibilities at the meeting. In the event of a justifiable emergency of the first vice chairperson, the Executive Board shall designate an officer of the sub-chapter's board of directors to serve as alternate.

Section 8. All officers in their official conduct are bound by the decisions of the membership and of the board and by this constitution. The board may delegate other and additional duties and responsibilities to them, not inconsistent with this constitution, and adjudicate any conflicts in duties and responsibilities. All officers are required to report regularly and on demand on their official activities and conduct and to submit to questioning thereon.

Section 9. Whenever any officer has consistently failed to perform his/her duties and/or to attend meetings or has been consistently neglectful, the matter may be placed on the agenda of the next board meeting by vote of the board or on petition of one-third or more of incumbent board members. The officer in question shall receive timely notice thereof and be heard in his/her defense. He/she shall be entitled to one postponement for sufficient reason, and no more. The board may vote to dismiss the matter, to admonish the officer or to move, on notice to the officer and to the members at a regular or special membership meeting, to rescind his/her election.

## **ARTICLE IX FINANCES**

Section 1. a. Except for items approved by the small expense committee established in Section 5 of this article, no obligation may be incurred nor any disbursement made by the Association or any officer or member on its behalf without the authority or approval of the executive board, voted at a meeting and entered in its minutes. None of the above is meant to inhibit or delay ordering of or payment for routine items incidental to conducting an office, including but not limited to, office supplies, stationery, repair of office

furniture and equipment and the like, whether to be paid by check or from petty cash or other revolving fund. No indebtedness may be incurred nor the Association's credit pledged except by vote of the executive board at a meeting and entered in its minutes.

Section 2a. All disbursements except those from petty cash or from similar revolving funds shall be made by check signed by two of the following: president, executive vice-president, secretary-treasurer, associate treasurer. All supporting vouchers and bills shall be retained.

Section 3. The Secretary-Treasurer shall submit the accounts of the Association promptly for any audit by a New York Certified Public Accountant designated by the executive board who shall report to the board members and whose report shall be available to any member in good standing. At least one such audit shall be conducted annually. The fiscal year shall coincide with the calendar year.

Section 4. There shall be a small expense committee chaired by the secretary-treasurer composed for the president, the executive vice-president and two other members of the Association recommended by the president and secretary-treasurer and approved by the Executive Board. The Executive Board shall make this selection at its first meeting at the beginning of the officers' terms. The quorum for the committee is three.

The small expense committee is authorized to approve expenditures up to \$1,000 per item where such approval is needed prior to the next meeting of the Executive Board, subject to additional limitations that may be set by the Executive Board including lowering the maximum committee expenditure to no less than \$500. Such authorization will be reported to the Secretary-Treasurer at the next board meeting and included in the minutes.

The executive board in its discretion may authorize regular or occasional allowances for services or for per diem expenses or for reimbursement for outlays to officers and members and salaries for employees, by resolution entered in its minutes. These resolutions may be reviewed and changed from time to time at the board's pleasure, but shall expire with the end of the board's term of office. The Recording Secretary shall keep an up-to-date list of such authorizations.

## **ARTICLE X SUBCHAPTERS**

Section 1. The board, in its discretion, may in writing authorize or discontinue sub-chapters consisting of members of the Association based on geographical location, clearly specifying where and how they may operate. All members of the Association residing in a chapter's assigned area are members of a sub-chapter. Such sub-chapters may elect sub-chapter officers and a sub-chapter committee, hold meetings and conduct social and educational events. The board, in consultation with the chapter's representatives, shall issue in writing rules for the sub-chapter's elections and conduct which need not be uniform for all sub-chapters.

Section 2. No decision or activity of the sub-chapter which does not conform to existing Association policy or decisions can become effective until approved by the board membership. A sub-chapter may not make any political endorsement nor support any candidate for office or any other legislative measure without express consent of the board. Endorsements shall be made in consultation with the active Council(s) of the retiree sub-chapter's state, though it is recognized that the sub-chapter may make independent endorsements. The board shall not make any decision specifically affecting a sub-chapter without first giving it an opportunity to make its views known. No sub-chapter may charge dues or attempt to enforce contributions, but may conduct fundraising events. The executive board may authorize and pay sub-chapter expenses it deems proper and necessary.

## **ARTICLE XI AMENDMENTS, DEFINITIONS AND MISCELLANEOUS PROVISIONS**

Section 1. Amendments.

- a. Amendments to this constitution shall be specific and must be submitted in

writing to any regular or special membership meeting. They shall be read and referred to the executive board or to an ad hoc committee. The board or committee may combine similar amendments or propose a substitute version.

