



**Educate. Empower.**

# **Constitution and Bylaws**

***Approved by the AFL-CIO on August 21, 2019***  
***Ratified by the delegates on September 9, 2019***

## ARTICLE I. NAME AND AFFILIATION

This organization shall be known as the San Francisco Labor Council, AFL-CIO, hereinafter referred to as the SFLC or Council. It shall at all times maintain affiliation with the American Federation of Labor and Congress of Industrial Organizations (AFL-CIO) and conduct all of its affairs in accordance with the Constitution of the AFL-CIO and the *Rules Governing AFL-CIO Central Labor Councils* of that organization. As a chartered organization of the AFL-CIO, the San Francisco Labor Council shall conform its activities on state matters to the policies of the state AFL-CIO, and on national affairs to the policies of the AFL-CIO.

## ARTICLE II. PURPOSE

The purpose of this Labor Council shall be to promote, through appropriate activities in the geographic area covered by the charter of the SFLC, the principles of the AFL-CIO, including the following:

- (a) To assist in furthering the appropriate objectives and policies of its affiliates, so long as their policies and objectives are not inconsistent with the objectives or policies of the AFL-CIO;
- (b) To lend all possible assistance to the organizing activities of local unions and their parent national or international union or organizing committees affiliated with the AFL-CIO;
- (c) To provide aid, cooperation, and assistance to affiliated local unions and other affiliated bodies in their common and individual endeavors and to secure united and harmonious action by its affiliates;
- (d) To regularly engage with and enter into coalitions with various organizations of our local community representing different segments of the working class to achieve common political, legislative, and community goals as approved by the Delegate Assembly and/or COPE Convention;
- (e) To propose, support, and promote legislation favorable to, and oppose legislation detrimental to, the interest of workers and organized labor;
- (f) To encourage workers to register and vote, to exercise their full rights and responsibilities of citizenship, and to perform their rightful part in the political life of the local, state, and national communities;
- (g) To serve as a means of exchanging information among affiliated bodies on matters of common interest;
- (h) To increase understanding of the labor movement through the use of all available media and the inclusion of labor studies throughout the educational system;
- (i) To encourage all workers, without regard to race, creed, color, national origin, ancestry, gender, sexual orientation, age, or disability to share equally in the full benefits of union organization;
- (j) To safeguard the labor movement from any and all corrupt influences and from the efforts of those who are opposed to the basic principles of free and democratic unionism; and
- (k) To provide a venue for the amicable and just settlement of disputes arising between affiliates.

## ARTICLE III. COMPOSITION AND DELEGATES

**Section 1.** The Delegate Body of the SFLC shall be composed exclusively of members from the following organizations within the geographic boundaries covered by the SFLC's Charter and shall conform to this Constitution and the rules and regulations adopted pursuant thereto:

- (a) Local unions of national and international unions and organizing committees affiliated with the AFL-CIO, and local unions chartered directly by the AFL-CIO;
- (b) Local councils chartered by the trade and industrial departments of the AFL-CIO;
- (c) Joint boards, district councils, retiree clubs, and similar subordinate organizations which are duly chartered by an

affiliate of the AFL-CIO; and

- (d) Auxiliaries, associate member organizations, and constituency groups, such as the A. Philip Randolph Institute (APRI), Alliance for Retired Americans (CARA), Asian Pacific American Labor Alliance (APALA), Coalition of Labor Union Women (CLUW), Federation of Retired Union Members (FORUM), Labor Council for Latin American Advancement (LCLAA), Pride at Work (PAW), and other groups as approved by the AFL-CIO.
- (e) Local Unions with Solidarity Charters authorized by the Executive Council of the AFL-CIO, for so long as it remains in effect.

**Section 2.** Affiliated local unions in good standing shall be entitled to representation based on per capita tax paid according to the following schedule:

49	members or less-1 delegate
50-149	members-2 delegates
150-249	members-3 delegates
250-349	members-4 delegates
350-449	members-5 delegates
450-549	members-6 delegates
550-649	members-7 delegates
650-749	members-8 delegates
750-849	members-9 delegates
850-949	members-10 delegates
950-1000	members-11 delegates

One additional delegate for each additional 1,000 members or major fraction thereof above 1,100.

**Section 3.**

- (a) Affiliated subordinate bodies other than local unions shall be entitled to one delegate and one vote each.
- (b) A union retiree club, if only one (1) exists, shall be entitled to one (1) delegate and one (1) vote. Where two or more retiree clubs/chapters exist, affiliation shall be through a Union Retiree Council. A Union Retiree Council shall be entitled to a maximum of three (3) delegates with one vote per delegate.
- (c) No AFL-CIO constituency group, or its delegate, may be present for or have voice or vote in any meeting proceeding concerning the endorsement of a political candidate or other partisan political activity concerning public elective office by this Central Labor Council, nor may any AFL-CIO constituency group, or its delegates, be present for or have voice or vote in any meeting or decisions of this Central Labor Council's Committee on Political Education (COPE).

**Section 4.** No person shall be eligible to serve as a delegate unless he or she is a member in good standing of a local union affiliated with this Labor Council or is a national or international union representative regularly servicing such an affiliated union.

**Section 5.** Disqualifications: (a) No person shall be eligible to serve as a delegate who holds a salaried position, or any other position of administrative or executive authority, in a union or any subordinate branch of a union which has been suspended or expelled from the AFL-CIO. (b) No person shall be eligible to serve as a delegate, officer, or member of any committee of the SFLC, or as a representative, agent, or employee of this SFLC who consistently pursues policies and activities directed towards the achievement of the program or purposes of forces that suppress individual liberties and freedom of association.

