

WYOMING
STATE
AFL-CIO
CONSTITUTION

September 2022
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CONSTITUTION

of the

WYOMING STATE AFL-CIO

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PREAMBLE

The establishment of this unified state organization, subordinate to the AMERICAN FEDERATION OF LABOR and CONGRESS OF INDUSTRIAL ORGANIZATIONS, is an expression of the desire of the labor movement in Wyoming to participate fully in the achievement of the objectives of the parent federation.

The merger of the AMERICAN FEDERATION OF LABOR and the CONGRESS OF INDUSTRIAL ORGANIZATIONS is an expression of hopes and aspirations of the working people of America.

Together with the AFL-CIO we seek the fulfillment of these hopes and aspirations through democratic processes within the framework of our constitutional government and consistent with our institutions and traditions.

At the collective bargaining table, in the community, in the exercise of the rights and responsibilities of citizenship, we shall responsibly serve the interests of all American people.

We pledge ourselves to the more effective organization of working men and women; securing for them full recognition and enjoyment of rights to which they are justly entitled; the achievement of ever higher standards of living and working conditions; the attainment of security for all people; the enjoyment of the leisure which their skills make possible; and the strengthening and extension of our way of life and the fundamental freedoms which are the basis of our democratic society.

We shall combat resolutely the forces which seek to undermine the democratic institutions of our nation and to enslave the human soul. We shall strive to win full respect for the dignity of the human individual whom our unions serve.

With divine guidance, grateful for the fine traditions of our past, confident of meeting the challenge of the future, we proclaim this constitution.

ARTICLE I

NAME AND AFFILIATION

SECTION 1. This organization shall be known as the WYOMING STATE AFL-CIO. It is established, pursuant to and as a result of the merger of the AMERICAN FEDERATION OF LABOR and the CONGRESS OF INDUSTRIAL ORGANIZATIONS and in accordance with the merger agreement entered into between the Wyoming State Federation of Labor and the Wyoming State Industrial Union Council. It shall consist of such affiliates as shall conform to this constitution and the rules and regulations adopted thereunder.

SECTION 2. It shall at all time maintain affiliation with the AMERICAN FEDERATION OF LABOR and the CONGRESS OF INDUSTRIAL ORGANIZATIONS in accordance with the laws of that organization.

ARTICLE II

OBJECTS

The objects of the WYOMING STATE AFL-CIO shall be to promote through appropriate activities and programs in the State of Wyoming, the objects and principles of the AMERICAN FEDERATION OF LABOR and the CONGRESS OF INDUSTRIAL ORGANIZATIONS including the following:

1. To aid workers in securing improved wages, hours, and working conditions with due regard for the autonomy and integrity of affiliated unions.
2. To aid and assist affiliated unions in extending the benefits of mutual assistance and collective bargaining to workers and to promote the organization of the unorganized into unions of their own choosing for their mutual aid, protection and advancement, giving recognition to the principle that both craft and industrial unions are appropriate, equal, and necessary as methods of union organization.
3. To encourage all workers without regard to race, creed, color, or national origin to share in full benefits of union organization.
4. To secure legislation which will safeguard and promote the principle of free collective bargaining, the rights of workers, farmers, and consumers, and the security and welfare of all the people.

5. To protect and strengthen our democratic institutions, to secure full recognition and enjoyment of the rights and liberties to which we are justly entitled, and to preserve and perpetuate the cherished traditions of our democracy.
6. To give constructive aid in promoting the cause of peace and freedom in the world.
7. To aid and encourage the sale and use of union made goods and union services through the use of the union label and other symbols; to promote the labor press and other means of furthering the education of the labor movement; to promote the observance of Labor Day as the holiday honoring American Labor.
8. **To protect the labor movement from any and all corrupt influences and from the undermining efforts of authoritarianism, totalitarianism, terrorism and other forces who are opposed to the basic principles of our democracy and free democratic unionism.**
9. To safeguard the democratic character of the labor movement.
10. While preserving the independence of the labor movement from political control, 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.

