



APPROVED FOR THE

May 31, 2007

A.F.G.E. NATIONAL
EXECUTIVE COUNCIL

**AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES
COUNCIL of PRISON LOCALS**

**C-33
(AFL-CIO)**

CONSTITUTION AND BYLAWS

Approved by the August 2006 Convention

PREAMBLE

For the purpose of promoting unity of action in all matters affecting the mutual interest of governmental civilian employees in general and for the improvement of government service, we as employees of the United States Government, do hereby adopt this Constitution and Bylaws.

**ARTICLE I
NAME**

Section 1. This Council shall be known as the Council of Prison Locals, C-33, of the American Federation of Government Employees.

Section 2. The headquarters of the Council shall be the residence of the Council President.

**ARTICLE II
PURPOSE**

Section 1. This Council is constituted to forward in every way possible a constructive approach and solution to problems seen or presented by the membership for mutual benefit, aid, and protection, and to make known to proper authorities, including the Congress of the United States, constructive criticism of or appeals of policies, procedures, or action which appear unjust and/or unsound, or covering legislative, educational, organizational, or grievance filed as indicated at any level except local.

**ARTICLE III
NON-DISCRIMINATION**

Section 1. This Council does not discriminate with regard to membership because of race, creed, color, national origin, sex, age, political affiliation, handicapped condition, marital status, sexual orientation,

or preferential or nonpreferential civil service status. This Council does not advocate the overthrow of the constitutional form of government of the United States, and is not subject to corrupt influences or influences opposed to basic democratic principles.

ARTICLE IV CONTROLLING PROVISIONS

Section 1. This Council subscribes to the provisions of all applicable laws and regulations. This Council is not sponsored by any agency.

Section 2. This Constitution shall not be inconsistent with the AFGE National Constitution. Should any provision of this Constitution conflict with the National Constitution, the National Constitution shall prevail.

Section 3. Consistent with the AFGE National Constitution, the Council President shall insure compliance with all provisions of this Constitution.

Section 4. Consistent with the AFGE National Constitution, the AFGE National President shall ensure that all provisions of this Constitution are met, and shall take necessary action to do so.

ARTICLE V REPORTING AND FINANCIAL REQUIREMENTS

Section 1. This Council shall comply with the reporting requirements of all applicable laws and regulations.

(a) This Council will comply with Department of Labor regulations (submission of LM Report and Constitution and Bylaws).

(b) This Council will comply with Internal Revenue Service regulations (submission of Form 990 for the preceding year).

(c) A copy of the above forms will be provided the National Secretary-Treasurer.

(d) A quarterly financial report shall be sent to each Local President and Council Executive Committee member by the Council Secretary-Treasurer.

(e) This Council subscribes to the provisions of Public Law (PL) 95-454, where applicable.

Section 2. An annual audit report of the Council shall be submitted to the National Office on the required AFGE form.

Section 3. Every officer, agent, shop steward, or other representative or employee who handles funds or other property thereof shall be bonded. The Council must be bonded for at least ten percent of all the monies handled during the year. In accordance with Article XXIV, Section 8(c) of the AFGE National Constitution, the National President shall negotiate a blanket bond in the amount of \$5,000 to cover up to five people who handle the Council's funds. In the event that the Council needs, desires or is required to be bonded for additional amounts or for additional people, it shall be incumbent upon the Council to bear the additional expense of such additional bond. It will be responsible for payment of all charges for all bonding, including the initial \$5,000 bond, and it shall own all bonding paid for by the Council. In

order for the bond to be effective, the Council must file within 90 days after the close of its fiscal year a copy of the proper forms.

ARTICLE VI MEMBERSHIP

Section 1. All prison locals in good standing with AFGE whose membership includes employees eligible for so-called "Hazardous Retirement" shall be eligible for membership in this Council. Because of the exclusive recognition and uniqueness of the Master Agreement between this Council and the Bureau of Prisons, and where the Bureau recognizes a local for each of its installations, union membership is therefore required to be automatically transferred or recruited at the local where the member is employed. The local will be responsible and insure that all union members at its installation become members of the local. When union members transfer into the local, the receiving Treasurer will automatically have the installation personnel office key the individual into the local's automatic dues deduction payroll system.

(a) Any newly formed locals having jurisdiction over prison employee-members shall be required to affiliate with this Council within four months of the granting of its charter.

(b) Special consideration for affiliation with the Council may be given by the Executive Committee when it is deemed in the best interest of the Council to waive all or a portion of the required Council dues (not to exceed four months) in order for a local to join the Council.

(c) The Council shall create written standards to ensure consistency in the application of covering arrearage to the Council and inform the locals of the requirements for granting such application. Upon legal review and adoption of the standards, the Council is authorized to vote on such applications only after prior 30-day notice or notice given at the previous Council meeting.

Section 2. Other locals in good standing with AFGE and acceptable to the majority of member locals shall be eligible for membership in the Council. Such locals shall make application through the President, who will inform the Secretary-Treasurer, who in turn will call for a poll of the locals.

ARTICLE VII REVENUE

Section 1. Per capita tax to this Council shall be \$3.60 per active member per month, effective January 1, 2005. New members' Council per capita tax shall be 50¢ the first month the local receives dues. Council per capita tax for retired members also shall be 50¢ each month, and retirees shall be included with active members for voting strength purposes. All Council per capita tax shall be payable the same as National per capita tax.

A special annual assessment be authorized for the Council in the amount of \$5.00 per member from each local within the Council of Prison Locals. This assessment will be collected by AFGE from each local dues structure to then forward the monies to the Council on or before the first of each year starting January 2007 and continuing annually until the master contract negotiations are completed in their entirety. All monies generated from the assessment will be kept separate from all other monies, be earmarked for the sole purpose of covering costs incurred for master agreement contract negotiations, and added as a line item to the budget. When negotiations are completed, the authorization for this assessment will stop and the Council will then have the sole authority with regards to monies -- or

moving any monies remaining to any other budgeted line item, provided full disclosure of this action is included in the next quarterly financial report that is delivered to all locals.

(a) Any local failing to file monthly reports and/or pay its monthly AFGE National per capita and Council per capita tax on time in accordance with the National Constitution shall be notified by the Council Secretary-Treasurer's financial report. Delinquent locals more than 15 days late shall not be permitted to participate in the Council's affairs, including elections, and otherwise are subject to the same penalties as failure to pay the Federation. Locals three months or more delinquent shall be subject to their dues being directed to AFGE.