**Section 6.** No delegate shall be seated except upon presentation of a proper credential from an affiliated organization in good standing, which credential shall be examined and attested to by the Executive Committee as to the eligibility of the delegate and the standing of the organization sending the delegate. The report on credentials shall not be made until the Committee has had adequate opportunity to examine the credential and to ascertain its validity, but in no case shall the report be delayed beyond the meeting following the meeting at which the credential was first presented.

**Section 7.** If a Delegate misses more than three (3) consecutive Delegate meetings the Executive Committee may, at its discretion and with a majority vote, authorize the Executive Director to send a warning notice to the delegate and his/her affiliate warning that his/her delegate status is scheduled to be revoked at the next Executive Board meeting. The delegate has the right to appear in person before the Executive Committee. The Executive Committee agenda shall schedule this matter at that meeting.

**Section 8.** Each delegate shall be required to participate in at least four actions or activities per calendar year called by the SFLC as “Mobilization Events”, or in lieu may have a replacement from her/his own union or organization participate. Failure to fulfill this responsibility for one year shall be sufficient grounds for declaring a delegate’s seat vacant, following which the Executive Director shall notify the delegate’s organization and request that a new delegate be sent.

**Section 9.** The San Francisco Labor Council will undertake all reasonable efforts to ensure diversity of representation at every level.

## **ARTICLE IV. VOTING**

**Section 1.** To vote, delegates must be sworn in at least one regular meeting before the election.

**Section 2.** Except on per capita votes, each delegate shall be entitled to one vote. Voting shall be by voice vote or division of the house (show of hands or standing vote) unless a per capita vote is properly demanded by the required number of delegates as provided for in Section 3 of this Article. No delegate shall be permitted to cast the proxy of another delegate and no delegate shall be allowed to represent more than one organization.

**Section 3.** A per capita vote shall be held on any pending question, including election of officers and elected Committees, upon demand of 30 percent or more of the delegates present. A per capita vote must be called for before the vote on a motion, except for amendments to the Constitution and Bylaws, where a per capita vote is always required.

**Section 4.** The number of votes to which a local union is entitled on per capita votes shall be the average number of members as determined in accordance with Section 5 of this Article.

**Section 5.** The average membership of a local union shall be determined on the basis of the average of the per capita tax payments for the first 12 of the immediately preceding 13 months. The average membership of a local union affiliated for less than this 12-month period shall be computed from the month of affiliation, and shall be determined by dividing the total per capita tax paid for all months affiliated by the number of months the organization has been

affiliated. In no case shall the result be less than one vote.

**Section 6.** The votes of a local union shall be divided equally among all its accredited delegates present and each delegate shall be entitled to cast only her/his assigned number of votes. To facilitate the calling of the roll, one delegate may be designated to cast all of the votes of the delegates representing the local union, provided that if any delegate shall challenge the correctness of the votes so cast, the individual delegates of that local union shall be polled.

**Section 7.** The Executive Director shall maintain, on a current basis, the official roll of delegates, showing the average membership of each local union as established under the provisions of Article IV, Section 4 and 5.

## **ARTICLE V. DELEGATE MEETINGS**

**Section 1.** The highest governing body of the San Francisco Labor Council is the Delegate Body.

**Section 2.** Regular meetings of the SFLC Delegate Body shall be held on the second and fourth Monday of each month beginning at 6:00 p.m., if a quorum is present. The second Delegate Body meeting held on the fourth Monday of each month shall consist of two parts: Part 1) an abbreviated regular business meeting requiring a quorum, restricted to 30 minutes or less, limited to approval of minutes and time-urgent matters only; and Part 2) a working program meeting, which may proceed in the absence of a quorum. Attendance at the second Delegate meeting is not mandatory, but shall count towards attendance requirements. However, failure to attend this second Delegate meeting shall not count against a delegate as required in Article III, Section 7.

No adjournment shall take place while a vote is being taken. A motion to extend time is in order at any time, is not debatable, and has precedence over any other motion except to adjourn.

The SFLC may adjust the schedule or time of meetings at its discretion. Due notice shall be given to all affiliated organizations and/or delegates of any change of meeting time, date, or place. All correspondence since the last meeting shall be in a binder available to delegates prior to the meeting.

**Section 3.** Special meetings for consideration of specified matters shall be held when ordered by a regular meeting of the SFLC or by vote of the Executive Committee, or unanimous vote of the officers. Written notice of the special meeting shall be given to all affiliated organizations and to each delegate at least five days in advance of the meeting. The matter, or matters, for consideration of the special meeting shall be stated in the notice and no other business shall be transacted.

**Section 4.** Delegates representing 25 different affiliated local unions shall constitute a quorum for transaction of business at a regular or special meeting.

**Section 5.** The President of the AFL-CIO, and her/his designees, shall have the right to participate and have a voice in all SFLC activities, meetings, and deliberations.

## ARTICLE VI. OFFICERS, ELECTED POSITIONS, AND ELECTIONS

**Section 1.** The officers of the SFLC shall consist of a President; a Vice President for Affiliate Support, a Vice President for Political Activities, and a Vice President for Community Activities; and a Secretary Treasurer.