ARTICLE III

COMPOSITION OF ORGANIZATION

SECTION 1. *Affiliates.* Membership in the WYOMING STATE AFL-CIO shall consist exclusively of such of the following organizations within the geographical limits of Wyoming as shall conform to the membership requirements of the WYOMING STATE AFL-CIO:

1. Locals of national and international unions and organizing committees affiliated with the AFL-CIO local unions chartered directly by the AFL-CIO local central labor councils, local and state councils chartered by the trade and industrial departments of the AFL-CIO, joint boards, district councils, state associations, a state retiree council established in accordance with AFL-CIO guidelines, and similar subordinate organizations which are duly chartered by an affiliate of the AFL-CIO, **Local Unions with Solidarity Charters authorized by the Executive Council of the AFL-CIO, for so long as it remains in effect, and constituency groups that are approved and recognized by the AFL-CIO**
2. Auxiliaries may be admitted to fraternal affiliation but without voice or vote. No fees shall be charged such affiliated auxiliaries other than regular convention registration fee paid by other delegates.

ARTICLE IV

CONVENTIONS

SECTION 1. *Constitutional Conventions.* The constitutional conventions of the WYOMING STATE AFL-CIO shall be held annually in a city designated by, and at a time established by, the Executive Board. The Executive Director shall issue a call to all affiliated organizations for the constitutional convention and shall cause the same to be mailed to all affiliates not later than sixty (60) days preceding the convening date of the convention.

SECTION 2. *Special Conventions.* The President shall order a special convention of the WYOMING STATE AFL-CIO when authorized and so directed by the Executive Board. Executive Board authorization for a special convention shall require a two-thirds (2/3) majority of the Board Members concurring.

The President shall order a special convention of the WYOMING STATE AFL-CIO upon the petition of affiliated local unions representing at least one-fourth (1/4) of the affiliated membership as determined by the total average per capita of the preceding constitutional convention. Said petition shall be in writing and set forth the purpose or purposes for which they wish the special convention called. The Executive Board shall fix the time and place for all special conventions, providing that special conventions called by petition shall be convened no later than sixty (60) days following presentation of such petition to the President. The Executive Director shall issue a call to all affiliates for such special conventions and shall cause same to be mailed no later than thirty (30) days preceding the convention date. Said call shall set forth the purpose or purposes of the convention and no other business shall be transacted by the convention.

SECTION 3. *Credentials.* The Executive Director shall mail to each affiliated organization with the convention call, blank credentials, in duplicate, for each delegate to which the affiliate is entitled. One copy of the credentials shall be returned to the Executive Director, with the name and address of the delegate duly certified thereon, at least forty-five (45) days prior to the convening date of the convention if the delegate is to be considered for appointment to convention committees. The duplicate copy of the credentials shall be presented to the credentials committee by the delegate at the time of registration. In the absence of credentials on the official form, the credentials committee may accept duly certified credentials which to them appear to be valid.

SECTION 4. *Eligibility.* All questions concerning the eligibility of prospective delegates to a constitutional convention or a special convention shall be referred to the credentials committee. The Executive Director shall provide the credentials committee with all available information with regard to per capita tax paid by the affiliate or such other

information requested by the credentials committee. The credentials committee shall consider all questions of eligibility and refer such questions to the convention floor with appropriate recommendations for final decision.

SECTION 5. *Registration Fees.* Each delegate and/or alternate delegate registering shall pay a registration fee as determined by the Executive Board to be sufficient to cover the actual cost of the Convention. Money so collected shall be used exclusively to defray the expense of the convention.

SECTION 6. *Constitutional Convention Committees.* The following constitutional convention committees of not more than ten (10) members shall be appointed by the President after consultation with the Executive Director, subject to the approval of the Executive Board and the concurrence of the convention.

1. Credentials Committee
2. Convention Rules Committee
3. Resolutions Committee
4. Constitution Committee
5. Legislative Committee
6. COPE Committee
7. Grievance and Appeals Committee
8. Union Label Committee
9. Public Relations Committee
10. Escort Committee
11. Ethical Practices

The President shall have the authority to appoint such other committees, subject to the approval of the convention, as may be needed to expedite the work of the convention. The President shall appoint such Sergeants at Arms as necessary to assist him/her in maintaining order of the convention.

SECTION 7. *Resolutions.* Affiliated organizations in good standing, duly accredited delegates, or the Executive Board may introduce resolutions for consideration of the convention provided such resolutions are submitted to the Executive Director no less than fifteen (15) days prior to the convening of the convention. The Executive Director shall have copies of such resolutions prepared in sufficient numbers for distribution to the appropriate committees and to the delegates. All resolutions shall be referred by the Executive Board to the appropriate committee according to their subject matter. No other resolutions shall be considered by the convention unless approved by two-thirds (2/3) of the delegates present and voting.

SECTION 8. *Religious Questions.* Sectarian religious questions shall not be proposed, considered, acted on, or discussed in meetings of the WYOMING STATE AFL-CIO or its subordinate bodies.

