

# Expanding the General Board

Submitted by AFL-CIO Executive Council

Article XI of the AFL-CIO Constitution establishes a General Board, comprised of all of the members of the Executive Council and the principal officer of each affiliated national or international union, the principal officer of each trade and industrial department and regional representatives of state central bodies. The General Board meets upon the call of the president or the Executive Council and decides all policy questions referred to it by the executive officers or the Executive Council.

The proposed amendment would expand the General Board to include a representative of each national constituency organization and allied retiree organization recognized by the AFL-CIO. Currently, there are six recognized constituency organizations: the A. Philip Randolph Institute, the Asian Pacific American Labor Alliance, the Coalition of Black Trade Unionists, the Coalition of Labor Union Women, the Labor Council for Latin American Advancement and Pride at Work. There is one recognized allied retiree organization: the Alliance for Retired Americans.

In addition, the amendment would expand the General Board by adding regional representatives of area and central labor councils, just as the General Board now includes regional representatives of state federations. These new representatives, like representatives of trade and industrial departments, would each be entitled to one vote.

Therefore, the Executive Council proposes the following amendments to Article XI, Sections 1 and 4:

Amend Article XI, Sections 1 and 4 to read as follows:

1. The General Board shall consist of all of the members of the Executive Council and the principal officer of each affiliated national or international union, the principal officer of each trade and industrial department, **a representative of each national constituency organization and allied retiree organization recognized by the Federation** and regional representatives of the state, **area and local** central bodies selected by the Executive Council pursuant to a system promulgated by the Council.

4. Questions shall be decided in accordance with the applicable provision of Article IV, Section 18 with the principal officer of each affiliated national or international union casting votes in the number of its members, the principal officer of each department casting one vote, **the representative of each constituency organization and allied retiree organization casting one vote** and the regional representatives of the state, **area and local** central bodies casting one vote each.

[The rest of the Section remains unchanged.]

## CONSTITUTIONAL AMENDMENT 2

# Implementing the Executive Council's March 2005 Statement on Building a Unified Labor Movement: Creating Effective State and Local Labor Councils

Submitted by AFL-CIO Executive Council

In March 2005, following a joint meeting between the Committee on State and Local Strategies and leaders of state and local central bodies, the Executive Council adopted a statement based largely upon the proposals and recommendations from the joint meeting that called for an expanded and accelerated effort to strengthen state and local central bodies. The statement recognized the critically important role these organizations play in carrying out and supporting the labor movement's political, legislative and organizing programs, and it reiterated the need for unified, coordinated, effective, accountable and well-resourced organizations at the state and local levels. The statement calls on the federation to establish state-by-state strategic planning and budgeting processes through which state and local labor movements will coordinate and integrate their work and ensure their work reflects the priorities and needs of the federation and its affiliated unions. The statement further calls on the federation to hold state and local central bodies accountable for their performance and to develop mechanisms to ensure full support from affiliated unions for state and local organizations that are fulfilling these responsibilities.

The proposed constitutional amendment builds upon existing constitutional language giving the

Executive Council authority to adopt programs, rules and procedures governing state and local central bodies. The amendment reinforces the central principles expressed in the Executive Council statement and authorizes the Executive Council to adopt such measures as it deems necessary or advisable to implement them. These principles include the federation's policy of full participation and fair affiliation of local unions to state and local central bodies; the need for coordination and integration of state and local central body activities with each other and with the programs and priorities of the federation and its affiliated unions; and the expectation of effective performance by these organizations (and consequences for underperformance).

The amendment also directs the president to establish advisory committees of state federations and of area and local labor councils. The amendment would formally establish in the Constitution mechanisms for consultation that the federation has, until now, conducted informally through various means.

Therefore, the Executive Council proposes the following amendments to Article XIV:

A. Amend Article XIV, Section 2(c) to read as follows:

The Executive Council is authorized to establish such programs, rules and procedures as it deems necessary or advisable to **implement the Federation's policy of** ~~achieve the goal of~~ full participation and fair affiliation of local unions to central labor bodies and **to achieve broad support for these organizations from local unions within their jurisdiction. The Executive Council is further authorized to establish such programs, rules and procedures as it deems necessary or advisable** to ensure **effective performance by central labor bodies and** coordination and integration of central labor body activities with **each other and with** the programs **and priorities** of the AFL-CIO and affiliated national and international unions. The Executive Council is further authorized to modify or phase out the program contained in Section 2(b) of

this Article as part of any program, rule or procedure adopted under this Section.