- (a) In accordance with the AFL-CIO Ethical Practices Code, no person who is convicted of any felony involving the infliction of grievous bodily injury, any crime of dishonesty, or any crime involving abuse or misuse of such person's position shall serve as an officer or managerial employee of the SFLC.

**Section 2.** There shall be an elected Sergeant-at-Arms and three Trustees. The Sergeant-at-Arms shall have charge of the door and marking attendance, and shall assist the Chair in maintaining order. The three Trustees shall act as an Auditing Committee to examine and report on bills and claims prior to action thereupon by the Council.

**Section 3.** Each officer, at the time of the election and at all times during the term of office, shall be a duly accredited delegate from an affiliated organization. If the officer ceases to be a delegate, the office held shall thereby become vacant and a special election provided for under Article VI, Section 11 in this Constitution shall be held to fill the vacancy.

**Section 4.** The term of office shall be three years and each officer shall hold office until a successor has been elected and installed.

**Section 5.** Not more than one delegate from the same local or international union shall be eligible to hold office as an officer at the same time.

**Section 6.** The triennial election of officers and elected committee members shall be held at the last regular meeting in the month of May 2004 and the last meeting in March every three years thereafter. Nominations shall be opened at the two preceding regular meetings. The election shall not be postponed except for absence of a quorum or by order of the AFL-CIO. A postponed election shall be held at the first succeeding regular meeting with due notice being given to all affiliated organizations, or as may be directed by the AFL-CIO. At a regular Delegate Body meeting prior to the election, candidates for office shall be given equal time to speak to and respond to the delegates. The time allotted and format for presentation shall be decided by the Delegate Body at the meeting when the nominations for office are first opened.

Election for the three vice president positions shall be by office based on the primary job description as spelled out in Article VIII, Section 3.

**Section 7.** No less than 30 nor more than 120 days prior to an election of SFLC officers and/or any elected committee members, the Council shall compile and notify each affiliated organization of the availability of a list containing the following information: (i) the name and address of each of the central body's elected officers (including executive board members); (ii) the name and mailing address of each of the organizations affiliated with the central body; (iii) the name of each of the affiliated organization's principal officers; (iv) each organization's projected per capita voting strength and delegate entitlement at the election; and (v) to the extent available, the names and mailing addresses of the delegates. Officers of organizations affiliated with the local central body shall also be entitled to inspect at the place where the records are kept and to make their own notes concerning the most current underlying records relating to the information included in the list provided above.

**Section 8.** The election for uncontested positions shall be by acclamation. The election for contested offices shall be held by per capita vote. It shall require a majority to elect, except in the case of elected committees when there is more than one position to fill. In those cases, the number of candidates equal to the number of positions to be filled receiving the greatest number of votes shall be declared elected.

When there is only one single-person position to fill, and there are more than two candidates, each time no candidate receives a majority, the name of the candidate receiving the lowest number of votes shall be withdrawn and another vote taken until a candidate receives a majority. No more than one delegate representing the same local union or constituency organization, except in the case an elected officer represents the same local union, and then no more than two delegates representing the same local union or constituency organization, nor more than four delegates representing different locals of the same national or international union or constituency organization shall be eligible to hold positions on a particular committee at the same time.

**Section 9.** A per capita election vote may be conducted orally, or it may be conducted by written or printed ballots where deemed desirable to expedite the holding of the election, provided each ballot clearly shows the name, organization, and number of votes of the delegate casting the ballot. Such ballots shall become part of the records of the SFLC and shall be preserved and available for examination by any delegate or officer of an affiliated organization for a period of not less than six months.

**Section 10.** Installation of officers and elected committee members shall be held at the conclusion of the election, except that an officer-elect who is unavoidably absent shall be installed at the earliest possible meeting.

**Section 11.** In the event of a vacancy in any elected position, announcement of the vacancy shall be made at the next regular Delegate meeting of the SFLC. At the first regular Delegate meeting of the SFLC following the announcement, nominations will be taken. The vote to fill the position shall be taken at the next regular Delegate meeting of the SFLC after nominations.

**Section 12.** An Elections Committee shall be appointed by the officers of the Council for each election for the purpose of supervising all aspects of the nominations and election process.

**Section 13.** A protest of the election of any position of the SFLC may be made by a candidate or an affiliated organization to the Elections Committee within 30 days of the certification of the election. The Elections Committee shall review the protest in accordance with the appropriate provisions of this Constitution.

## **ARTICLE VII. EXECUTIVE DIRECTOR**

**Section 1.** The selection and employment of the Executive Director shall be as follows:

- (a) Communications announcing the opening for the Executive Director position are to be sent to all San Francisco Labor Council affiliates and Central Labor Councils in the state as well as state AFL-CIO federations across the United States, requesting they communicate this to all affiliated unions.
- (b) The Screening and Selection Committee, consisting of the entire Executive Committee, by majority vote, shall recommend up to three of the most qualified candidates for the position. Special additional consideration shall be given to local candidates who are already delegates to the Council.
- (c) The presiding officer shall announce the names of the recommended candidates at a regular Council meeting. The final candidate(s) for Executive Director shall make presentations before the Delegate Body at the regular Council

meeting following the final screening by the Executive Committee. All affiliated locals shall be notified, at least two weeks in advance, of the name and the qualifications of the candidate(s) and the date of the regular Council meeting at which a per capita vote for selection shall be taken by the delegates in attendance. The voting shall be conducted in accordance with the Constitution. A candidate must receive 60 percent of the per capita vote of those local unions present at the meeting to be selected.