SECTION 9. *Quorum.* A quorum for the transaction of business of the convention shall be a majority of the registered delegates.

SECTION 10. *Attendance Record of Delegates.* At the opening of each convention day the President shall cause the Sergeant at Arms to take a roll of the delegates present, which shall be come a permanent part of the convention record.

ARTICLE V

REPRESENTATION OF AFFILIATES

SECTION 1. *Number of Delegates.* Affiliated local unions in good standing shall be entitled to representation and votes in all conventions based upon the average per capita tax paid.

Representation shall be as follows:

50 members or less.....	1 delegate
51 to 100 members.....	2 delegates
101 to 150 members.....	3 delegates
151 to 200 members.....	4 delegates
201 to 500 members.....	5 delegates
For each additional 500 members.....	one (1) additional delegate

SECTION 2. *Average Per Capita Tax Defined.* The average per capita tax paid for a base period consisting of the first twelve (12) of the fifteen (15) month period immediately preceding the month in which the convention is to convene. Local unions affiliated for less than said twelve (12) months shall have their average proportionately reduced by dividing the per capita tax paid for the months affiliated by twelve. Local unions which have affiliated since the end of the twelve month base period shall be entitled to one (1) delegate and one (1) vote.

SECTION 3. *Representation of Central Labor Bodies and Councils.* Chartered AFL-CIO Central Labor Councils and other Councils in good standing shall be entitled to one (1) delegate and one (1) vote providing such delegates are members in good standing of a local union affiliated with the WYOMING STATE AFL-CIO.

SECTION 4. *Proxies and Transfer of Votes.* No delegates shall be permitted to vote the proxy of another delegate.

SECTION 5. *Eligibility of Delegates.* No person shall be seated as a delegate unless such person is a member in good standing of an affiliated local union. No delegate shall be seated to represent more than one local union.

SECTION 6. *Alternates.* Each affiliated organization may designate one alternate delegate for each regular delegate, the alternate delegate shall become the regular delegate representing his own organization in the event a regular delegate is unable to serve, in which event the alternate shall register his credentials with the credentials committee.

SECTION 7. Each member of the WYOMING STATE AFL-CIO Executive Board shall be a delegate to all conventions provided such member is qualified as provided in this constitution. Nothing in this Section shall be construed as preventing an Executive Board member from representing other organizations as provided for in this constitution.

SECTION 8. No individual shall be eligible to serve as an officer, member of the executive board, committee, or other governing body of or any other committee of, or as a delegate from, or as a representative, agent, or employee of any central labor council who consistently pursues policies and activities directed toward the achievement of the program or purposes of authoritarianism, totalitarianism, terrorism and other forces that suppress individual liberties and freedom of association.

No person shall be eligible to serve in any of the capacities enumerated in paragraph (a) of this rule, who holds a salaried position or any other position of administrative or executive authority in a union, or subordinate branch of the union, which has been suspended or expelled from the AFL-CIO.

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 or employment in a labor organization or an employee benefit fund shall serve as an officer or managerial employee of the Wyoming State AFL-CIO.

SECTION 9. The state federation will undertake all reasonable efforts to ensure diversity of representation at every level.

SECTION 10. No AFL-CIO constituency group, or its delegate may be present for or have voice or vote in any meeting or proceeding concerning the endorsement of a political candidate or other partisan political activity concerning public elective office by this state federation, nor may any AFL-CIO constituency group, or its delegates, be present for or have voice or vote in any meeting or decision of this State federation's Committee on Political Education (COPE).

ARTICLE VI

CONVENTION VOTING

SECTION 1. *Voice Vote.* Each delegate to the convention shall be entitled to one (1) vote, except on a roll call.

SECTION 2. *Roll Call.* Any question before a constitutional convention or a special convention may be decided by a roll call vote. Any delegate may request a roll call, and if such request is supported by delegates representing at least twenty-five (25) percent of the delegates present at the convention, a roll call vote shall be taken. Each affiliated union shall be entitled to the number of votes certified by the credentials committee based upon one (1) vote per member as determined by the average per capita tax defined in Article V.

Local union delegations may at their discretion designate a delegate to cast the total per capita vote of their organization. However, should one or more delegates dissent from this procedure, the votes of the organization shall be apportioned equally among the registered delegates, and each delegate shall be entitled to cast his proportionate share of the vote.

SECTION 3. *Absent Delegates.* The per capita votes of any certified delegate who fails to register shall be apportioned among the registered delegates from his local union for the purpose of implementing Section 2 of this Article.

