

## **Constitution**

for

### **New York City Department of Health and Mental Hygiene, and Office of Chief Medical Examiner (OCME) Technical Professional Employees**

**Local 3005**

#### **Article I Name**

The name of this organization shall be New York City Department of Health and Mental Hygiene, and Office of Chief Medical Examiner (OCME) Technical Professional Employees Local Number 3005 of the American Federation of State, County and Municipal Employees, AFL-CIO.

#### **Article II Affiliations**

This local union shall be affiliated with New York City District Council of AFSCME Municipal Local Unions #37 of the American Federation of State, County and Municipal Employees; the New York State AFL-CIO; and the New York City Central Labor Council, AFL-CIO.

#### **Article III Objectives**

The objectives of this local union shall be to carry out on a local basis the objectives of AFSCME and to represent its members' interests in a fair and safe workplace, appropriate and fair wages, adequate health benefits, and secure pensions.

#### **Article IV Membership and Dues**

Section 1. Architectural, engineering, planning, scientific and related technical professional employees of the New York City Department of Health and Mental Hygiene, and the Office of Chief Medical Examiner (OCME), New York City, New York, 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 provided by this local union. Unless such form includes a valid authorization for payroll deduction of dues, the application shall be accompanied by the current month's dues.

Section 3. Dues.

- A. The biweekly membership dues of the local shall be \$32.65 per member.
- B. Changes in dues, except as noted below, may only be made by amendment procedure outlined in Article IX, of this constitution.
- C. If the monthly per capita taxes to any affiliated union are increased, the biweekly dues of this local shall automatically be increased in an amount sufficient to cover the additional per capita taxes to the next highest five cents (\$0.05).

Section 4. Any member 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. Membership dues shall also be payable monthly in advance to the local's 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 successive months shall stand suspended.

Section 5. A member suspended under the above section may be reinstated to membership in the local on payment of all arrearages.

Section 6. Members who voluntarily resign from this local and wish to rejoin may do so under the terms of this article.

## **Article V Meetings**

Section 1. Regular general membership meetings of this local shall be held a minimum of five (5) times per year in the months of January, March, May, September and November at places to be fixed by the membership or the local executive board. Such meetings shall be held at a location or in a manner accessible to the membership and notice of the meetings shall be provided at least one week prior using methods likely to reach the entire membership.

Section 2. Special meetings may be called by the local president, a majority vote of the executive board, or by petition filed with the president and signed by at least 50 members of the local. Special meetings may also be called by the AFSCME International President or by his/her authorized representative.

Section 3. The quorum for meetings of the local union shall be 30 members in good standing.

Section 4. The executive board shall hold a meeting at least once per month. Notice of meetings shall be provided at least one week in advance.

## **Article VI Officers, Nominations, and Elections**

Section 1. Officers and Terms.

- A. The officers of this local shall be a president, a vice-president, a secretary, a treasurer, and three at-large executive board members. These officers shall be elected for a one-year term beginning in 2018 and for three-year terms thereafter. The president and vice-president shall be from different agencies; that is, one shall be from the NYC Department of Health and Mental Hygiene and one shall be from the Office of Chief Medical Examiner.
- B. In addition, three members shall be elected to serve as trustees. The trustees shall be elected and serve for terms as follows:
  - 1. Trustee 1 will serve for an initial one-year term beginning with the election held in 2018 and for three-year terms thereafter.
  - 2. Trustee 2 will serve for an initial two-year term beginning with the election held in 2018 and for three-year terms thereafter.
  - 3. Trustee 3 will serve for an initial three-year term beginning with the election held in 2018 and for three-year terms thereafter.

Section 2. Nominations shall be made at a special nominations meeting during the month of April each year. At least fifteen (15) days' advance notice shall be given to the membership prior to the nomination meeting. A committee may be appointed or elected to make nominations, but whether or not such nominating committee is used, nominations shall be permitted from the floor at the nomination meeting. All regular elections shall be held in the month of May.

Section 3. To be eligible for office, a member must be in good standing for one year immediately preceding the election, except in the initial election held in this local; provided, however, that no retired member shall be a candidate for office. For a member who is transferred or promoted into this local from another AFSCME local, this requirement shall be satisfied if such member's combined membership in good standing in both locals is one year at the time of election.

Section 4. Officers shall be elected by secret ballot vote, and the balloting shall be conducted so as to afford to all members a reasonable opportunity to vote. At least fifteen (15) days' advance notice shall be given the membership prior to the holding of the election.

Section 5. All matters concerning nominations and elections in this local union shall be subject to the provisions of Appendix D, entitled Elections Code, of the International Union Constitution. The by-laws of this local union shall include election and vote tabulation provisions to ensure that the president and vice-president are from different agencies.

Section 6. Vacancies in office shall be filled for the remainder of the unexpired term by vote of the executive board.