(b) A suspended local may be reinstated for full membership in this Council immediately upon payment of all arrearages, including becoming in good standing with the National as well as the Council in all back payments of per capita tax, dues, loan payments as scheduled, and any other outstanding expenses owed the Council.

(c) The Council shall establish a legal defense/arbitration fund by June 1, 2001. The purpose of the fund will be to assist members with legal bills resulting from inmate lawsuits or allegations when the DOJ denies legal representation.

Any member who receives monies from the legal defense fund and is awarded attorney's fees in the third party decision will reimburse the Council.

Additionally, the legal defense fund will assist in paying expenses related to arbitration, MSPB, and action involving union officials or union members for charges related to union activity. The Council of Prison Locals will establish a separate legal defense fund; 40 cents per month per active member from the dues described in Section 1 of this Article shall be dedicated to this fund.

For an individual to be eligible to apply for reimbursement of expenses incurred under this provision, he/she must have been a member of the local and bargaining unit position in good standing at the time the incident occurred which resulted in the action in question.

Members seeking reimbursement will request payment of legal defense funds through their local executive board. The local executive board of the local will then request through the Regional Vice President. The local will provide such items as attorney billing records; copies of indictments, or target letters, or other information that the Council may need to consider during discussion, then voting on the issue ten days prior to the scheduled need for meeting. In addition to this information, the local executive board will provide the Council with membership status of the individual seeking approval of the legal defense funds. The Council Executive Committee will vote on a request based on provided information. Approval will be obtained from the majority vote of the Council Executive Committee. A member's request that has been denied may appeal the decision through the delegates at the National Convention.

Each individual may receive up to \$5,000 per incident. If the member's expenses are not covered by the \$5,000 limit, he/she may apply to the Council Executive Committee each year for an additional \$5,000 a year.

(d) No duties, positions, mandates, or other requirements that can and do incur costs can be enforced or mandated unless funding is provided.

Section 2. All receipts, checks, and cash disbursements shall be properly recorded and accounted for in the financial records of this Council. The Secretary-Treasurer shall sign and the President shall countersign checks covering proper expenditures for the Council. The Council will establish a centralized bank location for Council funds which will not change during transition of Council officers. This bank will be in the Washington, DC, area and offer national banking services. All financial responsibilities and needs of this Council will be conducted through this bank to exclude investments.

Section 3. Books, records, and financial accounts of this Council shall be open to inspection at all times to the National President and the National Secretary-Treasurer, or their duly designated representatives, and to authorized and accredited representatives of this Council. A centralized CPA firm in the Washington, DC, area will be retained by the Council for the purpose of conducting yearly audits of the Council record books. This firm also will be responsible for completing the Council's financial reports required by the Department of Labor and the Internal Revenue Service.

Section 4. Submission of itemized receipts will be accomplished within five working days for all expenses charged on a Council credit card, unless the individual is in travel status. If receipts are not submitted within five days, the delinquent Executive Committee member's card privileges will be revoked by the Secretary-Treasurer. All charges for requests of receipts from individual vendors will be borne by the delinquent Executive Committee member. Reinstatement of card privileges can only occur after a majority vote of the Executive Committee. The Secretary-Treasurer will ensure the Council receives an itemized receipt for all expenses related to Council of Prisons Locals National Convention. This shall include an itemized receipt from the hotel where the Convention is held. These receipts shall be forwarded to all Executive Committee members and made available to the locals upon request.

Section 5. Council Executive Committee members shall not expend funds in excess of \$100 per month for office related expenses without approval of the Council President.

Section 6. No non-union products or services may be purchased with Council funds when a union made product or service is available, even if this includes instances where a union made product or service may be more expensive.

ARTICLE VIII OFFICERS: QUALIFICATIONS AND ELECTIONS

Section 1. The elective officers of this Council shall constitute the Executive Committee, and shall consist of the President, Secretary-Treasurer, Council Fair Practices Coordinator, Vice President Northeast Region, Vice President Mid-Atlantic Region, Vice President Southeast Region, Vice President North Central Region, Vice President South Central Region, and Vice President Western Region. For the purpose of electing Regional Vice Presidents and assignment of duties and responsibilities, the regions of the Council shall coincide with the geographical regions of the Bureau of Prisons unless otherwise re-designated by the Executive Committee.

Section 2. The term of office shall be for two years or the balance of the unexpired term; provided, however, any Regional Vice President who shall be elected from a particular region as provided in Section 8 of this Article, who at any time removes his/her primary place of work (Bureau facility) from the region in which he/she was elected, shall automatically forfeit said office, and the vacancy shall be filled in accordance with the provisions of sub-section 8(b) of this Article.

Section 3. To be qualified as a candidate for Council office, a member must have been a member of an AFGE local for at least one year immediately preceding the closing of the nomination process, be in good standing in a constituent local, and must not be a member in any labor organization not affiliated with the AFL-CIO.

Section 4. No person identified with any corrupt influences or who is affiliated with the Communist party or any other totalitarian movement may serve as an officer of this Council.

Section 5. Council officers shall be nominated and elected in accordance with the applicable provisions of the AFGE National Constitution.

Section 6. For the election of Council officers, each eligible member local in good standing shall be entitled to one vote per local member. Membership strength will be computed as the average number of paid members for the 12-month period ending three months before the Convention or meeting; in the case of a special meeting, the same procedures will apply based on the date of the President's call for the special meeting. However, newly organized locals membership strength will be computed as the number of paid members for the months since the new local was chartered.

Section 7. The President, Secretary-Treasurer, and Council Fair Practices Coordinator shall be elected biennially, in the odd number year, by secret ballot by majority vote of the delegates voting. Election of President, Secretary-Treasurer, and Council Fair Practices Coordinator will be held immediately after the completion of all committee reports.

(a) At the biennial election, each delegate at the meeting shall be entitled to cast a proportionate share of the vote of his/her local. With the concurrence of the entire delegation from a local, a single delegate may cast all the votes to which that local is entitled.

(b) In the case of a vacancy in the office of President, the Executive Committee shall appoint an acting President to fill the office for the balance of the unexpired term.