B. Amend Article XIV, Section 2 by moving the last sentence of Section 2(c) ("The Executive Council shall also issue rules governing the creation and merger of central labor bodies.") to the last sentence of Section 1.

C. Add a new Section 5 as follows:

**The President shall establish an advisory committee comprised of representatives of state central bodies and an advisory committee comprised of representatives of area and local central bodies, which shall meet upon the call of the President at least twice each year at a time and place designated by the President.**

## CONSTITUTIONAL AMENDMENT 3

# Promoting Greater Gender and Racial Diversity in the Federation's Governing Bodies

Submitted by AFL-CIO Executive Council

The proposed amendment would make four changes to the federation's governance structure to continue and build on our progress and better ensure the federation's governing bodies reflect the gender and racial diversity of the membership of the labor movement.

First, the amendment would establish a policy that each national or international union's delegation to an AFL-CIO Convention shall generally reflect the racial and gender diversity of that union's membership. This policy would take effect at the federation's next regularly scheduled convention (i.e., 2009 on the federation's four-year Convention cycle). Unions would be expected to make every effort to ensure their AFL-CIO Convention delegations reflected the racial and gender diversity of their membership, recognizing that changes may be needed to their union's approach for selecting or designating AFL-CIO Convention delegates in order to meet this requirement.

Second, the amendment seeks to build upon recent progress in diversifying the Executive Council by increasing by 50 percent the number of vice president positions that must be filled by women and people of color on any slate of vice presidential candidates presented to the Convention. Under the current language, adopted by the Convention in 1995, at least 10 seats on any slate must be filled by women and people of color; the proposed amendment would increase this requirement to 15 seats.

Third, the amendment would further express the federation's commitment to an Executive Council

that is broadly representative of the diversity of the labor movement, including women and people of color, by establishing this principle in the section of the Constitution authorizing the Executive Council to fill vacancies on the Council. The amendment directs the Executive Council to fill vacancies consistent with the federation's goal of achieving racial and gender diversity on the Council.

Finally, the amendment would authorize the Executive Council to establish and fill up to three additional vice presidencies in order to increase the racial and gender diversity of the Executive Council. The vice presidencies established under this section would not be permanent seats, but would expire at the next regular Convention.

Therefore, the Executive Council proposes the following amendments to Articles IV and VI:

A. Amend Article IV, Section 4(a) by adding to the end the following: **Each national or international union and organizing committee delegation shall generally reflect the racial and gender diversity of its membership.**

B. Amend Article VI, Section 1(f) to read as follows: The Vice Presidents shall be elected by plurality vote, and the 51 candidates receiving the highest number of votes shall be elected. In the event of a tie vote, a second vote shall be taken only among the candidates whose tie prevented the election of 51 Vice Presidents. The candidates for Vice President shall be listed on the ballot in the order in which nominated. Any slate for vice presidential candidates

presented to the convention during the nomination process shall devote no fewer than ~~10~~ **15** positions to carrying out the commitment to an Executive Council that is broadly representative of the diversity of the membership of the labor movement, including its women members and its members of color. Each ballot must, to be valid, be voted for 51 candidates for Vice President and must cast the full voting strength of the delegate or affiliate voting.

