

## **Constitution**

**for**

### **The Retirees Association of District Council 37, Chapter 37, AFSCME, AFL-CIO**

#### **Article I Name**

The name of this organization shall be The Retirees Association of District Council 37, Chapter 37, AFSCME, AFL-CIO. It shall be affiliated with the American Federation of State, County and Municipal Employees and with the New York City District Council of AFSCME Municipal Local Unions #37.

#### **Article II Purposes and Methods**

The Association shall safeguard and improve the economic and social conditions of those formerly employed by the public, semi-public and quasi-public agencies, institutions, authorities and corporations of New York City, by:

- a. Safeguarding and improving the retirement compensations of retired employees and employees to be retired.
- b. Safeguarding and improving their health services.
- c. Carrying on political, legislative and other programs meeting the needs of its members and of retired workers in general.
- d. Assisting members through advice and representation to obtain benefits rightfully theirs and defending them against exploitation.
- e. Initiating and carrying on educational, cultural and social programs.

The methods employed shall be the organization of the retired workers in its jurisdiction; the encouraging and support of such organizations everywhere; the support of AFSCME and of District Council 37 and the receipt of reciprocal support in return; the encouraging and support of a legitimate labor federation of retired workers and cooperation with other worthwhile groups.

#### **Article III Membership**

The following are eligible for membership in this Association: All retired public service employees who were at any time employed in the jurisdiction of District Council 37, AFSCME, including those who were employed by private and non-profit organizations

located in whole or in part in the New York City Metropolitan Area, and who are now retired under the rules of the applicable retirement system, and all retired persons entitled to draw benefits from the District Council 37 Health & Security Fund, and the spouses, surviving spouses or domestic partners of such persons.

#### **Article IV Dues**

Section 1. Dues shall be \$3.00/month or \$36/annually.

Section 2. Members shall be in good standing as soon as a valid dues deduction authorization is received by the Association and shall be in good standing as long as deductions continue. A retiree paying dues annually via check or credit card shall be in good standing as soon as dues payment is received by the Association.

Section 3. A member whose annual dues are unpaid by April 1st of any calendar year shall not be in good standing. Dues cannot be paid in arrears.

Section 4. A member joining the Association for the first time on or after October 1 of any year shall be in good standing until December thirty-first of the following calendar year.

Section 5. No right, privilege or service granted by this constitution or any decision of this Association shall accrue to a member not in good standing.

#### **Article V Meetings of the Membership**

Section 1. The meetings of the membership while in session are the highest governing body of the Association.

Section 2. Regular meetings of the membership shall be held at least six (6) times a year determined by the Executive Board. Special meetings may be called by petition filed with the President and signed by ten (10) percent of the membership, by the President or by vote of the Executive Board.

Section 3. All membership meetings of the Association shall take place in the City of New York, at a central location, at a reasonable hour and shall offer a virtual participation option whenever possible. Members shall receive timely notice of all meetings. A prominently displayed notice in any publication regularly mailed to them shall be sufficient. A quorum shall consist of eighty (80) members. Virtual meetings will be held in accordance with Article X, Section 5 of this constitution.

Section 4. When not inconsistent with this constitution, Robert's Rules of Order, Newly revised, shall govern the Association in all cases to which they are applicable. The executive board may recommend, and the membership may adopt rules for membership meetings.

## **Article VI Nominations and Elections**

Section 1. The officers of the Association shall be President, Executive Vice President, Secretary Treasurer, Recording Secretary, Associate Secretary-Treasurer, Associate Recording Secretary and additional Vice Presidents determined by section 2 of this article.