ARTICLE VII

NOMINATION AND ELECTION OF OFFICERS

SECTION 1. *Officers.* The officers of the WYOMING STATE AFL-CIO shall consist of a President, Vice-President, Secretary-Treasurer, Executive Director, and nine (9) Executive Board members. Additionally, in areas with one or more viable AFL-CIO constituency groups, the combined constituency groups affiliated with the labor council shall be entitled to one voting seat (or more, if the labor council's constitution so provides) on the labor council's governing board.

SECTION 2. *Nominations.* As a special order of business at three o'clock in the afternoon of the first day of the constitutional convention held in the odd numbered years, the Chairman shall open nominations in the following order: President, Vice-President, and Executive Board members in order as has been determined by lot. All nominees shall be delegates in good standing of local unions affiliated with the WYOMING STATE AFL-CIO. At the close of nominations for each office, the Chairman shall cause the list of nominees to be read and each nominee shall either accept or decline the nomination verbally. In the event the nominee is absent from the convention, some person shall submit to the Chairman a written acceptance of the nomination signed by the nominee or the name shall be stricken from the list of nominees. If there is only one nominee for any office the nominee shall be declared elected and there shall be no election conducted for that office.

SECTION 3. *Qualification For Officer Nominee(s) and Executive Board Areas.*

1. A nominee for the principal officers of President, Vice-President or Secretary/Treasurer shall be a resident of the State of Wyoming and a member in good standing of an affiliated local union with jurisdiction in the State of Wyoming.
2. A nominee for the office of Area Representative
 - (a) shall be a resident of the area and a member in good standing of an affiliated local union with jurisdiction in a county designated within the area and per Article IX Section 1, **except;**
 - (b) to be eligible, an out of state nominee (Montana, South Dakota, Nebraska, Colorado, Utah, Idaho):
 - i. Must be an officer of a local union with jurisdiction in a county designated within the area and per Article IX Section 1.
 - ii. Must demonstrate they will be actively involved with all local unions in the represented area.
 - iii. Must provide a letter of intent to the Wyoming State AFL/CIO thirty (30) days prior to running for office.

Area One – Park, Big Horn, Washakie, Hot Springs, and Fremont Counties (one member)

Area Two – Sheridan, Johnson, Campbell, Crook, and Weston Counties (one member)

Area Three – Teton, Sublette, Lincoln, and Uinta Counties (one member)

Area Four – Natrona, Converse, and Niobrara Counties (two members)

Area Five – Sweetwater and Carbon Counties (two members)

Area Six – Albany, Platte, Laramie, and Goshen Counties (two members)

SECTION 4. *Elections.* Provided that the time of the election has not been altered by the delegates on the first day of the convention by majority vote, as a special order of business at three o'clock in the afternoon of the second day of the constitutional convention held in the odd numbered years, the following officers shall be elected in the following order by a per capita roll call vote: President, Vice-President, and Executive Board members as was determined by lot prior to nominations.

(a) Prior to the opening of the convention, the President shall appoint, with approval of the Executive Board, an election committee to oversee the election. No person seeking office shall serve on said committee. In the event of a contested election for any office, the Election Committee shall be responsible for conducting the elections. Immediately after the completion of the election, the Election Committee shall prepare a written, signed report showing the number of votes cast for each candidate. This report and all ballots and election materials shall be retained by the Committee until any appeal period and any appeals have been exhausted, and

then presented to the President, who shall preserve the materials for no less than six (6) months from the date of the election or the conclusion of all appeals, whichever is later.

(b) No less than forty-five (45) nor more than one hundred twenty (120) days prior to an election of state federation officers, the Executive Director shall compile and notify each affiliate organization of the availability of a list containing the following information: the name and address of each of the elected state federation's officers (including Executive Board members);

- **the name and mailing address of each of the organizations affiliated with the state federation;**
- **the name of each of the affiliated organization's principal officers;**
- **each organization's projected per capita voting strength and delegate entitlement at the election;**
- **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 make their own notes concerning the most current underlying records relating to the information included in the list provided above.

(b) A candidate for office and/or any delegate or Principal Officer of an affiliated organization may make a protest of the election of any elected position of the Wyoming State AFL-CIO. Such protest must be filed with the Election Committee within thirty (30) days of the election and be in writing and signed by the protesting party. Within thirty (30) days of the receipt of the protest, the Election Committee shall deliver their report to the Executive Board at its next meeting and the Executive Board shall determine by majority vote whether or not the protest merits a hearing. If a hearing is warranted, a hearing will be conducted per Article X.