C. Amend Article VI, Section 4 to read: In the event of a vacancy in the office of Vice President by reason of death, resignation, or otherwise, the Executive Council shall have the power to fill the vacancy by majority vote of all its members for the remainder of the unexpired term, **consistent with the Federation's goal of achieving an Executive Council that is broadly representative of the**

**diversity of the membership of the labor movement, including its women members and its members of color.**

D. Amend Article VI by adding at the end a new Section 5: **In furtherance of the Federation's goal of achieving an Executive Council that is broadly representative of the diversity of the membership of the labor movement, including its women members and its members of color, the Executive Council may create up to three additional vice presidencies and fill these positions with individuals who will increase the racial and gender diversity of the Council. Such additional vice presidencies shall expire at the next regular Convention.**

## CONSTITUTIONAL AMENDMENT 26

# Building Power for Workers in Industries: Creating Industry Coordinating Committees

As corporate consolidation and globalization continue to expand, the labor movement must develop and implement new strategies to confront and respond to this growing corporate power. We need to bring together unions representing workers within the same industry, occupation, region, or employer in order to harness and apply their collective strength to the benefit of workers in the most coordinated, effective way possible.

Working together, unions representing the workers in an industry can identify and develop strategic growth opportunities and plans to build their unions, strengthen the labor movement and improve wages and working conditions for working people across the land. Together, they can resist the downward pressure on wages and benefits exerted by rampant corporate greed by developing new global bargaining strategies and by agreeing to respect strong contract standards.

The federation should create Industry Coordinating Committees in industries or geographic, employer-based, occupational or other appropriate subdivisions thereof that are strategically important to labor movement growth. The Executive Council should adopt principles, rules and procedures governing the creation and operation of the committees and should oversee their implementation. Committees

should be responsible for developing a strategic growth plan for their designated industry (or subdivision) and for developing bargaining strategies and standards. The Executive Council should develop mechanisms for enforcing and protecting committees and their member unions against actions by other unions that interfere with or undermine the committees' work. The Executive Council should periodically review the progress of committees and reform its policies, rules and procedures as appropriate.

Therefore, the Executive Council proposes the following amendment to Article X (Executive Council):

Amend Article X (Executive Council) by adding a new section 11 as follows and renumbering existing sections accordingly:

**Sec. 11. The Executive Council, at the request of and in consultation with affiliated unions, shall have the authority to establish Industry Coordinating Committees in industries (or geographic, employer-based, occupational or other appropriate subdivisions thereof) strategically important to labor movement growth, for such term and in accordance with principles, rules and procedures as established by the Executive Council.**

## CONSTITUTIONAL AMENDMENT 27

# Amending Procedures Under Article XX Relating to Appeals Committee and Justification Proceedings

This procedural amendment would facilitate the Article XX appeal process in two ways.

First, the amendment would formally recognize the long-exercised power of the Executive Council Appeals Subcommittee to remand an appeal to the Impartial Umpire for further proceedings. Section 13 currently accords the subcommittee authority to either deny an appeal or refer it to the full Appeals Committee. But the Subcommittee occasionally has remanded a case to the Umpire for further factual development or to address a particular claim or issue that he did address in his determination. Remand is an important practical option where neither denial nor referral is the appropriate course. This amendment would inscribe that option in Section 13, without any suggestion that it be used more or less frequently, or differently otherwise, than it is now.

Second, the amendment would expand the Article XX Appeals Committee from 12 to 15 members while maintaining the quorum at seven. The reason for this change is simply to make it easier to achieve the necessary quorum. In recent years, it has become considerably more challenging to schedule seven of the 12 committee members. An expanded pool should alleviate this problem while maintaining necessary continuity on the committee.

This amendment also would create a distinct Section 14 for the current provision that authorizes the

Executive Council to issue policy statements under Article XX.

The amendment would also provide greater due process to affiliated unions in Article XX justification cases. Since the inception of the modern version of Article XX more than 40 years ago, a procedure has been available for an AFL-CIO affiliate to secure advance approval from the Executive Council to take action that otherwise would violate Article XX, when “such special and unusual circumstances exist that it would be violative of its basic jurisdiction or contrary to basic concepts of trade union morality.” Article XX, Section 4. Over the years this option has been pursued infrequently and has resulted in only 11 Executive Council decisions (four granting and seven denying the justification claim).

The justification process occurs in two steps. First, an Impartial Umpire holds a hearing and submits to the Executive Council a report that finds the facts and concludes whether or not the proposed action would violate Article XX. The Council then decides by majority vote whether the proposed action would violate Article XX, and, if so, decides by a two-thirds vote whether or not the proposed action is justified.