Section 2. The Vice Presidents will be elected on the following basis and from the following geographic regions: one from each of the five (5) New York City boroughs, one from Nassau and Suffolk counties combined, one from New York State outside of New York City and Nassau and Suffolk counties, one each from any other state with more than 1000 members in good standing, and one vice president elected by all other members who do not reside in any other geographic region, provided such membership equals or exceeds 1000 members in good standing. Vice presidents must reside in the borough, county, state or geographic region from which they are elected as listed in the Association database. The Secretary-Treasurer shall publish the counts for each state qualifying for a vice president no less than 30 days before the nomination meeting and it shall be published along with the notice for nominations.

Section 3. The above officers shall constitute the executive board of the Association, and they shall be elected for a term of three years and in accordance with the Retiree Election Code.

Section 4. Nominations for the above offices shall be made at a regular or special membership meeting in the month of March, except that in the election to be held in 2026, nominations shall be held in the month of June.

- a. No less than 30 days before the nominations meeting, the president with approval of the executive board shall appoint the members of an election committee, consisting of three (3) or five (5) members, designating one to be chair and one to be vice-chair. Members of the election committee must be neutral in the election and may not engage in any campaign activities nor seek or accept nomination for any office.
- b. The election committee shall conduct the election. It shall establish rules for the election provided that no such rules shall conflict with this constitution and the Retiree Election Code. The committee shall provide those rules to the members at the nominating meeting, and they shall be posted to the Associations website prior to the meeting.
- c. The election committee shall cause a notice of the nominations to be mailed to every member at the member's last known address on file at least 21 days prior to the nominations meeting.
- d. At the nominations meeting, the chair of the election committee shall receive nominations from the floor for all offices in the order specified in Article VI of

this constitution.

- e. To be eligible for nomination to any office a member must have been a member in good standing of AFSCME and/or this Association for three years, of which a minimum of 12 months immediately preceding the election must have been in the Association.
- f. Members who are or who become an officer or employee of any competing union or retiree organization representing public service workers or retirees for the duration of such term or employment shall not be eligible to seek or hold office in the Association.
- g. No paid employee of the Association shall be eligible to run for office.
- h. The election committee shall offer each nominee the opportunity to decline the nomination at or immediately after the nominations meeting. The committee shall verify eligibility of nominees for office. In any case where there is only one nominee for any office, such nominee shall be declared elected by acclamation.
- i. Any challenge concerning the eligibility of any nominee must be specific, made in writing and be made to the election committee chair immediately at the nominating meeting, and shall be referred to the election committee for decision. The decision shall be reported to the membership and is subject to the acceptance or rejection of the membership by vote at the nominations meeting before the election may proceed.
- j. The election shall be by secret ballot among members in good standing as of the last day of March of the election year. Ballots shall be mailed in April no less than three weeks after the nominations meeting, to members in good standing as of the last day of March of the election year. Except in the election to be held in 2026, ballots shall be mailed in July no less than 3 weeks after the nominations meeting, to members in good standing as of the last day of May 2026. A voting period of three weeks shall be allowed. The election shall be administered by an outside impartial third-party vendor approved by the executive board.
- k. Election of all officers shall be by majority of the votes cast for that office as certified by the election committee based on the report of the outside party conducting the election. For any position for which no one receives a majority, a run-off election shall be held between the two nominees who received the highest number of votes in the first balloting. Run-off ballots shall be made available no less than two weeks and no more than four weeks from the date the election committee certifies the initial election results. A voting period of three weeks shall be allowed. The candidate receiving the majority of the votes cast in the run-off shall be elected.
- l. Vice Presidents shall be elected only by members in good standing living in the geographic area which they represent based on each member's official address on the

Association’s membership file.