- (d) If a candidate is not selected, the matter shall be referred back to the Screening and Selection Committee. The Screening and Selection Committee shall review, reconsider, and submit a candidate for confirmation at the next Council meeting.
- (e) The Executive Director who is selected shall start employment on a mutually agreed date for a two-year term.
- (f) The Screening and Selection Committee shall be abolished once a candidate is selected.
- (g) A meeting of the Executive Committee to review the job performance of the Executive Director shall be called by written request to the President, of at least three members of the Executive Committee. A minimum of 10 days notice must be given to all Executive Committee members, by mail, prior to the meeting.
- (h) If a termination pursuant to Article XI is uncontested or confirmed by the delegates, the Executive Director's replacement would finish out the balance of that term. If a vacancy occurs in the position of Executive Director, the officers shall assume the duties and responsibilities of the position until a replacement has been hired per Article VII, Section 1 above, but in no case will it be longer than 120 days.
- (i) The Executive Director shall serve a term of two years unless terminated. The Executive Committee may recommend subsequent two-year terms subject to a confirmation vote pursuant to (c) above. Such process shall begin 120 days prior to the end of the term. If an Executive Director is not confirmed for a subsequent term, the process starting with (a) above shall be initiated. The process as outlined above shall begin 90 days before the end of the Executive Director's term of office.
- (j) It is the duty and responsibility of the Executive Director to administer the affairs of the SFLC on a day-to-day basis, to propose programs to further the aims expressed in Article II Purpose of this Constitution, and, when those programs are adopted, to implement them and report progress on them. The Executive Director's duties and responsibilities shall include: 1) To carry out the mandates of Delegate Body, Executive Committee, and officer decisions; 2) To hire, fire, assign, and direct staff in accordance with applicable bargaining agreements, rules, laws and regulations; 3) Together with an officer, sign all checks, vouchers, financial contracts, and agreements subject to the policies of the Council and to this Constitution; 4) Operate within a budget approved by the Executive Committee and Delegate Body. After consultation with the officers, and by December 1 of each year, present a proposed operating budget to the Executive Committee for action; 5) Responsible for all financial records, transactions, membership information, record keeping, and required reports. Keep an accurate accounting of all receipts and disbursements of monies, savings, securities, and property of the Council, and deposit all monies in a bank approved by the Executive Committee. Report monthly to the officers and Executive Committee on income and expenses. Maintain records showing the standing of all affiliated organizations. Manage the funds of the Council and keep records in a manner which generally conforms with acceptable accounting standards and controls as may be required under the *Rules Governing AFL-CIO Central Labor Councils*, and submit the books for audit on request of the Executive Committee or the SFLC but not less than annually; 6) Act as the chief spokesperson for the Council in the community, in the media, and at meetings, conferences, or conventions of organizations that the Council is affiliated with, as directed; 7) Serve as a non-voting ex-officio member of all committees of the Council; 8) Be the custodian of records of the Council, keep an accurate record of minutes of the proceedings of all meetings, and provide reasonable access to records, minutes, and correspondence; 9) Notify the AFL-CIO of all those elected to office within the Council within 15 days of election; 10) Be covered by an appropriate bond and provide for the bonding of the officers and Executive Committee. The cost of such bonds shall be at Council expense.
- (k) It shall be the duty and responsibility of the Executive Director to hold a Leadership Conference annually to discuss issues, policies, and programs of the Council; to review the work of the Council from the preceding year; and to adopt goals for the coming year. Beginning two months prior to the annual SFLC Leadership Conference, the Executive Director shall solicit input and direction for the conference from the Delegate Body, and shall cooperate and coordinate with the Executive Committee and the officers on the Leadership Conference.



## ARTICLE VIII. DUTIES OF OFFICERS

**Section 1.** The President shall be the presiding officer of all meetings of the SFLC and of the Executive Committee; countersign all orders for the payment of funds of the SFLC; exercise general supervision over the affairs and activities of the SFLC; have the power to interpret the Constitution, subject to ratification of the SFLC; and be a member of all committees and perform such other duties as usually pertain to the office and as may be ordered by the SFLC or the Executive Committee. The President may appoint as many Sergeants-at-Arms as necessary to assist in maintaining order and in the conduct of meetings of the SFLC.

**Section 2.** In the absence of the President, the Secretary Treasurer or her/his designee, shall perform all the duties pertaining to that office. The Secretary Treasurer may also countersign orders for the payment of funds, shall exercise oversight over the Council's financial affairs, and shall chair the Finance Committee. All officers shall be members of all committees ex officio (because of their office).

**Section 3.** The Vice President for Affiliate Support shall focus on affiliate support activities of the Council, including bargaining support, organizing support, and strike support; the Vice President for Political Activities shall focus on political activities of the Council; and the Vice President for Community Activities shall focus on community activities of the Council. The Secretary Treasurer shall focus on financial and fiscal affairs of the Council, including budget reports.

**Section 4.** None but delegates shall be eligible to be officers of the SFLC. The Executive Director will become a duly accredited delegate from an affiliated organization upon hire. Delegates from the constituency groups may run for Executive Committee positions.

### **Section 5.**

- (a) Every officer and employee(s) of the SFLC, whether elected or appointed, has a high fiduciary duty and sacred trust to serve the best interest of the members honestly and faithfully.
- (b) No officer or employee shall own property or have a personal financial interest which conflicts with the full performance of her/his fiduciary duties.
- (c) All officers and employees shall abide by the applicable standards of conduct mandated by the AFL-CIO Ethical Practices Code.

