

**CONSTITUTION  
LOCAL 384**

**CITY UNIVERSITY OF NEW YORK  
AND  
EDUCATIONAL  
OPPORTUNITY CENTER  
EMPLOYEES**

**DISTRICT COUNCIL 37, AFSCME, AFL-CIO  
125 BARCLAY STREET  
NEW YORK, NEW YORK 10007  
PROFESSIONAL DIVISION**

CONSTITUTION

OF

LOCAL 384

DISTRICT COUNCIL 37

AMERICAN FEDERATION OF STATE, COUNTY  
AND MUNICIPAL EMPLOYEES, AFL-CIO

COVERING

ALL TITLES

*Ernest Hardy*  
 *Truckers*  
PRESIDENT



CONSTITUTION FOR  
**LOCAL 384**  
**CITY UNIVERSITY OF NEW YORK**  
**AND EDUCATIONAL OPPORTUNITY CENTER**  
**EMPLOYEES, NEW YORK**

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**ARTICLE I**  
**NAME**

The name of this organization shall be known as City University of New York and Educational Opportunity Center Employees, New York Local 384 of the American Federation of State, County and Municipal Employees, AFL-CIO.

**ARTICLE II**  
**AFFILIATIONS**

The local union shall be affiliated with New York City District Council Number 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 the American Federation of State, County and Municipal Employees.

**ARTICLE IV  
MEMBERSHIP AND ELIGIBILITY**

All employees of Educational Opportunity Centers excluding prevailing rate employees, all non-blue collar employees of student centers, and other such employers having a similar relationship to the City University of New York; and employees of the City University of New York in competitive clerical/administrative, competitive paraprofessional and related competitive titles, except those in the titles of college assistant, remedial assistant and college counselor are eligible for membership in this local union subject to the provisions of the International Union Constitution.

**Section 2.** Application for membership shall be made on a standard application form.

**ARTICLE V  
DUES**

**Section 1.** The membership dues of the local shall be \$14.99 payable biweekly.

**Section 2.** Biweekly membership dues shall normally be paid through a system of regular payroll deductions (on a biweekly basis) dues check-off, or under extraordinary circumstances, payments may be made by hand delivery; to the local authorized to receive such payments. For so long as a member continues to pay without interruption through such methods, he/she shall be considered in good standing.

**Section 3.** The membership dues of the local shall be subject to an automatic increase whenever there is a pass-a-long, per capita increase to the local mandated by District Council 37 Delegates Council or AFSCME. The amount of said automatic increase shall not exceed the amount mandated by the affiliate; and, the amount of said increase shall be added to the existing dues being deducted payable biweekly.

**Section 4.** The treasurer of the local shall prepare for mailing to each member a fact sheet of explanation for the anticipated increase indicating the amount, the reason, as well as the effective date, approximate, if exact date is unknown.

**ARTICLE VI  
GENERAL MEMBERSHIP MEETINGS**

**Section 1.** General membership meetings of this local shall be held not less than twice a year at a time and place to be fixed by the president with the approval of the executive board.

**Section 2.** Special meetings of the general membership may be called by the local president, the local executive board, or by petition filed with the president and signed by 5% of the membership of the local. Special meetings may also be called by the International President or his authorized representative (s).

**Section 3.** A quorum shall consist of 50 of the general membership.

**ARTICLE VII  
NOMINATIONS AND ELECTIONS**

**Section 1. Executive Officers.**

- A. Executive officers of this local shall be elected for a three (3) year term of office beginning in 1978.
- B. Nominations shall be made at a regular or special meeting of the local.
- C. At least fifteen (15) days' advance written notice shall be given to the membership prior to the nominations meeting.
- D. No executive officer/officer/or member may be a candidate for more than one office.
- E. A nominations committee shall be appointed by the president, with the approval of the executive board to make nominations.
- F. An elections committee shall be appointed by the president, with the approval of the executive board to oversee the conduct of the election of executive officers.
- G. It shall be the charge of the election committee to determine the manner in which the election of executive officers shall be accomplished and to oversee all phases of the process e.g., determining manner of vote-in-house, mail balloting, in-person vote or using consulting specialists; additionally, the committee is responsible for setting of dates for the nominations meeting, balloting date, and the date of announcement of the election results.
- H. Nominations shall be permitted from the floor at the time of the nominations meeting.

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- I. All regular elections shall be held in the month of June.
- J. To be eligible for executive office, a member must have been a member in good standing for one (1) consecutive year immediately preceding the election.
- K. Executive officers shall be elected by secret ballot vote and the balloting shall be so conducted as to afford to all members a reasonable opportunity to vote.
- L. At least fifteen (15) days' advance written notice shall be given prior to the balloting date.
- M. All matters concerning nominations and elections in this local union shall be subject to the provisions of the AFSCME Constitution and the AFSCME Local Union Election Manual.
- N. Every officer shall, upon assuming office, subscribe to the Obligation of an Officer contained in Appendix B of the AFSCME Constitution.