## **Article VII 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 election committees or appoint another officer as his/her designee;
- 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 the approval of the executive board;
- E. report periodically to the membership regarding the progress and standing of the local and regarding the his/her official acts; and
- F. serve as delegate to DC37, AFSCME, AFL-CIO, and New York State AFL-CIO, representing this local at any conventions or meetings as appropriate or needed.

Section 2. The vice-president shall:

- A. assist the president in the work of his/her office. In the absence of the president or in his/her inability to serve, the vice-president shall preside at all meetings and perform all duties otherwise performed by the president;
- B. may, with the approval of the local executive board, be authorized to act as co-signer of checks drawn on the local funds in place of either the president or the treasurer;
- C. is responsible for coordinating contract administration within this local; and

- D. serve as delegate to DC37, AFSCME, AFL-CIO, and New York State AFL-CIO, representing this local at any conventions or meetings as appropriate or needed.

Section 3. The secretary shall:

- A. take attendance and keep a record of the proceedings of all membership meetings and of all executive board meetings;
- B. carry on the official correspondence of the local, except as the executive board may direct otherwise;
- C. perform such other duties as the executive board may require;
- D. act as custodian of all non-financial records of the local union, including any audits.

Section 4. The treasurer shall:

- A. receive and account for all monies of the local union;
- B. deposit all money so 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 signed by the president and the treasurer; the vice-president may sign in lieu of the president or treasurer if authorized by the executive board to do so;
- C. prepare and sign checks for such purposes as are 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 AFSCME International Secretary-Treasurer;
- E. keep an accurate record of receipts and disbursements and at every regular meeting submit to the membership an operating statement of the financial transactions of the local for the months since the last regular meeting;
- F. prepare quarterly and annual budgets for the local;
- G. act as custodian of all financial records of the local union;
- H. at the expense of the local union and through International Union, give a surety bond for an amount to be fixed by the executive board of the local union;
- I. ensure 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; and
- J. Submit the local's financial records to an independent accounting firm for audit no later than the month of June of each year and ensure that the results of such audit be reported to the membership at the next regularly or specially scheduled meeting.

Section 5. The three at-large members of the union elected as executive board members must use their best independent judgment to represent the interests of the membership, provide leadership on committees as assigned by the president and otherwise promote the interests of the local in cooperation with the executive board.

Section 6. The trustees must ensure that, at least annually, an audit of the local's finances is made and must report the results of such audit to the general membership and

the executive board. Such audit may use forms provided by AFSCME. The trustees are also responsible for identifying appropriate certified public accountants for selection by the executive board. The trustees are not members of the executive board.

Section 7. The executive board is comprised of the president, vice-president, secretary, treasurer and the three at-large elected members. The executive board shall be the governing body of the local union except when meetings of the local union are in session. A majority of the members of the executive board is required for a quorum to meet. 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 a regular or special meeting shall be decided by the executive board. The board shall meet at the call of the president or of a 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 following general membership meeting.

Section 8. The local union must have the number of delegates to DC37 as required by the constitution of DC37. The delegates serve a three-year term of office, and number of said delegates will be determined by the DC37 Constitution. Delegates' duties are to attend DC37 meetings and report the substance of those meetings to the local union as needed and appropriate. Elections of delegates shall be conducted with the general elections for local union officers. This constitution's provisions regarding eligibility, nominations and elections will apply. The president, by virtue of his/her election as president, shall be a delegate to DC37, AFSCME conventions, and to any other bodies with which the local is affiliated.

Section 9. Every officer shall, upon assuming office, subscribe to the Obligation of an Officer contained in Appendix B of the International Union Constitution as well as Article XIII, Code of Ethical Practices, of the DC37 Constitution.

Section 10. If any executive board member, trustee, or delegate is unable to perform his or her duties under this constitution, he/she shall resign via a written notification to the executive board, such notification to be provided two weeks prior to effective date whenever possible.

## **Article VIII Miscellaneous Provisions**

Section 1. This local union shall at all times be subject to the provisions of the AFSCME Constitution.

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 local's president or by the executive board. No agreement shall be made between union and management without ratification by the general membership.

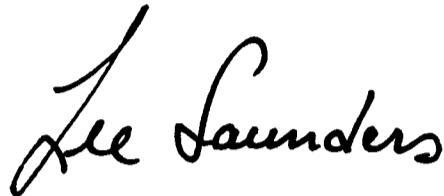
Section 3. The rules contained in the current edition of Robert's Rules of Order Newly Revised shall govern this local union in all cases to which they are applicable and in which they are not inconsistent with this constitution and special rules of this local union or of the American Federation of State,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

## **Article IX Amendments**

This constitution may be amended, revised, or otherwise changed by a two-thirds vote of the members voting on such proposed change and such change shall take effect only upon written approval of the AFSCME International President. Proposed amendments

to this constitution must be made at a regular or special meeting of the local union and read and voted on at a subsequent meeting of the local union, adequate and proper notice having been given to the membership prior to the date on which the vote 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 style with a large, stylized initial "L".

LEE SAUNDERS  
President

Approval date: September 4, 2019