The Council has always considered these cases either at regular meetings or through a written poll with-

out a meeting of any kind. The Council receives materials that include the Umpire's report and the parties' positions, but the Council has not always heard presentations by the parties, even when it has considered a justification request at a meeting. And, because the cases are resolved by a Council vote, there has never been a written justification decision other than the notification of that vote to the parties.

This process has generated some dissatisfaction: that the unions involved have an inadequate, or no, opportunity to engage with the Council as a whole about their positions; that the Council has ruled without a sufficient opportunity to consider and discuss the matter; and that both the Council and the parties proceed without the benefit of prior Council reasoning and interpretation of the Section 4 standards.

The proposed amendment would change this process to address these concerns. The Impartial Umpire would both issue a report of the facts and evaluate whether the proposed action would violate Article XX, as currently, and make a reasoned recommendation to the Council as to whether or not to uphold the justification claim. The Council would then consider the matter at an actual meeting (even if by conference call) and hear a presentation by the parties before voting on the matter. In doing so, the Council would have the discretion to comment substantively on the claim in reaching its decision, although the proposed amendment does not compel that an opinion issue; in any event, the Umpire would have provided an analysis.

This procedure should afford greater due process and considered decision-making. It may also encourage unions to file justification cases more frequently, which could benefit the labor movement by producing more flexible approaches to difficult situations where the ordinary rules do not advance trade union interests.

Finally, as a drafting matter, the amendment would include the justification process in Section 4 alone, rather than in Sections 4 and 17 as it is set forth now.

Therefore, the Executive Council proposes the following amendments:

A. Amend Article XX, Sections 4 and 17 as follows, and renumber current Sections 18-21 accordingly:

Sec. 4. (a) In the event that any affiliate believes that such special and unusual circumstances exist that it would be violative of its basic jurisdiction or contrary to basic concepts of trade union morality or to the constitutional objectives of the AFL-CIO or injurious to accepted trade union work standards to enforce the principles that would apply in the absence of such circumstances, such organization shall nevertheless observe such principles unless and until its claim of **such justification** is upheld ~~in the manner prescribed in Section 17 of this Article.~~

(b) Any affiliate that claims such justification shall inform the President of the basis upon which the claim is made and the action the affiliate proposes to take.

(c) An Impartial Umpire, selected in accordance with Section 9 of this Article, shall conduct a hearing and shall find the facts, determine whether the proposed action would violate this Article in the absence of justification, and submit a report on these matters and a recommendation to the Executive Council as to whether or not the proposed action should be determined to be justified.

(d) The Executive Council, at either a regular meeting or a special meeting (which may be conducted by conference call), shall determine, in consideration of the report and recommendation of the Committee and a presentation at such meeting by the affiliates involved concerning that report and recommendation, by a majority vote whether the proposed action would violate this Article in the absence of justification, and, in the event of its determination that it would, the Council shall determine by a two-thirds vote whether the proposed action is justified.



~~Sec. 17. Any affiliate that claims justification under Section 4 for action that would, in the absence of such justification, violate the provisions of this Article shall process its claim, prior to taking action, under the provisions of this Section. Such claim shall set forth the basis upon which the claim is made and the action that the affiliate proposes to take. The claim shall thereafter be processed as provided in this Article except that the determination as to whether the facts justify the proposed action shall not be made by the Impartial Umpire. The Impartial Umpire shall determine whether the proposed action would violate the provisions of this Article in the absence of justification, shall find the facts with respect to the claim of the justification, and shall submit a report to the Executive Council. The Executive Council shall determine on the report of the Impartial Umpire whether the proposed action would violate the provisions of this Article in the absence of justification; and, if the Council concludes by majority vote that the proposed action would so violate it, the Council shall find such justification only by a vote of two thirds of its membership.~~

B. Amend Article XX, Section 13 as follows, and renumber Sections 14-21 accordingly:

Sec. 13.(a) The subcommittee of the Executive Council may disallow the appeal, in which event the determination of the Umpire shall be final, and subject to no further appeal and shall go into full force and effect; **remand the case to the Impartial**

**Umpire for further proceedings;** or ~~the subcommittee may~~ refer the appeal to the Executive Council Appeals Committee consisting of the President, the Secretary-Treasurer, the Executive Vice President and ~~nine~~ **12** Vice Presidents drawn from various sectors of the labor movement, in which event the determination of the Umpire shall be automatically stayed pending disposition of the appeal by the Committee.