**Section 6.** The officers plus the Executive Director, by majority vote, are empowered to act on behalf of the SFLC in the interim between meetings of the Executive Committee and meetings of the delegates.

## ARTICLE IX. COMMITTEES

Committees are vitally important to develop and implement policies, positions, and programs of the Council. Committees maximize participation and input in the decision-making process.

**Section 1.** The Executive Committee shall be composed of 30 equally participating members. Five members shall serve by virtue of their offices: President, three Vice Presidents, and a Secretary Treasurer. Twenty-five shall be elected triennially in accordance with the provisions of this Constitution. The Executive Committee may create

additional Executive Committee positions subject to a majority vote of the delegates at a duly noticed regular Delegate meeting of the SFLC.

**Section 2.** The Executive Committee, when in session, shall be authorized and empowered to take such action and render such decisions as may be necessary to carry out fully the decisions and instructions of the SFLC Delegate Body and as may be necessary and appropriate to safeguard and promote the best interests of the Council and its affiliated unions.

**Section 3.** The Executive Committee shall meet regularly at 5:30 p.m. twice per month, at such time and place as it may determined, and it shall meet on call of the President or officers when a special meeting is necessary. In the event an Executive Committee meeting takes place just before a Delegate meeting, the Executive Committee report shall be given to the Delegate Body one item at a time, along with any recommendation for delegate consideration and vote.

A quorum for transaction of business of the Executive Committee shall consist of one-third of its members, as defined above. Executive Committee members shall be required to attend half of the Executive Committee regular meetings in each quarter or they and their affiliated organization will be notified by the Executive Director that her/his seat on the Executive Committee shall be declared vacant if they fail to attend the next regularly scheduled Executive Committee meeting. The attendance requirements of this Section may be waived for an individual by a 75 percent vote by the Executive Committee at a regular meeting with a quorum present.

**Section 4.** The Executive Committee shall serve as the candidate-interviewing committee of the SF COPE – Labor/Neighbor.

**Section 5.** The Executive Committee or officers may form subcommittees.

**Section 6.** The Law and Legislative Committee shall consist of 14 members, nine of who shall be elected triennially, and five of who shall serve by virtue of their offices as the President, three Vice Presidents, and Secretary Treasurer. Any member of the Law and Legislative Committee who misses more than three consecutive meetings without an excuse shall automatically vacate her/his seat on the Committee.

The Law and Legislative Committee shall have the duty to report to the SFLC on proposed legislation affecting the interests of workers, and to make recommendations with respect thereto including recommendations of endorsement, rejection, or other appropriate action on ballot issues and propositions.

Only the Law and Legislative Committee shall forward to the convention a report recommending endorsement, rejection, or other appropriate action on ballot proposals, and send a copy to the Executive Committee.

The Executive Committee shall, after interviewing candidates, forward to the convention a report recommending endorsement, rejection, or other appropriate action.

Acceptance of these reports shall not be considered the same as a vote on the recommendations. A specific vote to endorse, reject, or take other appropriate action is required at a COPE (Labor/Neighbor) Convention.

**Section 7.** The San Francisco Committee on Political Education (SF COPE), also known as Labor/Neighbor, derives its powers from the SFLC, and all its actions are subject to the approval of the SFLC. It is vested with the duty and responsibility of assisting the SFLC in meeting the need for sound political education and shall encourage study and discussion of issues and candidates. It shall stimulate, assist, and coordinate campaigns for the registration of working people, their families, and friends to get out and vote on Election Day. It shall indicate approval of and lend support

to, or work for the defeat of such ballot proposals and candidates as have been endorsed, not endorsed, or opposed. It shall have responsibility for the establishment of a comprehensive record of its activities including, but not limited to, names, addresses, and telephone numbers of union members who are registered to vote.

This Committee shall be composed of the delegates to the SFLC. The officers and the Executive Committee of the SFLC shall be the officers and Executive Committee of this Committee.

This Committee shall call conventions for the purpose of endorsing candidates and ballot proposals for national, state, or local office. One such convention shall be called prior to each election.

A candidate or ballot proposal may be endorsed, rejected, or receive other appropriate recommendation upon a two-thirds majority, with the accommodation for instant runoff voting, of all ballots cast for that office or ballot proposal at the convention.

The Committee shall study and make recommendations to be approved by the SFLC whereby all affiliated organizations might make regular monthly contributions toward the financing of this Committee.

Funds of this Committee shall be maintained in a separate account(s), and expenditures shall be subject to approval by its officers and Executive Committee.

**Section 8.** The following standing committees may be appointed by the President: Credentials; Community Services; Outreach; Education; Union Label; Health and Welfare; Organizing Committee, whose responsibility is to assist the Council in developing organizing support programs; Communications; Newsletter; Public Employee; Constitution & Bylaw & Ethics; Social Justice Committee, whose responsibility is to assist the Council in promoting improvement of equality of economic, social, and political opportunities of workers; and Commissioners Committee, which shall be made up of labor appointees to City Commissions and whose responsibility it shall be to meet monthly, communicate issues of interest to labor coming before their respective Commissions, and report and recommend actions to further the purposes of this Council.