(c) In the case of a vacancy in the office of Secretary-Treasurer or Council Fair Practices Coordinator, the President will conduct a written vote of all Regional Vice Presidents. The vote will occur within 14 calendar days of the vacancy in the office. Each Regional Vice President will have seven calendar days to send in his/her choice for the vacant position to the President. In the event of a tie, the President within seven calendar days will send out the names of the tied candidates to each Regional Vice President. Each Regional Vice President then will have seven calendar days to return his/her choice to the President. Once a selection has been determined, the President will notify him/her within three calendar days, and he/she will serve the remainder of the unexpired term of office.¹

Section 8. The Regional Vice Presidents shall be elected biennially in the odd numbered year, by secret ballot by majority vote of the delegates from the locals within that region.

(a) For the biennial election, delegates from the locals in good standing within each of the regions shall meet in a regional caucus held at the site of the Council meeting, during the meeting, but prior to the installation of Council officers. Each delegate at the regional caucus shall be entitled to cast a proportionate share of the vote of his/her local. With the concurrence of the entire delegation from a local, a single delegate may cast all of the votes to which that local is entitled. Election of the Regional Vice Presidents by caucus will occur after the elections of the President and Secretary-Treasurer.

(b) In the case of a vacancy in the office of a Regional Vice President, the President will conduct a written vote of all Local Presidents within the region. The vote will occur within 14 calendar days of the vacancy in the office. Each Local President will have seven calendar days to send in his/her choice for Regional Vice President to the President. In the event of a tie, the President within seven calendar days will send out the names of the tied candidates to each Local Presi-

¹This is not an election under Department of Labor regulations or AFGE's Rules of Conduct for an Election.

dent in the region. Each Local President then will have seven calendar days to return his/her choice to the President. Once a selection has been determined, the President will notify him/her within three calendar days, and he/she will serve the remainder of the unexpired term of office.²

ARTICLE IX DUTIES OF OFFICERS

Section 1. The President shall function as the presiding officer of the Council, and shall exercise supervision of the Council, subject to the approval of the Executive Committee. In accordance with the mandates of the Council, additional duties of the President shall be to plan and pursue policies which will promote the welfare of the Council; keep the membership fully advised of his/her activities; preside at Council meetings and meetings of the Executive Committee; sign all documents pertaining to his/her office; and chair the standing Organizing Committee and be responsible for its budget expenditures. The Council President may hire and fire employee(s), subject to the approval of the Council Executive Board, providing the delegates to the Council or the Executive Board has given prior approval, either by adoption of an annual budget that provides for employee(s), or by authorizing the expenditure of funds for employee(s). Employees of the Council must have a service or employment contract, and will be advised before hiring that the contract incorporates the following: (1) any such service or employment contract must be submitted in writing for prior review and approval by the Council Executive Board, (2) it does not extend beyond the term of office of the Council President or is otherwise specifically limited to a lesser duration, (3) it is subject to an approved budget and availability of funds, (4) it may not cause deficit spending, (5) it may be terminated for just cause, including a disciplinary or performance based removal, or in the event of insufficient funds, for lack of work, or for other valid reason, subject to approval of the Executive Board, and (6) by entering into a contract, the Council and the employee agree that the National Office of the Federation is neither a party to the contract nor responsible for any matter arising from the contract, including the enforcement or termination of the employment. Whenever the President visits a local, the Regional Vice President shall be notified and in attendance unless the Regional Vice President is unavailable.

Section 2. In the absence of the President, the delegates may elect a temporary chairman for the meeting.

Section 3. Each Regional Vice President shall be charged with the responsibility of correlating Council affairs within their respective regions. Except for the usual monthly and annual reports, or as otherwise directed by the President, all official matters of concern existing between the Council and its member locals shall be forwarded upward and downward through the respective Regional Vice President. He/she shall encourage weekly telephonic communication with his/her Local Presidents or other local officers, training and counsel concerning negotiations with management, arbitrations, contracts, and/or other matters which legally advance the cause and objectives of the Council and locals thereof. He/she shall attend, or cause a representative to attend, all labor-management meetings and committees at the regional and national level of his/her responsibility. Weekly telephonic communication is further required by the Regional Vice President's with the Council President or Secretary-Treasurer.

Each Regional Vice President will fax or email a copy of the pending LMR agenda submitted by the Council to the Agency prior to said meeting to each Local President of the region, and will fax or email the resolution of each issue submitted to each Local President of the region upon completion of the meeting and upon settlement of each issue.

²This is not an election under Department of Labor regulations or AFGE's Rules of Conduct for an Election.

(a) It shall be the responsibility of each Regional Vice President to hold New President's Training at the Regional Caucus. Annual President's Conference will be held approximately six months after the annual Convention/meeting in place of New President's training, which will be held at Regional Caucuses. At least one day of training that will allow for official time to be granted will be conducted at the President's Conference. The President's Conference will be a minimum of three days in duration. The Council President will invite the Director of the Bureau of Prisons to attend the President's Conference to answer concerns of Local Presidents. Additionally, absent extraordinary circumstances, all Council Executive Committee members will attend the President's Conference for the duration of the Conference to answer questions and concerns of Local Presidents.

(b) The coordination of the dates and sites for the training will be the sole responsibility of each Regional Vice President as outlined in Article X, Section 7.

(c) At the discretion of the individual Regional Vice President, New President's Training/Caucuses may be combined with other regions of the Council.

(d) Each Regional Vice President will be budgeted \$8,000 for the training of New Presidents, annually.

(1) At a minimum, the necessary funds for this training shall be budgeted in the Council of Prison Locals Annual Budget.

(2) Once an Regional Vice President has held New President's Training for the region, any amount of funds remaining from the amount allocated for the training may be utilized for the training of other members within the region.

(3) Should any funds allocated for New President's Training be present at the end of the fiscal year, that amount of "surplus" funds will be credited to the Regional Vice President for the next year's New President's Training. It is understood that at no time this surplus is to exceed \$16,000, e.g., if a Regional Vice President uses only \$3,500 for New President's Training in 2004, the Regional Vice President would have an additional \$4,500 credited to the training account for 2005, for a total amount available for training of \$12,500.

(3) All costs for training, i.e., meeting rooms, transportation, lodging, and meals for trainees, trainers' fees, and hospitality, shall be deducted from the allocated amount for New President's Training.

(e) In order that the training of new Presidents is consistent throughout the Council, the Council of Prison locals shall develop a lesson plan and training material to be utilized at all New President's Training.