The following procedural rules shall govern the election:

1. All delegates shall be seated before commencing the roll call and shall remain seated throughout the roll call, except by permission of the Chairman.
2. Entrances and exits shall be barred by the Sergeant at Arms during the roll call, and no person shall enter or leave the convention except by permission of the Chairman.
3. The Elections Committee shall name one of its members to call the roll and designate a Chairman of the convention during the elections.
4. Each delegate shall be furnished a list of affiliated organizations showing the average per capita tax, for the purpose of following the tabulation of the vote.
5. At the completion of the roll call the Chairman shall order the list of locals passing and the list of locals not answering recalled. If such locals do not vote or respond on the recall, they shall be ineligible to vote on that roll call.

6. At the completion of the call of absentees and passing locals, the Chairman shall ask the question, "Does any delegate wish to change his/her vote?" If no response is evident, the Chairman shall order the tabulation, after which no vote may be changed or cast.
7. In the event that no nominee shall receive a majority of the votes cast on the first roll call, all names except the two receiving the greatest number of votes will be stricken and the roll called again.
8. In the event of a tie vote the roll call will be called again. If the tie is not broken on the second roll call, the election shall be decided by lot.

SECTION 5. *Selection of Executive Director.* The newly elected President, Vice-President, Secretary-Treasurer, and twelve Executive Board members shall convene themselves into an Executive Session in the evening of the second day of the constitutional convention held in the odd numbered years and shall select an Executive Director. The Executive Session must reach a conclusion on the selection of an Executive Director by a two-thirds (2/3) majority. The Executive Session may, at its discretion, name an acting Executive Director for a period not to exceed sixty (60) days.

SECTION 6. *Installation of Officers.* Immediately following the election of officers, the newly elected Officers and Executive Board members shall be installed by the convention Chairman or an AFL-CIO official, if one is present. Their term of office shall be for two (2) years and each shall hold office until a successor is elected and installed.

SECTION 7. *Oath of Office.* All Officers and Executive Board members shall assent to the following obligation before entering upon their duties:

"I, (name of officer) do hereby promise to faithfully perform the duties of the office to which I have been elected, to the best of my ability, and to the benefit and honor of the WYOMING STATE AFL-CIO; and in the event of resignation or removal from office, or at the expiration of my term, I promise to deliver to my successor all property in my possession belonging to the WYOMING STATE AFL-CIO. I further promise to protect and defend the American Federation of Labor and the Congress of Industrial Organizations and to vacate my office and surrender all WYOMING STATE AFL-CIO property to the President of the AFL-CIO on his official demand. I pledge to abide by the ethical practices code of the AFL-CIO and the anti-harassment and anti-discrimination policy and code of conduct of this council."

ARTICLE VIII

OFFICERS' DUTIES

SECTION 1. *Duties of President.* The President shall function as the chief administrative officer of the WYOMING STATE AFL-CIO. He/she shall exercise supervision of the affairs of the organization and preside at regular and special conventions, meetings of the Executive Board, and all other official meetings unless he/she designates another officer.

Subject to the approval of the Executive Board, he/she shall also:

1. Exercise general supervision over the affairs of the state organization.
2. Interpret the constitution between meetings of the Executive Board, and his/her interpretation shall be conclusive and in full force and effect unless changed by the Executive Board or convention.
3. Make all policy determinations between board meetings and conventions.
4. Call Executive Board meetings whenever, in his/her opinion, such meetings are necessary.
5. Make a report of his activities to each Executive Board meeting and to the convention through a report of the Executive Board.

SECTION 2. *Duties of Vice-President.* The Vice-President shall perform such duties as may be assigned to him/her by the Executive Board or the President. The Vice-President shall assume the office of President whenever such office shall be vacated by reason of death, resignation, removal, or desertion. The Vice-President shall assist the President in the discharge of the duties assigned to the President's office.

SECTION 3. *Duties of Executive Director.* The Executive Director shall be a full-time executive officer, subject to the policies and convention decisions and of the Executive Board and the President.

1. He/she shall receive and disburse all funds of the WYOMING STATE AFL-CIO.
2. He/she shall maintain proper and adequate financial records as approved by the National AFL-CIO.
3. He/she shall be the custodian of all records, files, and properties of the WYOMING STATE AFL-CIO.