Members of standing committees serve at the pleasure of the President or appointing officer. Special committees may be established from time to time by the SFLC as needed and shall be appointed by the President unless otherwise directed by the SFLC. All committees shall hold their meetings at the headquarters of the Council, unless otherwise directed. Committees shall report on their meetings to the Delegate Body.

Seats for committees shall be first filled with volunteers from the ranks of the Delegate Body at the meeting at which the committee is established. Committee assignments must be accomplished in a timely manner.

**Section 9.** All delegates shall be eligible and are encouraged to volunteer to participate as active and voting members of any non-elected standing committee or ad hoc or special committee of the Labor Council.

## **ARTICLE X. LEGISLATIVE AND POLITICAL ACTION**

**Section 1.** The legislative activities of the SFLC shall be under the direction of the officers and Executive Committee pursuant to and pending the decisions of the Delegate Body. These activities shall conform to the policies of the California Labor Federation on state matters and to the policies of the national AFL-CIO on national affairs, and to the policies adopted by the SFLC on local matters. This section shall not be construed as denying the Delegate Body of the SFLC from endorsing or opposing any proposed or enacted legislation, and urging the State Federation of Labor and/or the AFL-CIO to do the same.

**Section 2.** The political activities of the SFLC shall be under the direction of the Council's Committee on Political Education (COPE) [Labor/Neighbor], pursuant to and pending the decision of the Delegate Body. COPE [Labor/Neighbor] is hereby constituted as the political arm of this Council. The Executive Committee shall constitute the SFLC's Committee on Political Education [Labor/Neighbor].

**Section 3.** The President and Vice-Presidents of the Council shall be the chair and chief financial officers respectively of COPE [Labor/Neighbor].

**Section 4.** COPE [Labor/Neighbor] shall operate in conformity with the policies of the AFL-CIO including Rules #30 through #46 of the *Rules Governing AFL-CIO Central Labor Councils*, and State COPE.

**Section 5.** The SFLC's Committee on Political Education [Labor/Neighbor] may propose Bylaws to govern COPE [Labor/Neighbor] which shall be subject to ratification by the SFLC Delegate Body.

**Section 6.** Additional members may be added to the Committee in accordance with properly approved Bylaws.

## **ARTICLE XI. CHARGES AND HEARINGS**

**Section 1.** Any affiliated organization by vote of its membership, or any officer of or delegate to the SFLC shall have the right to file charges (a) against any delegate to the Council for having engaged in conduct or a course of activity hostile or contrary to the best interests of this Council or its constitution; (b) against any officer of the Council for violating the Constitution or rules of the AFL-CIO or the Constitution of this Council, or for conduct unbecoming an officer, misappropriation of funds, malfeasance in office or neglect of duty; or (c) against any organization affiliated with the SFLC for having engaged in conduct or a course of activity hostile or contrary to the best interests of the SFLC or contrary to this Constitution.

**Section 2.** All charges or election protests (see Art. VI, Sec 13) shall be in writing, specifying the particular act or acts charged; shall be signed by the charging party or by its officers, if an affiliated organization; and shall be filed with the President or the Executive Director of the SFLC, or with any other officer of the SFLC, if both the President and the Executive Director are charged.

**Section 3.** Upon receipt of the charges or protest properly filed, the officer receiving same shall present them to the Executive Committee at its next meeting and the Executive Committee shall determine by majority vote whether or not the charges or protest merit a hearing. Election protests shall be filed first with the Elections Committee, which shall report its findings to the Executive Committee.

**Section 4.** If a hearing is warranted, all parties to the dispute shall be given adequate notification of not less than three days of the hearing date, along with a copy of the charges or protest and a record of action taken by the Executive Committee or Elections Committee to date. Both the accused and the charging party shall be accorded full opportunity to be heard and to present evidence.

**Section 5.** Following a hearing, the Executive Committee may take appropriate action, including, in the case of charges, the suspension or expulsion of any delegate or affiliated organization, the suspension or removal of any officer found guilty of the charges by a two-thirds vote, and in the case of an election protest, order appropriate remedies up to and including the rerun of the election.

**Section 6.** The decision of the Executive Committee shall be reported to the next meeting of the SFLC. Such decision shall be final and binding unless appealed as hereinafter provided.

**Section 7.** The decision of the Executive Committee may be appealed to the Delegate meeting of the SFLC by either party. Notice of such appeal shall be filed in writing with the President or the Vice-Presidents within 10 days of the Executive Committee's report to the Council. The appeal shall be heard expeditiously and at a regular meeting of the SFLC. The charging party, the defendant, and the Executive Committee, through selected spokespersons, shall, in that order, be allowed 10 minutes each to present statements of the case. One half hour shall then be allocated for general discussion and questions by the delegates. Delegates shall vote on the question of sustaining the decision of the Executive Committee. It shall require a majority vote to sustain the decision.

**Section 8.** The final decision of the SFLC may be appealed to the AFL-CIO as provided under Rule #27 or Rule #28 as appropriate of the *Rules Governing AFL-CIO Central Labor Councils*. The decision of the Council shall remain in effect during the appeal unless reversed, modified, or temporarily stayed by the President of the AFL-CIO.

**Section 9.** In accordance with Rule #26 of the *Rules Governing AFL-CIO Central Labor Councils*, no organization or individual seeking redress under this Article shall resort to any court until all relief within the AFL-CIO as provided for within this Constitution, the *Rules Governing AFL-CIO Central Labor Councils*, and the Constitution of the AFL-CIO is exhausted.