Voting shall take place no earlier than twenty-one (21) calendar days after introduction at a regular or special meeting and only after the proposed amendment or a summary thereof has been published by mail or in any publication regularly mailed to the members. A majority of those present and voting is required for adoption. Unless otherwise specified, amendments shall take effect immediately.

- b. The Recording Secretary shall have authority in connection with the publication and republication of this constitution as amended to renumber any article, section or subsection as may be necessary, and to correct references to such renumbered parts, obvious errors in punctuation and spelling and obvious misprints.

**Section 2.** Authority to act as Agent of the Association.

- a. Except to the extent specified in this constitution no officer or member shall have the power to act as agent for or to otherwise bind the Association in any way whatsoever. No member or group of members or other person or persons shall have the power to act on behalf or otherwise bind the Association except to the extent specifically authorized in writing by the president or the executive board.
- b. No officer, member or group of members not authorized by the president or the executive board shall attend hearings, meetings or conferences, or shall address members or non-members in person, by letter or by circulating or posting printed or other materials pretending that they are delegated by the Association or represent it in any manner whatsoever or create or knowingly permit anyone to get that impression.

No officer, committee chair or other member occupying a position of trust or authority under this Association while acting or pretending or appearing to act in such capacity may voice or publish anything not sanctioned by the constitution, policies and decisions of this Association.

The name, funds, letterheads or any other emblems or property of the Association may only be used by authorized persons in an authorized manner and for authorized purposes.

**Section 3.** Severability of Provisions of Constitution

The application of the provisions of this constitution shall at all times be subject to the provisions of any applicable public law. If any article, section, subsection, sentence, clause or phrase of this constitution is found by any court of final and competent jurisdiction to be illegal or invalid for any reason whatsoever, such finding shall not affect the validity of the remaining portions of this constitution. The members of this Association hereby declare that they would have adopted this constitution and each article, section, sub-section, clause and phrase thereof, irrespective of the fact that any one or more of the same shall be declared illegal or invalid.

**Section 4.** Definitions.

- a. The term "Association" wherever used in this constitution is intended to mean the Retirees Association of District Council 37.
- b. The terms "executive board" and "board" are used interchangeably in this constitution to mean the officers of this Association, including officers, associate vice-presidents and associate officers, acting as a body under the provisions of this constitution.
- c. Wherever in this constitution the term "member" is used, it is intended to mean

a member properly admitted and in good standing. Wherever in this constitution the term "membership" is used, it is intended to mean such members acting as a body at a special or regular membership meeting of this Association unless the context clearly indicates otherwise.

- d. Wherever in this constitution the terms "Federation" or "AFSCME" or "International" are used, they refer to the American Federation of State, County and Municipal Employees.

## ARTICLE XII

### DESIGNATION OF REPRESENTATIVES TO AFSCME CONVENTIONS AND COUNCILS

Section 1. For purposes of this Article, the members of the Executive Board shall be ranked in the following order:

President, Executive Vice President, Secretary-Treasurer, Recording Secretary, Vice President for Political Action and Legislation, Vice President for Publicity and Public Relations, Vice President for Inter-Union Relations, Vice President for Education and Service, Vice President for Social Security, Pensions and Medicare, Vice President for Health Services, Vice President for Housing, Vice President for Membership, Associate Secretary Treasurer, Associate Recording Secretary, Associate Vice President for Political Action and Legislation, Associate Vice President for Publicity and Public Relations, Associate Vice President for Inter-Union Relations, Associate Vice President for Education and Service, Associate Vice President for Social Security, Pensions and Medicare, Associate Vice President for Health Services, Associate Vice President for Housing and Associate Vice President for Membership.

Section 2. For purposes of representation at the AFSCME Conventions, the AFSCME Retirees Council and any other AFSCME body, the first listed executive board members shall be delegates to those bodies, depending on the number of delegates allotted to this Association, and the next listed executive board members shall be alternates, depending on the number of alternates allotted to this Association.

Section 3. All of the delegates and alternates appointed pursuant to Section 2 above shall have been elected to their offices by the membership. Should any of the executive board members who would have been delegates or alternates pursuant to Section 2 not have been elected by the membership, they shall not serve but rather the delegate or alternate positions shall be filled by the next listed executive board members.

Section 4. Should any delegate or alternate appointed pursuant to Section 1, 2 and 3 of this Article be unwilling or unable to serve, their position's delegate or alternate shall be filled by the next listed executive board member.

APPROVED BY:



GERALD W. McENTEE  
International President

Approval Date: February 16, 2011