(f) In order to better serve the needs of the members, all trainers at New President's Training shall be required to make a written critique of the training, for evaluation of the Executive Committee.

(g) To facilitate greater communication between the new Presidents and the Council Executive Committee, the Council President and/or the Council Secretary-Treasurer shall attend each New President's Training session for at least one day, and during that day a question and answer ses-

sion shall be held between the trainees and the Council Executive Committee member(s) in attendance.

Section 4. The Secretary-Treasurer shall keep a record of the minutes of all meetings, and keep all official records of the Council except those which are specifically assigned to others. He/she shall keep the Constitution up to date, and shall keep the official rosters of all member locals and delegates, and notify them of all regular and special meetings. If the Secretary-Treasurer is absent from a meeting, the presiding officer shall appoint a temporary secretary, who will keep the record of the minutes and furnish them to the Secretary-Treasurer. The Secretary-Treasurer shall receive, receipt for, disburse, and keep accounts of all monies received and disbursed from the Council; deposit monies in banks to the credit of the Council; and render an account at all meetings and whenever otherwise requested to do so by the President. Any surplus funds may be deposited only in banks and state chartered credit unions or in federally insured savings and loan associations whenever such investment is authorized at a regular meeting of the Executive Committee. The Secretary-Treasurer shall submit the Council records for audit by the CPA firm as required in Article VII, Section 3, and to the Council Audit Committee annually and at the end of his or her term of office.

Upon completion of the writing of any Council-level minutes and prior to dissemination, the Secretary-Treasurer shall forward a draft copy by email to each elected officer who was present at the meeting. Each Executive Committee member will email any corrections with the minutes. Each Executive Committee member by not responding will be indicating that he or she has reviewed and agrees with the minutes as written. If an Executive Committee member disagrees with the minutes, he or she will forward an email in memorandum form outlining his or her disagreement with the minutes. The memorandum will be included with the minutes sent to the locals if the officer's disagreement is not incorporated into the final version of the minutes that are sent to the locals. Executive Committee members will have seven calendar days from the receipt of the minutes to email a memorandum of disagreement to the Secretary-Treasurer.

Section 5. The Council Fair Practices Coordinator shall report to and coordinate with the Regional Vice Presidents in advance on matters with respect to applicable statutes, regulations, Executive Orders, and the Master Agreement, and have authority to represent all EEO issues identified in them. He/she shall report to the Executive Committee on the affairs of the Bureau of Prisons with regard to addressing Agency practices to ensure equal employment opportunity for all employees, consistent with statutes, directives, and Agency statements.

There shall be a Regional Fair Practices Coordinator in each region, selected by a majority of the Local Presidents in the respective region. The Coordinator will coordinate with the National Vice President for Women and Fair Practices. He/she must coordinate his/her activities in advance with the Regional Vice President. The Regional Fair Practices Coordinator also shall report to the Local Presidents and to the Council Fair Practices Coordinator.

Section 6. Officers holding office in the Council are prohibited from holding an elected or appointed office at their parent Local. If it becomes necessary for the Council to fill a Council position by temporary appointment, the person selected may retain his position at the local level until an election can be held in accordance with Article VIII. When officer(s) are elected to any Council office, they must resign their position at the local level within 90 days of the election. If any Council officer refuses to remove him/her self from the position occupied at the local level, the Council President and/or the Council Executive Committee shall appoint immediately a temporary appointee as set forth under Article VIII.

Section 7. No officer shall engage in any business or financial activities on behalf of this Council, which conflict with his/her fiduciary Council duties.

Section 8. The Council Executive Committee shall be the Council Consultation Team.

Section 9. The Council Executive Committee and/or its designee shall be the Council Negotiating Committee.

Section 10. When necessary to exceed the maximum number authorized for the Negotiating Committee by law or negotiated agreement, the Council shall pay the related expense.

ARTICLE X MEETINGS

Section 1. Representation in the Council shall be by delegates elected in accordance with the member local constitution and bylaws and duly certified to the Secretary-Treasurer of the Council; provided, that incumbent Council officers shall be ex-officio members of the meeting.

(a) Locals having a membership of 100 or less shall be entitled to one delegate; 101-200, two delegates; 201-300, three delegates; 301-400, four delegates; 401-500, five delegates, 501-750, six delegates, 751-1000, seven delegates, 1001-2000, eight delegates, 2001 and over, ten delegates.

(b) Except as otherwise provided, each delegate is entitled to cast one vote on any matter before the Council; provided, however, that if a roll call vote is taken on any matter before the Council, each delegate shall be entitled to cast a proportionate share of votes for his/her respective local based on the most recent calculations of membership strength in accord with Article VIII, Section 6. With the concurrence of the entire delegation from a local, a single delegate may cast all votes to which that local is entitled.

(c) Official AFGE Credential Forms will be issued to delegates and alternate delegates, elected by secret ballot vote, for attendance at Council meetings and Conventions. Credentials will be properly executed by member locals. Locals will be furnished as many C-3 forms as necessary by the Council Secretary-Treasurer.

(d) Proxy delegates will only be permitted when it is not feasible for a local to fund a delegate. However, no delegate may carry more than four proxies, and the delegate must be from the same region as the proxies he carries.

(e) Each Council officer and delegate will receive a list of all registered delegates/alternate delegates with a list of locals' voting strength prior to the meeting.

(f) Alternate delegates may be seated with the main assembly and take part in discussions, but may not vote. When an alternate delegate must act in absence of the authorized delegate, the alternate delegate must be properly seated by the Credentials Committee.

Section 2. This Council shall meet annually, in the odd numbered years in a Council of Prison Locals Convention, and in the even numbered years in a regular meeting of the Council of Prison Locals. The National CPL meeting held in the even-numbered years will be two days to include training.

(a) Council Conventions and regular meetings shall be held at such place as the Council Executive Committee shall select, and the date to be set will be left to the discretion of the Executive Committee. In the event that such Convention and/or meetings are canceled, there will be a minimum of 30 days notice to be given to all locals.

(b) The first formal meeting at any Council Convention or regular meeting will open at 9:00 a.m. on the date determined by the Executive Committee.

(c) The delegates shall consider all pertinent business shortly thereafter for ratification. Each delegate shall bring all ideas, suggestions, desires, and comments of his/her local for action and integration into submission for ratification by the delegates if indicated. Anything not ratified by a majority of the delegates when submitted shall not become part of the Council policy and regulations.