- m. Each candidate may have one observer at all stages of ballot handling at their own expense. Observers shall be members of AFSCME.
- n. A membership meeting shall be held within seven (7) business days of the certification of the election results so the membership can vote to accept the election report. Those elected shall take office immediately upon certification of the election by the election committee and approval of the election report by the membership without regard to any other or later ceremony. Candidates shall be informed promptly of the election results, which shall be announced on the Association website and in the next publication of the Association.
- o. Any protest of the election must be in writing and received by the election committee within ten (10) calendar days following the approval of the election committee report by the membership. The committee will meet to make a recommendation. If the committee holds a hearing, all interested parties shall be afforded an opportunity to be heard. If the election committee upholds the protest and finds that the results of the election were affected, it may a new election for the position(s) involved. If the election committee receives a protest or protests, a membership meeting shall be held within 30 days of the filing of the protest. The final decision to accept or reject the committee’s recommendation is made by the membership at that meeting.
- p. Appeals on election protests or challenges may be made to the AFSCME International Judicial Panel with in 10 days following the decision of the Association or with in 40 days after the protest or challenge was filed, if no decision has been reached.
- q. The election committee shall have full charge of the election and shall be discharged following the presentation and acceptance of its report. All election records, used, spoiled and challenged ballots, shall be retained and safe-guarded by the Association for at least one year following the election.
- r. The AFSCME Retiree Election Code shall govern in all election matters not specifically covered in this constitution.

Section 5. No publication of this Association, financed in whole or in part by this Association, shall endorse or support any candidate for any elected office within this Association. No funds of the Association can be used by any candidate for election campaigning purposes.

Section 6. In the case of a vacancy in any office such vacancies shall be filled by a majority vote of the executive board for the remainder of the term.

## **Article VII**

### **Duties of Executive Board and Officers**

Section 1. The executive board is the governing body of the Association whenever a membership meeting is not in session. Subject to this constitution and the applicable decisions of the membership, the board is authorized and required to take all actions necessary for the welfare of the Association.

Section 2. The executive board shall hold a minimum of ten monthly meetings per year. Special meetings may be held at the call of the president, by vote of the board or by the petition of one-third or more of the board members. A quorum for the executive board shall be a majority of its members. The executive board, in its discretion, shall:

- a. vote on all the president's appointments;
- b. designate the Association's delegates or representatives to any other body or meeting except as otherwise provided in this constitution;
- c. approve or authorize all disbursements or the incurring of any obligations except as otherwise provided, designate the auditor of the Association's accounts and oversee the Association's fiscal and business affairs;
- d. sets the compensation for employees of the Association as well as a stipend amounts for the Executive Board;
- e. support or oppose legislation or candidates for public office, but no public endorsement may be made without the concurring vote of the membership;
- f. take all necessary actions not reserved by this constitution to the membership.

Section 3. President

The president is the chief executive officer of the Association. They shall make a report at all meetings of the membership and the board and shall respond to questions. They shall manage the Association's affairs, subject to this constitution and policies established by the membership or the board, be its spokesperson and direct the activities of its officers and vice-presidents.

The president or their designee shall preside over all meetings of the membership and of the board. They shall appoint the sergeant-at-arms, a parliamentarian and the members and chairpersons of all committees and subcommittees established by the membership or the executive board, subject to the approval of the board. The president or their designee shall and be a member ex-officio of all committees except election committees. Between meetings of the membership and the board the president shall manage the Association's affairs and be its spokesperson.

Section 4. Executive Vice-President

The executive vice-president shall act as president when the president is unable to execute the functions of the office and, if a vacancy occurs, until the executive board elects a member to serve out the unexpired term. The executive vice-president may be assigned

such duties as the president deems appropriate.

#### Section 5. Secretary-Treasurer

The secretary-treasurer is the chief financial officer of the Association and is responsible for its books, funds, property and premises and shall make reports to every regular board and membership meeting of the receipts, disbursements, balances and liabilities of the Association.

They shall oversee the activities of the Association's staff hired for these purposes, including:

- a. The receipt and deposit all money received in the name of the Association in a bank or banks selected by the executive board and in accordance with the AFSCME Financial Standards Code and the maintenance of an accurate recording of receipts and disbursements.
- b. The preparation of checks or electronic payments for such purposes as are required by the Constitution or are authorized by the executive board or the membership.
- c. The preparation and submission of a monthly membership report and per capita tax payment to the International Union.
- d. The submission of any financial reports required by the International Union and IRS including 990s and surety bonds.
- e. The submission of accounts promptly for annual audits.