## **ARTICLE XII. PER CAPITA TAXES AND FEES**

**Section 1.** Effective January 1, 2020 affiliated local unions shall pay a monthly per capita tax of eighty-five (\$0.85) on all its members regularly employed within the jurisdiction of this SFLC. Effective January 1, 2021, this amount increases to ninety-five (\$0.95). Effective January 1, 2022, this amount increases to one dollar (\$1.00).

A local union desiring to affiliate shall pay one month's per capita tax at the time of affiliation. Per capita tax for succeeding months shall be due on the first of each month thereafter. Per capita tax in each case shall be based on the number of dues-paying members for the preceding month. If per capita tax for any month is not paid by the first of the following month the local union shall be deemed in arrears.

**Section 2.** Other affiliated organizations (as defined in Article III, Section 1), shall pay an annual fee of \$50. Any such organization desiring to affiliate shall pay one year's fee at the time of affiliating. The annual fee for succeeding years shall be due on the first of the anniversary month each year thereafter, and if not paid by the first of the succeeding month after it is due, the organization shall be deemed in arrears.

**Section 3.** A local union or other organization which becomes two months in arrears shall be so notified in writing by the Executive Director. If it becomes three months in arrears it shall not be considered in good standing and shall not be entitled to voice or vote in meetings of the SFLC. It shall be so notified in writing by the Executive Director.

**Section 4.** A local union or other organization which becomes four months in arrears shall stand suspended from membership and shall be so notified in writing.

**Section 5.** A local union or other organization which has been suspended, or which has withdrawn from membership, may be reinstated by payment of all amounts due at the time of suspension or withdrawal and the current per capita tax or annual fee. However, the average membership of a reinstated local union, for purposes of roll call voting, shall be computed from the date of reinstatement (as if it were a newly affiliated local union). A union that has been suspended for nonpayment of per capita tax may pay only the amounts in arrears, but cannot pay for additional months to increase voting strength.

**Section 6.** The Executive Committee may require a local union to produce proof of membership where reason exists to believe such local union is violating this provision. If the local union shall fail or refuse to produce such proof on request, the Executive Committee may base its determination on such evidence as may be available.

**Section 7.** The Executive Committee may exonerate any local union from payment of per capita tax for any month that, in the opinion of the Executive Committee, good cause therefore exists, subject to ratification by the SFLC. Exonerated members shall be regarded, for purposes of this Constitution, as paid up members for the period of exoneration, but the delegates representing such local shall not vote on the question of exoneration.

### **ARTICLE XIII. FINANCIAL PRACTICES AND AUDITS**

**Section 1.** All funds of the SFLC shall be placed on deposit in a national bank or other federally insured financial institution, as designated by the Executive Committee and shall be paid out only by check bearing the signatures of the President, Secretary Treasurer (per Article VIII, Section 2), and the Executive Director. No funds shall be expended unless authorized by the SFLC. All invoices, receipts, and other supporting documents shall be attached to the voucher, which shall be signed by the Executive Director and countersigned by the President or Secretary Treasurer.

**Section 2.** The accounts and financial records of the SFLC, including all committees and subordinate agencies of the Council, shall be audited annually and shall cover the full calendar year. These audits shall be submitted to the Council and a copy sent to the AFL-CIO. The Executive Committee may require more frequent audits or examination of the accounts and financial records of the Council.

**Section 3.** Officers, delegates, and other authorized persons shall be reimbursed for necessary and legitimate expenses which may be incurred in the performance of authorized activities for the SFLC. An itemized accounting of such expenses shall be submitted to the Executive Committee.

**Section 4.** All officers and agents of this SFLC having a financial responsibility shall be covered by a fidelity bond in an amount equal to no less than ten percent (10%) of its revenue in the prior fiscal year. Should the amount of this bond exceed the \$2500 amount of the bond furnished without cost by the AFL-CIO, the Council shall pay the additional cost of such bond.

**Section 5.** The SFLC shall file such reports and pay such affiliation fees as may be required by the national AFL-CIO pursuant to Rule # 6 and Rule #14 of the *Rules Governing AFL-CIO Central Labor Councils*.

**Section 6.** The Council shall prepare an annual budget and adopt a written expense policy. Expenses shall be reimbursed only upon submission of original receipts. The use of the Council's credit card for personal use is

prohibited.

## **ARTICLE XIV. LISTS**

All lists of affiliates or members of affiliates in possession of the SFLC shall be used exclusively in carrying out the authorized programs and work of the Council and shall not be released to any person or organization for any other purpose unless such release has been duly authorized by the Council and the appropriate officers of the affiliate or affiliates involved.

## **ARTICLE XV. COLLECTIVE BARGAINING, STRIKES, AND BOYCOTTS**

**Section 1.** This Council shall not take part in any collective bargaining activities or in any dispute, including strikes, except upon the request or consent of the aggrieved union or organizing committee or in the case of a local union directly affiliated to the AFL-CIO, except upon the request or consent of the AFL-CIO president.

**Section 2.** This Council shall have no power or authority to initiate a boycott. This Council can endorse and provide support for a boycott campaign of an affiliate. This Council can place an employer on an “unfair” or “do not patronize” list, if the proper conditions apply as outlined in the regulations below, and that all such action be taken only on written request of the aggrieved union or in response to an action of the AFL-CIO.