(d) Membership strength for the purpose of voting on any business conducted at a Convention or special meeting shall be calculated using the procedures as outlined in Article VIII, Section 6.

Section 3. Special meetings may be called at any time by the President, by request of a majority of the Council officers, or upon written request by one-third of the member locals. When the required 15 days notice is provided the membership, the specific purpose of the meeting also will be provided.

Section 4. When Council Conventions and meetings are held, notice of the place and time of formal meetings shall be posted in the lobby of officially designated hotels and meeting places four hours prior to such meetings.

Section 5. The Regional Vice President shall poll all the locals in the respective region to determine if the region will have a meeting, caucus, or training. The location of the meeting, training, or caucus will be by majority vote of the locals participating in the poll.

Section 6. Prior to conducting training which will require the use of Council training hours, the local requesting the training will submit to the Regional Vice President the purpose of the training, an agenda for the event, a training outline (if applicable), course objective, and outline (if being taught by an outside governmental firm). The Regional Vice President within ten working days shall disseminate the information to the locals.

Section 7. Regional Vice Presidents shall schedule a regional meeting with representatives of those locals within the region at least annually, at such time and place as agreed upon by a majority of the locals involved. Each local president and/or designee will submit his/her preference in writing to the respective Regional Vice President; however, should the site and date selected prove to be unavailable for monetary or other reasons, the Regional Vice President, after making a good faith attempt to satisfy the locals' selection, shall contact all local presidents within his/her respective region in order to select another suitable site.

ARTICLE XI ELECTION OF DELEGATES

Section 1. All delegates, alternate delegates, and proxy delegates shall be elected by secret ballot by plurality vote of members of the respective local voting at a regular or special meeting, provided proper notice of such election has been given; provided, however, that specific officers of a local may be

designated as a delegate or alternate delegate from the local by virtue of election to their office when such practice is authorized by the Constitution and Bylaws of the local.

Section 2. AFGE Credential Form C-3 shall be furnished the locals by the Council Secretary-Treasurer a minimum of 60 days prior to the scheduled Council Convention. All delegates and/or alternate delegates to the Council Convention shall be seated upon receipt of the proof of delegate status and AFGE Form C-3 properly executed by the local; and, it is recommended it be mailed and received by the Council Secretary-Treasurer 30 days prior to the scheduled Convention.

Section 3. Duly elected national officers of the Council will attend the AFGE National Convention and may be elected by their locals as delegates or alternate delegates to the AFGE National Convention (pursuant to the AFGE National Convention); all expenses incurred by attending the AFGE National Convention will be paid by the Council. In addition, duly elected national officers of this Council may be elected by their locals as delegates or alternate delegates to Council Conventions or meetings or to regional caucuses or meetings. The expenses of any duly elected Council officer incurred in attending these meetings will be paid by the local, if he/she is an elected delegate or alternate delegate from that local and the local has voted to provide the funding.

Section 4. The Council is entitled to two delegates to the AFGE National Convention. The President and the Secretary-Treasurer of the Council, by virtue of their election to these offices, also shall serve as ex-officio delegates to the AFGE National Convention.

ARTICLE XII ELECTIONS

Section 1. The delegates eligible to vote in any election shall elect an Election Committee to conduct that election. The Committee shall consist of an odd number of members, and no member of the Committee may be an incumbent of or candidate for the office for which the election is being conducted.

(a) It shall be the responsibility of the Committee to conduct all aspects of the election.

(b) No write-in votes shall be allowed.

(c) If no candidate for an office receives a majority of the votes cast, the Election Committee immediately shall conduct a runoff election between the two candidates who received the highest number of votes for that office in the first election.

Section 2. In any secret ballot election, a reasonable opportunity shall be given for the nomination of candidates. Every member in good standing and otherwise qualified shall be eligible to be a candidate and to hold office. Delegates shall have the right to vote for or otherwise support the candidate of his/her choice, without being subject to penalty, discipline or improper interference or reprisal of any kind by the Council or any delegate thereof. Not less than 15 days prior to the election, notice thereof shall be mailed to each known Local President, Local Treasurer, and delegate at the last known home address.

Section 3. The votes cast by the delegates shall be counted, and the results published separately. All election-related documents (including those pertaining to nominations and the minutes of any meetings) must be sealed and preserved by the Election Committee (who has authority to reopen the records) through the protest period and then forwarded to the National Secretary-Treasurer at the National Office to be retained for one year after the election, unless the records are requested by higher authority in the appeal process or are still relevant.

Section 4. No monetary or other resources of AFGE or any employer shall be contributed or applied to promote the candidacy of any candidate in an election. Such monies may be utilized for notices, factual statements on issues not involving candidates, and for other expenses necessary for holding an election.

Section 5. At the candidate's expense, the Council Election Committee shall comply with all reasonable requests to distribute by mail or otherwise campaign literature in aid of such person's candidacy to all known Local Presidents, Local Treasurers, and delegates, and refrain from favorable or unfavorable discrimination toward any candidate with respect to the availability of lists of known Local Presidents, Local Treasurers, and delegates. Whenever the Council Election Committee authorizes such distribution of campaign literature on behalf of any candidate of the Council, similar distribution at the request of any other bona fide candidate shall be made with equal treatment as to the expense of such distribution.

Section 6. All Council officers elected at the site of the Council Convention shall be installed at the last meeting of the Convention. Council officers elected or appointed for the balance of an unexpired term shall be installed immediately after their election/appointment.

Section 7. All officers must be elected as set forth in Article XII, and protests filed, in accordance with the election provisions of the AFGE National Constitution. In council elections, protests must be received by the Election Committee prior to, during, or within five days of adjournment of the Council meeting. All election-related documents (including those pertaining to nominations and the minutes of any meetings) must be sealed and preserved by the Election Committee (who has authority to reopen the records) through the protest period and then forwarded to the National Secretary-Treasurer at the National Office for one year after the election, unless the records are requested by higher authority in the appeal process or are still relevant.

ARTICLE XIII EXECUTIVE COMMITTEE DUTIES

Section 1. The Executive Committee shall meet at the call of the President, or by request of a majority of the Executive Committee members.

Section 2. It shall be the duty of the Executive Committee to devise and initiate such actions as may be necessary in the interim between Council meetings; but, such actions shall not be inconsistent with the objectives of this Council, this Constitution, or the AFGE National Constitution.