#### Section 6. Associate Secretary-Treasurer

The associate secretary-treasurer shall act as secretary-treasurer when the secretary-treasurer is unable to execute the functions of the office and, if a vacancy occurs, until the executive board elects a member to serve out the unexpired term.

#### Section 7. Recording Secretary

The recording secretary shall keep accurate minutes, policies and records reflecting the actions of the membership and of the board and present the minutes for the approval of these bodies at their next following meetings. They shall keep or cause to be kept a file of these minutes, policy and records, in both paper and/or electronic form. Records shall be maintained in accordance with AFSCME's Financial Standards Code and International Constitution. Minutes and financial reports from membership meetings shall be posted on the Association Website.

#### Section 8. Associate Recording Secretary

The Associate Recording Secretary shall act as Recording Secretary when the Recording Secretary is unable to execute the functions of the office and, if a vacancy occurs, until the executive board elects a member to serve out the unexpired term.

#### Section 9. Vice-Presidents

Vice-presidents shall, when called upon and as required, serve as the Association representative of the geographic area they are elected from and serve as a liaison to members in that geographic area. They shall assist with the organizing activities within their geographic areas and shall take an active role in recruiting new members and activists into the Association. Vice-presidents shall report to the Association president any significant activities in their areas.

Section 10. All officers in their official capacity are bound by the decisions of the membership and of the board and by this constitution. The board may delegate other and additional duties and responsibilities to them, not inconsistent with this constitution, and adjudicate any conflicts in duties and responsibilities. All officers are required to report regularly to the executive board and the membership and respond to questions.

Section 11. Should any officer be absent from three consecutive executive board meetings without an excuse acceptable to the board, that office shall be declared vacant and filled in accordance with this constitution.

### **Article VIII**

#### **Designation of Representatives to AFSCME Conventions and DC 37 Delegates Council**

Section 1. For purposes of this Article, the members of the executive board shall be ranked in the following order:

1. President
2. Executive Vice-President
3. Secretary-Treasurer
4. Recording Secretary
5. Associate Secretary-Treasurer
6. Associate Recording Secretary
7. Vice-Presidents (in order of size of membership they are elected from)

Section 2. For purposes of representation at the AFSCME International Convention, the AFSCME Retiree Council and any other AFSCME body, the first listed executive board members shall be automatic delegates to those bodies, depending on the number of delegates allotted to this Association, and the next listed Executive Board members shall be alternates, depending on the number of alternates allotted to this Association.

Section 3. Should any delegate or alternate appointed pursuant to Section 1, 2 and 3 of this Article be unwilling or unable to serve, their position's delegate or alternate shall be filled by the next listed executive board member.

Section 4. For purposes of retiree representation to the DC 37 Delegates Council, the first listed executive board members shall be delegates depending on the number of delegates allotted to this Association. If additional delegates are allotted that exceeds the size of the Association executive board those delegates shall be appointed by the President and approved by the Executive Board. If a retiree delegate misses three (3) or more delegates meetings in a year without excuse, the President, with the approval of the executive board shall appoint their replacement.

## **Article IX Finances**

Section 1. The secretary-treasurer shall submit the accounts of the Association promptly for any audit by a New York Certified Public Accountant designated by the executive board and they shall make a report to the executive board. Any audit report shall be published on the Association's website for member to review. At least one such audit shall be conducted annually. The fiscal year shall coincide with the calendar year.

Section 2. All disbursements except those from petty cash shall be made by check or electronic payment signed or approved by two of the following: president, executive vice-president, secretary-treasurer, associate treasurer. All disbursement shall be made and records shall be retained in accordance with the AFSCME Financial Standards Code.