**Section 2. Officers**

- A. The officers of this local shall be elected for a three (3) year term of office. The first election for the three-year term of office shall take place in June 1993 to coincide with the executive officers elections.
- B. No executive officer/officer/member may be a candidate for more than one office.
- C. An officer can only be elected by the membership from the location where the candidate is employed.
- D. To be eligible for office, a member must have been a member in good standing for one (1) consecutive year immediately preceding the election.

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- E. Officers shall be elected by secret ballot vote, and the balloting shall be so conducted as to afford to all chapter members a reasonable opportunity to vote.
- F. At least fifteen days' advance written notice shall be given to the membership prior to balloting date.
- G. All matters concerning nominations and elections in this local union shall be subject to the provisions of Appendix D of the AFSCME Constitution and Elections Code Manual.
- H. Every officer shall, upon assuming office, subscribe to the Obligation of an Officer containing in Appendix B of the AFSCME Constitution.

**ARTICLE VIII  
EXECUTIVE BOARD**

**Section 1.** The executive board of this local shall consist of the executive officers and officers.

- A. The executive officers of this local union shall be president, vice-president, secretary and treasurer.
- B. In addition to the executive officers, the members at each campus of the City University of New York and at each educational opportunity center shall elect one steward/executive board member; provided, however, that those campuses/centers with membership exceeding 125 members shall elect two steward/executive board members.

**Section 2.** The executive board of this local shall be the governing body of the local.

**Section 3.** All matters affecting the policies, aims and means of accomplishing the purposes of the local shall be decided by the executive board, or by action of the general membership at a regular or special meeting.

**Section 4.** The executive board shall meet at the call of the president or at the call of a majority of the members of the executive board. The executive board shall regularly meet each month except for the months of July and August.

**Section 5.** A report on actions taken by the executive board shall be made to the general membership at the next following meeting.

**Section 6.** A majority of the members of the executive board shall be required for a quorum.

**ARTICLE IX  
DUTIES AND RESPONSIBILITIES OF  
THE EXECUTIVE BOARD**

**Section 1.** The president shall preside at all meetings of the local union and of the executive board. He/she shall be a member of all committees except the nominations/elections committees. He/she shall be an automatic delegate to District Council 37, the Municipal Labor Committee, Political Action Committee and the Central Labor Council. He/she shall be a virtue of his/her office, be a delegate to AFSCME and District

Council 37 conferences and conventions. He/she shall countersign all checks drawn against the funds of the local. He/she shall appoint all committees of the local, standing and ad hoc, subject to the approval of the executive board. He/she shall report periodically to the membership regarding the progress and standing of the local and regarding his/her official acts.

**Section 2.** The vice-president shall assist the president in the work of his/her office. At the request of the president or in the absence of the president, the vice-president shall exercise his/her duly authorized signature to countersign checks drawn against the local's funds. At the request of the president, in his/her absence or in the president's inability to serve, the vice-president shall preside at all meetings and perform all duties otherwise performed by the president. In the resignation, removal or death of the president, the vice-president shall assume all duties and powers of the president until the next regular election or special elections authorized by the executive board.

**Section 3.** The treasurer shall receive and receipt monies of the local union. He/she shall deposit all money so received in the name of the local union in a bank or banks, with the approval of the executive board, and money so deposited shall be withdrawn only by check signed by any two of the three authorized signatories. He/she shall prepare and sign checks for such authorized purposes as are required by the constitution or are authorized by the executive board or membership. He/she shall prepare and submit the monthly membership report to AFSCME and see that a check is drawn in payment of the local's per capita tax each month and forward to the International Secretary-Treasurer. He/she shall keep an accurate record of receipts and

disbursements and shall, once each month, submit to the executive board a monthly operating statement of the financial transactions of the local for the previous month. He/she shall act as custodian of all properties of the local union. He/she shall at the expense of the local union and through the AFSCME, give a surety bond for an amount to be fixed by AFSCME. He/she shall see that any financial reports required by the AFSCME are submitted in accordance with the AFSCME Constitution. He/she shall submit the local's financial records to an outside auditor annually; and the results of such audit shall be appended to the report given the executive board. On or about December 31 of each year, the treasurer shall deliver and place on file at union headquarters, 125 Barclay Street, all records except for the current year and one (1) preceding year.