Section 3. The President and the Executive Committee will be guided by a budget that has received previous approval of the delegates. Expenditures by the Council President in excess of \$500 per month must have prior approval: (a) by the Council's Executive Board, (b) as authorized by the budget approved by the delegates, or (c) by separate vote of the Council's delegates. All expenditures authorized by the Executive Board will be reported in writing at the next regular meeting of the Council. Upon request a copy of such report will be made available to any officer in good standing of the Council.

The President has overall supervision of the Council and its budget, subject to the approval of the Executive Committee, but no set budget amount(s) are to be designated to any individual Council officer or Committee member, but instead directed to the line item of the annual budget that is approved by the delegates. Any and all expenditures by Council officers or committee members will be accounted for by an individual voucher system and maintained by the Council Secretary-Treasurer.

All such expenditures authorized by the Executive Committee will be reported in the Council Secretary-Treasurer's quarterly financial report and minutes of the Executive Committee meeting. A copy of such report will be made available to any accredited delegate upon request.

Section 4. Within 30 days of each meeting of the Executive Committee, a report of such meeting will be forwarded to each President utilizing one of the following methods: (1) electronic mail; (2) facsimile machine; (3) U.S. mail. The report may be in abstract form but shall include the following:

(a) The Agenda;

(b) The disposition of each item on the Agenda, to include the manner in which each member of the Committee voted on each item.

Section 5. The Executive Committee shall be the Negotiating Committee. However, should any member of the Executive Committee decide that he/she is unable to participate in negotiations, either on a permanent or temporary basis, the Executive Committee will decide by a majority vote on an individual to replace him/her until such time as the Executive Committee can return to negotiations. Should the Executive Committee deem it prudent to add additional members to the Negotiating Committee, the additional members shall be decided by a majority vote of the Executive Committee. The Negotiating Committee shall negotiate the Master Agreement and any policy changes with the Department of Justice and the Bureau of Prisons. Master Agreements negotiated with the Agency are subject to review by the National President, and the Agency shall be so notified. When the Master Agreement is opened or reopened for negotiations or clarifications, the Agreement or that portion of the Agreement that is renegotiated or clarified shall be subject to ratification by member locals prior to final acceptance by the Negotiating Committee.

Upon reaching a tentative agreement, the President may call a special meeting, in accordance with Article X, Section 2, within 30 days. The purpose of the meeting will be to explain the agreement and provide locals with their ballots for ratification. Locals in good standing shall have 20 days to vote their delegate strength and return their ballot by mail to the Council Secretary-Treasurer.

Section 6. If the Master Agreement should fail during the ratification process, the Negotiating Committee shall renegotiate any areas of concern as identified by the body, within the scope of 5 U.S. Code. The re-ratification process shall be the same as Section 5 of this Article.

Section 7. Within 15 calendar days of the date of exchange of proposals for master agreement negotiations (to include mid-term bargaining) between the Council and the Agency, the Federal Bureau of Prisons, the Council Secretary-Treasurer will have posted on the Council website both the Council submitted proposals and the Agency's submitted proposals.

ARTICLE XIV SPECIAL COMMITTEES

Section 1. Special committees may be established as the Council may direct, and membership of such committees, with the exception of Election Committees, shall be appointed by the President subject to Executive Committee approval.

Section 2. Standing committees of Audit, Budget, Credentials, Legislative, Organizing, and Planning, shall be established. Such committees shall be appointed by the President subject to the approval of the

Council Executive Committee, with the following exception: the Organizing Committee chairperson will have his/her duties assigned by the President.

Section 3. A quorum for the special or standing committees shall consist of a majority of the members thereof.

Section 4. The Executive Committee shall be empowered to appoint and remove a Council Incentive Organizer and six Regional Council Organizers. Regional Organizers shall be unpaid, and shall not be members of the Executive Committee. Under the direction of the President, the Council Incentive Organizer shall coordinate with the AFGE National Membership and Organization Department, and shall work with the Regional Organizers and the Executive Committee to increase the Council's membership. The Executive Committee shall be authorized to approve the expenditure of funds, in accordance with budget, for the Organizers. These Organizers shall be part of the Organizing Committee.

Any organizing programs or contests implemented by the Council will include all affiliated locals. The Organizing Committee will consult with the National Vice President of the District before proceeding and will notify all locals in a timely manner to insure their participation.

ARTICLE XV LOCALS' RIGHTS

Section 1. All constituent locals have the right to conduct internal business without interference, coercion or restraint by this Council, insofar as such matters are not in conflict with this Constitution and/or the AFGE National Constitution.

Section 2. Each constituent local shall be entitled to full participation in all matters before this Council through the medium of a delegate(s).

Section 3. Each constituent local shall be entitled to negotiate and enforce supplemental collective bargaining agreements with local management for the purpose of implementing the Master Agreement and covering those matters more appropriately negotiated at the local level.

Section 4. Any local which is not affiliated with this Council, or which is not in good standing, may not conduct any business on behalf of this Council or on any matter properly within the responsibility of this Council.

ARTICLE XVI COMPLAINTS AND APPEALS

Section 1. Complaints against any of the Council officers or delegates arising out of or resulting from an individual's conduct or status as a Council officer on matters concerning the operation of the Council, excluding Council officer elections (which are processed in accordance with the procedures sent forth in Appendix A of the AFGE National Constitution) will be processed as follows:

(a) Constituent locals or members thereof shall register a complaint first with the Council President. An investigation committee and, if probable cause is found, a trial committee shall be appointed by the Council President, or the Executive Committee if the Council President is the accused. The Council President or the Executive Committee, as appropriate, shall insure that neither the investigation committee nor the trial committee includes the complainant(s) or the accused, and in no case will the committee of investigation and the trial committee be composed of

any of the same members. No member shall be eligible to serve on the investigation committee or trial committee for the hearing of charges under this Article if he or she is directly or indirectly involved in the matter which gave rise to the charges upon which the accused is to be tried, and the committees shall otherwise be impartial. No member of the Executive Committee may serve on a committee of investigation. A hearing on the complaint shall be conducted consistent with applicable provisions of Article XXIII of the AFGE National Constitution. The trial committee's findings of fact and decision shall become effective after 45 days of its publication or service by mail to all constituent locals, unless disapproved by a majority of them during that 45 day period. An investigation committee's finding of no probable cause or trial committee's decision exonerating the accused shall not be subject to Council approval, or be subject to any further action within the Council or the Federation.