(b) The ~~nine~~ **12** Vice Presidents on the Appeals Committee shall be nominated by the President and approved by the Executive Council and shall serve two-year terms. The President shall not nominate a Vice President to serve for more than two consecutive terms. A quorum shall consist of seven members of the Committee, at least one of whom is an Executive Officer.

(c) The Appeals Committee shall have full and final authority to establish its procedures, to issue preliminary orders and to affirm, reverse, amend or remand the Umpire's decision under appeal.

~~Sec. 14. Notwithstanding the foregoing, t~~The Executive Council shall have full and final authority on its own motion or at the request of any affiliate to consider policy questions under Article XX and to issue from time to time policy statements having prospective effect on the implementation of Article XX, which statements shall, from the date issued, supersede inconsistent prior policy statements and case decisions.

## CONSTITUTIONAL AMENDMENT 29

# Encouraging Strategic Mergers of Affiliated Unions

Since the AFL-CIO merger 50 years ago, most of the 135 affiliated unions that then existed have merged with others; there are now 56 national affiliates of the AFL-CIO. It is important to the growth of the labor movement and the enhancement of worker bargaining strength that the process of merger continue apace in a strategically sound manner. Unions sharing complementary jurisdictions should combine, and every merger should advance the principal goals of the labor movement.

The proposed amendment would require the AFL-CIO to implement a proactive merger policy in accordance with guidance to be provided by the Convention.

That guidance would take the form of a statement of AFL-CIO merger policy that directs the Executive Council to take particular steps over the next year to effectuate this program.

Therefore, the Executive Council proposes to amend Article III, Section 8 by adding to the end the following:

**Accordingly the AFL-CIO shall implement a proactive, industry-based strategic merger policy as adopted by the AFL-CIO Convention delegates and is hereby authorized to take all necessary steps to effectuate its terms.**

## CONSTITUTIONAL AMENDMENT 30

# Legal Action to Enforce Articles XX and XXI of the AFL-CIO Constitution

Article XX of the AFL-CIO Constitution provides that it is the sole means for resolving jurisdictional disputes that are covered by Article XX. No union is currently permitted to resort to court or other legal proceedings to resolve Article XX disputes.

Article XXI, which addresses organizing competition between affiliated unions, currently contains no similar provision.

The proposed amendment would maintain the general prohibition against legal action to determine disputes covered by Article XX and would extend this prohibition to disputes covered by Article XXI. The amendment would allow an affiliated union, with the written permission of the AFL-CIO President, to take legal action against another affiliate that has been found by the Executive Council noncompliance subcommittee to be in noncompliance and that has failed to come into compliance as directed by the President. Affiliates could pursue the existing remedies under Article XX and XXI of the Constitution, seek permission of the AFL-CIO President to take legal action or both.

The amendment would also allow an affiliated union to bring legal action to enforce an award or remedy noncompliance against a union that has withdrawn from or been suspended by the AFL-CIO. Such legal action would not require the preapproval of the AFL-CIO President.

Therefore, the Executive Council proposes the following amendments to Articles XX and XXI:

Amend Article XX, Section 20, of the AFL-CIO Constitution to read as follows:

The provisions of this Article with respect to the settlement and determination of disputes of the nature described in this Article shall constitute the sole and exclusive method for settlement and determination of such dispute, and the provisions of this Article with respect to the enforcement of such settlements and determinations shall constitute the sole and exclusive method for such enforcement. No affiliate shall resort to court or other legal proceedings to settle or determine any disputes of the nature described in this Article or to enforce any settlement or determination reached under this Article, **except that an affiliate, upon written authorization by the President, may take legal action to remedy noncompliance against an affiliate that has been found to be in noncompliance by the subcommittee and that has failed to come into compliance as directed by the President. An affiliate may also take legal action to enforce a determination or remedy noncompliance against a former affiliate that has withdrawn or been suspended from the Federation.**