Section 3. In advance of each year, the president and secretary-treasurer shall prepare and the executive board shall approve a budget for the coming year. The budget shall set forth the anticipated income and sources thereof, and the anticipated expenditures and their purposes. Budgeted versus actual income and expenses shall be monitored monthly by the executive board.

The budget shall serve as tool for approval of routine expenditures, such as rent, routine administrative expenses, payroll and benefits, per capita tax, death benefit payments, meetings and events, organizing activities and communications and educational activities. Once the budget is approved by the executive board the approving officers in Section 2 of this article are authorized to spend up to the budgeted amount for each line item. Additional executive board approval is required if line items are reallocated or an expense goes beyond what was budgeted for a line item. Additional executive board approval shall be required for large furniture and equipment purchases, conferences and conventions and contributions. No indebtedness may be incurred nor the Association's credit pledged except by vote of the executive board at a meeting.

## **Article X Amendments and Miscellaneous Provisions**

### Section 1. Amendments

Amendments to this constitution shall be specific and must be submitted in writing to any regular or special membership meeting. They shall be read and referred to the executive board or to an ad hoc committee. The board or committee may combine similar amendments or create a substitute version.

Voting shall take place no earlier than twenty-one (21) calendar days after introduction at a regular or special meeting and only after the proposed amendment and a summary thereof has been published online and members have been notified by mail and email. Members may request a copy of the changes sent to them via mail. A majority of those present and voting is required for adoption. Unless otherwise specified, amendments shall take effect only upon written approval of the International President.

The recording secretary shall have authority in connection with the publication and republication of this constitution as amended to renumber any article, section or subsection as may be necessary, and to correct references to such renumbered parts, obvious errors in punctuation and spelling and obvious misprints.

Section 2. International Constitution.

The Association shall at all times be subject to the provisions of the Constitution of the American Federation of State, County and Municipal Employees.

Section 3. Authorization Necessary to Represent the Association

Except to the extent specified in this Constitution, no officer of the Association shall have the power to act as agent for or otherwise bind the Association 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 Association except to the extent specifically authorized in writing by the President or the Executive Board of the Association.

Section 4. Rules of Order

The rules contained in the current edition of Robert’s Rules of Order, Newly Revised, shall govern this Association in all cases to which they are applicable and in which they are not inconsistent with this Constitution and special rules of this chapter or of the American Federation of State, County and Municipal Employees.

Section 5. Policy for Conducting Virtual Meetings

- a. Regular and special meetings of the Retirees Association of District Council 37, including its executive board, may be conducted using audio and/or video teleconferencing (referred to as a “virtual meeting”).
- b. All equipment required to conduct the virtual meeting must be readily accessible to all participating members.
- c. The method of virtual meeting selected must provide members with the opportunity to hear and speak to each other simultaneously and shall allow for the accurate recording of meeting minutes.
- d. Notice of any meeting conducted virtually shall include instructions on how each member is to participate in the meeting.
- e. All members present and participating via audio and/or video teleconferencing shall be included in determining a quorum. Prior to each vote on a motion, the presiding officer shall ensure and announce the continued presence of those participating through audio and/or video teleconferencing. If members are no longer participating for any reason, including but not limited to because of equipment malfunction or

voluntary discontinuance of the electronic connection, they shall no longer be considered as present or counted as part of the quorum.

- f. All members participating in virtual meetings may raise points of order, seek recognition to speak and submit motions for consideration.
- g. If the association executive board enters into Executive Session, at the outset the presiding officer shall require each person participating through audio and/or video teleconferencing to give assurance that no other person is present or able to hear or record the conversation.

Section 6. Discipline

All members of the Association may avail themselves of the International Union Judicial Panel process in cases where members would like to file charges involving the chapter or International Constitution against the Association, an Association officer or Association Member. Members are encouraged to bring concerns to the executive board prior to filing charges so there is an opportunity to mediate and resolve issues before charges are filed.