(b) The trial committee shall render a decision suspending the accused for a specific time from his/her office, removing him/her from the office, barring him/her from holding any office for a specified time, and/or suspending or removing him/her from membership for a specified period of time, or finding him/her not guilty as accused. After decision of the trial committee, an officer suspended or removed from office and/or membership shall have the appeal right to the National Executive Council set forth in Article XXIII, Section 9, of the AFGE National Constitution, by service upon the National Secretary-Treasurer within 15 days of receipt of the trial committee's decision.

(c) The NEC shall review the case and affirm or reverse the decision, reduce the penalty, or return the case to the Council for a new trial before a different trial committee. If the decision of the NEC should affirm any adverse action taken against the appellant by the Council, upon receipt of the NEC's written decision, the appellant may further appeal to the next AFGE National Convention.

(d) Financial expenses incurred by an individual or a local in filing a complaint or of availing themselves of the opportunity for a hearing will not be borne by the Council.

ARTICLE XVII AMENDMENTS

Section 1. This Constitution and any amendments thereof shall become effective immediately after approval by the National Executive Council of the American Federation of Government Employees; provided, however, it has received approval by two-thirds of the delegates attending a special or regular meeting of the Council for which the official call included notice of the intent to vote on this Constitution and amendments to it, or approval by mail ballot of two-thirds of the votes cast by member locals in good standing.

Section 2. Proposed signed amendments to this Constitution may be submitted to the Council Secretary-Treasurer or constitutional chair in writing not less than 60 days prior to a regular Council meeting. The Council Secretary-Treasurer or constitutional chair shall notify all delegates of the proposed amendments not less than 30 days prior to the date on which action will be taken to amend. It will require a two-thirds vote of the delegates present and voting to amend.

Section 3. By a two-thirds vote of the delegates present and voting, amendments to the Constitution and Bylaws may be brought on the floor of a Council meeting, even though they have not been submitted to the Council Secretary-Treasurer 60 days prior to the meeting. It will require a two-thirds vote of the delegates present and voting to amend.

Section 4. Amendments may be adopted between regular meetings through mail ballot by two-thirds vote of the votes cast by the member locals in good standing.

Section 5. Amendments concerning any change in dues structure may be adopted by a majority vote of the delegates in good standing voting at a general or special meeting of this Council after reasonable notice of the intention to vote upon such a question, or by majority vote of the members of the constituent locals in good standing voting in a membership referendum conducted by secret ballot.

ARTICLE XVIII EMERITUS OFFICERS

Section 1. The Council of Prison Locals, C-33, shall honor retired National Officers, who served the Council with years of distinguished service, with "Emeritus Officer" status at no cost to the Council.

LIST OF EMERITUS OFFICERS

Thomas C. Bullington
Council President

Graves Wester
Council President

Robert Podgorski
South East/Mid-Atlantic Re-
gional Vice President

Jim Dodson
Council President

Linwood J. Brumley
Council Secretary-Treasurer

George Sillavan
South Central Regional Vice
President

Dave Kelley
Council President

Cleo Scott
Council Secretary-Treasurer

Dr. W. H. McKee
First Elected Council President

Basil McDavitt
Council Legislative Representa-
tive

BYLAWS

Section 1. The order of business at regular Council meetings shall be:

- (a) Roll call of officers
- (b) Credentials Committee report
- (c) Recognition of delegates
- (d) Presentation of minutes of previous meeting
- (e) Report of financial condition by the Secretary-Treasurer
- (f) Recess for Committee and Regional Caucuses
- (g) Reports of committees
- (h) Unfinished business
- (i) New business
- (j) Good of the Council
- (k) Adjournment

Section 2. The President, Secretary-Treasurer, and Council Fair Practices Coordinator each shall be allowed the sum of \$225 per month, and each Regional Vice President the sum of \$200 per month, for the purpose of covering utility expenses incurred by use of Council equipment, use of personal residences, etc., and for minor out-of-pocket expenses while at or away from residence on Council business. This allowance is designed, but not confined to: tips, cleaning and laundry (except Labor/Management and negotiation meetings), etc. Amounts exceeding this allowance shall be the responsibility of the individual and shall not be paid by the Council.

Section 3. At all formal meetings of the Council, the President is entitled to engage a suite, at Council expense, for use of the Council for business and social meetings.

Section 4. The Council shall reimburse Council representatives for leave-without-pay or annual leave when they are on official Council business.

Section 5. Unless otherwise specified by law (e.g., secret ballot election or dues) or by Constitution, all questions before the Council will be decided first by voice, then by a showing of hands and then, if requested by 25% of the delegates, by roll call vote. For roll call votes each delegate shall be entitled to cast a proportionate share of votes for his/her local based on the most recent calculation of membership strength in accord with Article VIII, Section 6. With the concurrence of the entire delegation from a local, a single delegate may cast all votes to which that local is entitled.

Section 6. The time allowed for debate on any particular issue before the Council and the time allowed for speeches will be governed by circumstances and by two-thirds vote of the delegates present and voting. Any limitations as to the time allowed for debate may be extended by two-thirds vote of the delegates present and voting.

Section 7. The Executive Committee shall have the authority to transfer funds from one line item to another within the budget, by means of a budget amendment, which shall be recorded in the Executive Committee meeting minutes.

Section 8. *Robert's Rules of Order Newly Revised* shall govern the proceedings of all meetings of this Council, when not inconsistent with the provisions of this Constitution and Bylaws.

Section 9. These Bylaws may be amended by a two-thirds vote as provided in Article XVII of this Constitution.

Section 10. Copies of this Constitution and Bylaws shall be available to locals in good standing upon request to the Secretary-Treasurer.

COUNCIL OF PRISON LOCALS, C-33, CONSTITUTION SIGNATURES AND DATE

Dated: _____

President
COUNCIL OF PRISON LOCALS C-33

Secretary-Treasurer

RULES OF ORDER

Section 1. Each Convention or meeting of the Council constitutes a session, having one Agenda, which may be broken into many meetings over several days.