Amend Article XXI by adding a new section as follows:

The provisions of this Article with respect to the settlement and determination of disputes of the nature described in this Article shall constitute the sole and exclusive method for settlement and determination of such dispute, and the provisions of this Article with respect to the enforcement of such settlements and determinations shall constitute the sole and exclusive method for such enforcement. No affiliate shall resort to court or other legal proceedings to settle or determine any disputes of the nature described in this Article or

to enforce any settlement or determination reached under this Article, except that an affiliate, upon written authorization by the President, may take legal action to remedy noncompliance against an affiliate that has been found to be in non-compliance by the subcommittee and that has failed to come into compliance as directed by the President. An affiliate may also take legal action to enforce an award or remedy non-compliance against a former affiliate that has withdrawn or been suspended from the Federation.

## CONSTITUTIONAL AMENDMENT 31

# Composition of Executive Council

Amend Article V, Section 1 as follows:

### Section 1

The officers shall consist of a President, a Secretary-Treasurer and an Executive Vice President, who shall be the Executive Officers, and ~~51~~ **43** Vice Presidents; provided that between conventions the Executive Council shall have the power in the event of **either** an affiliation with the AFL-CIO of a presently unaffiliated national or international union, ~~after taking all the circumstances into account~~ **or the arising of other circumstances that implicate the solidarity of the labor movement**, to create ~~an~~ **one or more** additional Vice Presidencies pending the next regular election of Vice Presidents and to select ~~a~~ members of such new affiliate to fill ~~that~~ **those** positions until the next regular election; **provided further that the number of such additional Vice Presidencies shall not exceed eight.**

Amend Article VI, Section 1(f) as follows:

**(f)** The Vice Presidents shall be elected by plurality vote, and the ~~51~~ **43** candidates receiving the highest number of votes shall be elected. In the event of a tie vote, a second vote shall be taken only among the candidates whose tie prevented the election of ~~51~~ **43** Vice Presidents. The candidates for Vice President shall be listed on the ballot in the order in which nominated. Any slate for vice presidential candidates presented to the convention during the nomination process shall devote no fewer than 15 positions to carrying out the commitment to an Executive Council that is broadly representative of the diversity of the membership of the labor movement, including its women members and its members of color. Each ballot must, to be valid, be voted for ~~51~~ **43** candidates for Vice President and must cast the full voting strength of the delegate or affiliate voting.

## CONSTITUTIONAL AMENDMENT 33

# Increasing the Per Capita Tax

Amend Article XVI, Section 2, to read as follows:

~~For the period ending with per capita payments for the month of December 1999, each national or international union and organizing committee shall pay on or before the fifteenth day of each month, for the preceding month, a per capita tax of 47 cents per member per month. Beginning with per capita payments for the month of January 2000, each national or international union and organizing committee shall pay on or before the fifteenth day of each month, for the preceding month, a per capita tax of 50 cents per member per month. Beginning with per capita payments for the month of January 2001, each national or international union and organizing committee shall pay on or before the fifteenth day of each month, for the preceding month, a per capita tax of 53 cents per member per month.~~ **Beginning with per capita payments for the month of July 2005, each national or international union and organizing committee shall pay on or before the fifteenth day of each month, for the preceding month, a per capita tax of 65 cents per member per month.**

Amend Article XVI, Section 5, to read as follows:

Revenue may also be derived from assessments when and as ordered by a majority vote of a convention. The Executive Council may also declare an assessment not to exceed four cents per member per month on all affiliated unions for a period not to exceed six months in any one year when the interests of the Federation require and when funds available from per capita tax are insufficient to meet the needs of the Federation, except that by a two-thirds vote the Council, or by a two-thirds vote pursuant to Article XI, Section 4 the General Board upon request of the Executive Officers or the Executive Council, may declare an assessment that exceeds four cents per member per month on all affiliated unions for a period to expire no later than the next regular convention when extraordinary circumstances require and when funds available from per capita tax are insufficient to meet those circumstances. **In addition, the General Board, by a two-thirds vote pursuant to Article XI, Section 4, may increase the per capita tax.**