When such action is requested by an aggrieved union, the Council shall be governed by the following regulations:

- (a) The Secretary Treasurer of the AFL-CIO, or her/his designated agent, shall be notified in writing of all boycott requests, whether local, regional or national in scope.
- (b) Disputes affecting contractual interests of other unions – If the requested action is directed against an employer which has a contract or working agreement with any union or unions affiliated with the AFL-CIO, other than the aggrieved union, then the written consent of such other union or unions shall be required. If such consent is not given, no further action shall be taken by this Council except as authorized by the President or by the Executive Council of the AFL-CIO.
- (c) Local Disputes – If the requested action is directed against an employer for a dispute arising within the area of jurisdiction of this Council which does not involve the contractual interest of other AFL-CIO unions, the Council may take the requested action if, in its judgment, such action is warranted and shall provide written notice to the Secretary Treasurer of the AFL-CIO of such action. The Council will notify the Secretary Treasurer of the AFL-CIO when a boycott is terminated.
- (d) Disputes in areas of other area Labor Councils or Central Councils – If the requested action is directed against an employer for a dispute arising wholly outside the area of jurisdiction of this Council, no action shall be taken unless the AFL-CIO and the area Labor Council, Central Labor Council or State Central Council in whose area the dispute arose has first acted favorably on the request of the aggrieved union in keeping with applicable rules.
- (e) National and regional disputes – If the requested action is directed against an employer for a dispute which is national or regional in scope, no action shall be taken by this Council unless the affiliated national or international union involved has first secured approval of the AFL-CIO.

## **ARTICLE XVI. RULES, PARLIAMENTARY AUTHORITY, AND AMENDMENTS**

**Section 1.** The procedures to be followed with respect to publications issued or endorsed by the SFLC shall be in accord with Rule #23 and the other policies contained in the *Rules Governing AFL-CIO Central Labor Councils*.

**Section 2.** In case of conflict between the provisions of this Constitution or other laws or actions of this SFLC and the Constitution of the AFL-CIO, and/or the *Rules Governing Central Labor Councils* issued by the Executive Council of the AFL-CIO, the latter shall prevail, and appropriate steps shall be taken by the Executive Committee to initiate such amendment to this Constitution or to change or modify the laws or actions of this Council as necessary to bring them into conformity with the Constitution and *Rules Governing AFL-CIO Central Labor Councils*.

**Section 3.** The parliamentary rules contained in *Robert's Rules of Order, Revised* shall govern the SFLC in all cases to which they are applicable and where they are not inconsistent with this Constitution, or such special rules of order as may be adopted by the SFLC.

**Section 4.** This Constitution may be amended by any regular meeting of the SFLC by two-thirds of the votes cast, provided the proposed amendment(s) have been submitted in writing to the Council at the preceding regular meeting and properly certified by an affiliated organization or by a delegate representing an affiliated organization. Amendments may also be proposed by the Executive Committee. All proposed amendments shall be read in full at the meeting at which received and copies shall be made available upon request to all delegates prior to final consideration. Amendments to this Constitution shall become effective when approved by the President of the AFL-CIO.

## **ARTICLE XVII. CHAPTERS**

Chapters of this Council may be created if the Council determines an organizational presence is needed in a specific geographic area within its jurisdiction. Chapters shall have no right of representation or involvement in the affairs of this Council. Chapters may be authorized to enact bylaws consistent with the Council's constitution; elect a chapter president and secretary treasurer; hold meetings of delegates from local unions within the chapter's geographic jurisdiction; and make recommendations to the State Labor Council, the Area Labor Council or the Central Labor Council for its consideration. Chapters may not assess a per capita or membership fee. In accordance with the endorsement procedure for this Council, the chapter may endorse candidates running for local public office within the chapter's geographic jurisdiction and may screen, interview and recommend to the Area Labor Council or Central Labor Council candidates for state and federal legislative office, but such recommendation is not binding on this Council.



## **Obligation of Delegates**

Upon acceptance of a delegate's credential, the presiding officer shall administer the following obligation:

"I, (name of delegate), do solemnly pledge my word and honor that I will obey the Constitution and rules and regulations of the San Francisco Labor Council. I also pledge that I will patronize union labels, union shops, and union employers when they are available, and that I will honor properly sanctioned union picket lines. I pledge I will qualify myself to vote in all local, state, and federal elections, if eligible to do so. I will perform whatever duty may be imposed upon me by this Council."

## **Obligation of Officers**

Before entering upon the duties each officer-elect shall assume the following obligation:

"I, (give name), do hereby promise to faithfully perform all the duties of the office to which I have been elected to the best of my ability, and to uphold the Constitution of the San Francisco Labor Council, and of the AFL-CIO. I further promise to deliver all property in my possession belonging to this Labor Council to my successor in office and to surrender such property to the President of the AFL-CIO upon her/his official demand."

## **ORDER OF BUSINESS**

1. Call to Order
2. Pledge to the Flag
3. Roll Call
4. Approval of Minutes
5. Credentials
6. Report of the Executive Committee
7. Reports of Standing Committees and Special Committees
8. Reports of Officers
9. Financial Report
10. Approval of Bills
11. Unfinished Business
12. New Business
13. Nominations
14. Elections
15. Installation of Officers
16. Reports of Unions
17. Good of the Council
18. Adjournment

(Note: The Order of Business, like parliamentary rules of order, may be suspended temporarily for a particular purpose by a two-thirds vote. The Constitution or Bylaws may not be suspended.)

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