Section 2. At the beginning of each meeting (after the first meeting), business normally will be resumed at the place where it left off. However, before business is resumed, at the opening of the first meeting held each day after the first day, the rough copy of minutes of the meeting held the previous day will be presented for discussion. Within 30 days following the Convention or the meeting(s), the Council Secretary-Treasurer will forward a typed final version of the minutes to the locals for approval. Delegates that were in attendance at the meeting(s) must respond in writing within 30 days, reflecting any changes or corrections to the minutes. If no responses are received, the minutes will be considered approved by the delegates.

Section 3. The President of the Council or, in his absence, the body, shall select one of the Regional Vice Presidents to chair the meeting.

Section 4. The Chair, after determining a quorum is present, opens each meeting by calling the meeting to order. The Chair will conduct the meeting in the order listed in the Agenda and in accordance with these rules, until such time as the rules are amended by the delegates.

Section 5. The Chair shall be fair and impartial in the conduct of meetings. When the Chair is a member of the body, he/she has the same voting rights as any other member. The Chair should protect his/her impartiality by exercising his/her voting rights only when that vote would affect the outcome.

Section 6. The rules contained in the current edition of *Robert's Rules of Order Newly Revised* shall govern the Council in all cases where they are applicable, and in which they are not inconsistent with the Constitution of the American Federation of Government Employees or of this Council or of any Rules of Order this Council may adopt. The purpose of such parliamentary procedures is to allow business to be conducted in an orderly manner, and the Chair shall have the authority to determine if such procedures shall be strictly enforced or relaxed.

Section 7. Alternate delegates and guests shall be permitted to sit in all sessions of the Council's Conventions and meetings, but shall have no vote in the deliberations. Alternate delegates may be seated as voting delegates only upon presenting the proper delegate credentials approved by the Credentials Committee. Prior to such approval, the Credentials Committee must verify that the original delegate being replaced actually has left the site of the meeting.

Section 8. Proxy delegates must be accredited delegates at the Convention or meeting, and must be properly elected as a delegate by the local whose proxy they carry. Proxy credentials must be approved by the Credentials Committee to be valid.

Section 9. All questions before the body shall be decided by a vote of the delegates present and voting, first by a yea or nay vote, and then (if the Chair is in doubt, or if requested by delegates representing ten percent of the delegates present) by a standing vote, and then (if the Chair is in doubt, or if requested by delegates representing 25% of the delegates present) by a roll call vote. For roll call votes, each local represented at the meeting shall vote the voting strength of that local.

Section 10. Business is brought before the body as listed in the Agenda and/or by a motion presented by a delegate. Such motions should be presented without prolonged explanation or remarks, as the delegate shall have the first opportunity to speak on the question.

Section 11. To claim the floor, the delegate shall rise and address the Chair. When two or more delegates rise at about the same time, the general rule is that, all things being equal, the delegate who rose and addressed the Chair first, after the floor was yielded, is entitled to be recognized.

Section 12. When recognized by the Chair, the delegate first shall state his/her name and facility/institution (e.g., Joe Smith, Oxford). Delegates will address only the Chair, and will address each other through the Chair. Delegates will yield the floor by being seated.

Section 13. Because of a requirement that all motions be shown in the minutes exactly as presented to the body, the Chair, at its own initiative or at the request of the Secretary-Treasurer, may require that any motion be submitted to the Chair in writing.

Section 14. No delegate shall interrupt another's remarks, save only to call a Point of Order; the delegate will be seated until the Point of Order is resolved. The Chair then shall assign the floor to the delegate who has been interrupted.

Section 15. After a motion has been made, except for motions which do not require a second, another delegate who wishes it to be considered seconds the motion (e.g., Smith, Oxford, seconds). When any motion that requires a second is not seconded, the Chair shall repeat the motion before declaring it has failed for lack of a second. Any delegate making a second can withdraw that second at any time before the Chair states the question.

Section 16. A motion will be open for discussion only after it has been stated by the Chair. A motion can only be revised by the delegate who made the motion before the Chair has stated the question. After the Chair states the question, the motion is no longer the property of that delegate.

Section 17. In principle, the Chair must state the question on a motion immediately after it is made and seconded, unless he/she is obligated to rule the motion out of order or unless, in the Chair's opinion, the wording is not clear. If the Chair rules a motion is out of order, that decision is subject to an appeal to the judgment of the body. When, in the opinion of the Chair, the wording of a motion is not clear, it is the duty of the Chair to see that the motion is put in suitable form, preserving the content to the satisfaction of the maker, before the question is stated.

Section 18. When a motion is open to debate, there are three important cases where the floor should be assigned to a delegate who may not have been the first to rise and address the Chair, but who did so before anyone actually had been recognized. These cases are as follows:

(a) If the delegate who made the motion claims the floor and has not spoken already on the question, that delegate is entitled to be recognized in preference to any other delegate;

(b) No one is entitled to the floor a second time in debate on the same motion, as long as any other delegate who has not spoken on the motion desires the floor;

(c) In cases where the Chair knows the delegates seeking the floor have opposite views on the question (and the delegate to be recognized is not determined by (a) or (b) above), the Chair

should let the floor alternate, as far as possible, between those favoring and those opposing the motion.

Section 19. Speeches on any motion will be limited to five minutes, and discussions on any motion to 30 minutes. However, these time limitations may be extended or reduced by a two-thirds vote of the delegates present and voting. Debate must be confined to the merits of the pending question.

Section 20. When there is any possibility of confusion, the Chair, before calling for the vote, should make sure the delegates understand the effect of a yea or nay vote.

Section 21. When a delegate believes the rules of the meeting are being violated, the delegate should call for a Point of Order, thereby calling upon the Chair for a ruling and an enforcement of the rules.

(a) A Point of Order does not require a second, it cannot be amended, and it is not debatable (except as defined in (c) below);

(b) The Chair can request advice of experienced delegates or of the Parliamentarian, if there is one. No one has the right to express such opinions unless requested by the Chair;

(c) The Chair, when in doubt, may refer the Point of Order to the judgment of the body. The Point of Order in such a case becomes debatable. The decision of the body is not subject to appeal.

Section 22. When a delegate who called for a Point of Order is not satisfied with the ruling of the Chair, that delegate may appeal the ruling to the judgment of the body.

(a) Such an appeal requires a second and is debatable;

(b) When such an appeal is debated, the Chair shall have the opportunity to speak first and last on the subject during debate.

Section 23. Any Point of Order, or appeal of a ruling by the Chair on a Point of Order, must be made promptly and at the appropriate time.