**Section 4.** The secretary shall keep a record of the proceedings of all executive board, general membership and financial committee meetings. He/she shall carry on the official correspondence of the local, except as the president or the executive board may direct otherwise. He/she shall perform such other duties as the president or executive board may require. On or about December 31 of each year, the secretary shall deliver and place on file at union headquarters, 125 Barclay Street, all records, except for the current and one (1) preceding year.

**Section 5.** It shall be the duty of each officer to attend, in their entirety, all regular scheduled and special executive board meetings and general membership meetings. It shall be the duty of each officer to hold monthly chapter meetings. Each monthly chapter meeting shall take place not later than two weeks after each executive board meeting. The purpose of the monthly meeting shall be to disseminate information to the

chapter membership. Each officer shall perform such other duties as the president or executive board of the local may require.

**Section 6.** The president shall appoint, with the approval of the executive board, a member employed in a career and salary title to serve as the Career and Salary Liaison Officer. It shall be the duty of the liaison to attend as an ex-officio, non-voting member, all regular scheduled executive board meetings and general membership meetings. He/she shall act as liaison between the president and executive board for all career and salary titled members. He/she shall present/submit the report at each executive board meeting regarding matters affecting those titles which he/she represents. He/she shall perform such other duties as the president or executive officers of the local may require.

#### **ARTICLE X FINANCE COMMITTEE**

**Section 1.** The finance committee shall be composed of treasurer, who shall serve as chairperson, the president, the secretary and four (4) officers of the executive board.

**Section 2.** The finance committee shall be appointed by the president with the approval of the executive board.

**Section 3.** The finance committee shall serve a three (3) year term of office to run concurrently with that of the executive officers. The committee member shall serve no more than two (2) consecutive terms in office. The three-year term of office for finance committee shall begin June, 1993.

**Section 4.** The finance committee shall meet regularly every other month, and for special sessions when the need arises, as called by the treasurer or the president.

**Section 5.** At each regular meeting of the finance committee, the treasurer shall present a report of the local's financial conditions and its income, assets and expenses in addition to any comments/suggestions regarding proposed expenses arising from other than normal and regular operations.

**Section 6.** Minutes of each regular meeting of the finance committee shall be submitted to the executive board for its approval at their next meeting immediately following that of the finance committee.

**Section 7.** Recurring expenses once authorized, may be paid without further authorization as long as they remain unchanged.

**Section 8.** The financial committee shall be responsible for the preparation of an annual financial projection report which shall be presented to the executive board for approval.

#### **ARTICLE XI DELEGATES**

**Section 1.** Positions as delegates to District Council 37 and the Central Labor Council shall be filled by election from among the executive officers, officers or from rank-and-file members.

**Section 2.** An executive officer or officer shall not be disqualified from election as a delegate solely by reason of his/her position as an executive officer or officer.

**Section 3.** No college shall have more than one delegate.

**Section 4.** An elected delegate to District Council 37 and the Central Labor Council shall serve three (3) years beginning June, 1993.

**Section 5** Delegates shall attend, in their entirety, all scheduled meetings.

**Section 6.** Delegates shall prepare a written summary report of each meeting attended and forward the report to the local secretary for presentation to the executive board.

#### ARTICLE XII

#### VACANCY AND LEAVE OF ABSENCE

**Section 1.** All vacancies of local executive officers, officers, delegates and committee members shall be filled for the remainder of the unexpired term of office/service by vote of the executive board.

**Section 2.** Any executive officer, officer, delegate or committee member may make written petition to the local president for a short term leave of absence. Said request shall be considered by the president and brought to the executive board, via a recommendation, for a vote to either approve or deny the request. At the conclusion of the leave of absence, if

the person is unable to return, the executive board at its discretion may grant an extension of the leave if requested or declare the position vacant. Any person on leave of absence who is off payroll is required to submit his/her union dues by hand to the treasurer once a month to remain a member in good standing.

#### ARTICLE XIII

#### MISCELLANEOUS PROVISIONS

**Section 1.** The local union shall at all times be subject to the provisions of the constitution of the American Federation of State, County and Municipal Employees.

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

**Section 3.** Robert's Rule of Order, Revised, shall be the guide 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 XIV  
AMENDMENTS**

This Constitution may be amended, revised, or otherwise changed by a majority vote of the general membership voting on such proposed change; and such change shall take effect upon written approval of the International President.

Proposed amendments to this constitution must be read at a regular or special meeting of the local union; and, then, read and voted on at a subsequent regular or special meeting of the local union. Adequate and proper notice must be given to the general membership prior to the date on which the vote is to be taken.

A written copy of the proposed amendment shall be furnished to every eligible voter during the meeting at which the vote is taken.

APPROVED BY:

  
GERALD W. McENTEE  
*International President*

Date 6/4/91