4. He/she shall be responsible for keeping a complete record of the proceedings of all conventions, Executive Board meetings, and other meetings and conferences of the WYOMING STATE AFL-CIO.
5. He/she shall give adequate bond for the faithful discharge of his fiscal duties in an amount determined by the Executive Board but not less than 10% of the organization's annual revenue.
The cost of such bond shall be paid by the WYOMING STATE AFL-CIO.
6. He/she shall have supervision over the office and office employees of the WYOMING STATE AFL-CIO.
7. He/she shall implement all programs and policy as determined by the convention and Executive Board, and as provided in this constitution.
8. He/she shall be responsible for the preparation of the proper vouchers to all persons who are authorized to perform services on behalf of the organization for reimbursement of lost time and/or expenses incurred; he/she shall pay such vouchers only as prescribed in Article XII.
9. He/she shall be required to periodically visit all center labor councils and affiliated unions when in his/her judgment such visits advance and implement the program of the organization, or when directed by the President.
10. He/she shall be the legislative representative of the WYOMING STATE AFL-CIO.
11. He/she shall represent the WYOMING STATE AFL-CIO at all functions or meetings when directed by the President or Executive Board.
12. He/she shall perform such other duties as may be assigned to him by the Executive Board.
13. He/she shall submit to the President and each member of the Executive Board on or before the 10th day of each month, a financial statement covering all funds.
14. He/she shall submit a written activities report to the President and the members of the Executive Board on or before the 10th day of each month.

SECTION 4. *Board of Trustees.* The nine (9) elected Executive Board members shall constitute the Board of Trustees and shall select their own chairman. They shall perform such functions as are required in Article XII and such other duties as may be determined by the Executive Board.

SECTION 5. *Political Officer.* No officer of the council shall hold or be a candidate for elected office except that of State Senator or Representative in the

Legislature of Wyoming, nor an appointive public office on which he/she depends for a livelihood. Violation of this provision shall be cause for automatic and immediate removal from office. This restriction shall not be construed to apply to positions under civil service or employment in the jurisdiction of the union of which he/she is a member.

SECTION 6. *Political Policy.* No officer shall use the prestige of his/her office to promote or advocate any public issue or advance the cause of a political party or candidate except in conformity with the policy of the WYOMING STATE AFL-CIO.

ARTICLE IX

EXECUTIVE BOARD

SECTION 1. *Composition.* The President, the Vice-President, the Secretary/Treasurer and nine (9) Area Representatives shall constitute the Executive Board. No more than three (3) members from any National or International Union in total can serve as officers on the Board. No more than two (2) members from any National or International Union can serve as Area Representatives and must be elected from different areas as outlined in Article VII, Section 3.

SECTION 2. *Authority.* The Executive Board shall be the governing body of the WYOMING STATE AFL-CIO between conventions. All actions of the individual officers shall be subject to review by the Executive Board except as otherwise provided in the constitution. All personnel employed by the WYOMING STATE AFL-CIO shall be subject to the approval of the Executive Board and may be removed by the Executive Board. The Executive Board shall be responsible for programming and implementing the decisions of all conventions of the WYOMING STATE AFL-CIO and the National AFL-CIO.

The Executive Board shall fix the amount of compensation for all officers and employees and establish policy fixing the amount of per diem, mileage, and other expense allowances for all officers and employees.

SECTION 3. *Meetings.* The Executive Board shall meet at least four (4) times per year. The Executive Board may convene itself by petition to the President when such petition is supported by a majority of the Board. Such petition shall state the reasons for such special meeting and affix the time and place of such meeting. The Executive Director shall attend all Executive Board meetings with voice but no vote.

ARTICLE X

CHARGES, TRIALS, & REMOVAL FROM OFFICE

SECTION 1. *Charges.* Any officer, individual, or any affiliate or group of affiliates may by petition representing ten percent (10%) of the membership of the WYOMING STATE AFL-CIO as determined in the preceding constitutional convention, refer charges against any officer or Executive Board member for malfeasance, maladministration, or for pursuing a course of action contrary to the best interests of the WYOMING STATE AFL-CIO. Such petition of charges shall be filed with the President, unless the petition of charges is against the President, in which case the petition shall be filed with the Vice-President. The petition shall clearly set forth the basis of the charges.

SECTION 2. *Notice.* The President or the Vice-President shall cause the accused to be notified of the charges by registered mail immediately following receipt of the petition. Within forty-five (45) days, but not less than thirty (30) days, the President or the Vice-President shall call a meeting of the Executive Board for the purpose of hearing the charges.

SECTION 3. *Trial Hearings.* The Executive Board may acquit the accused by a majority vote. In no instance shall the accused be permitted to sit with the Executive Board as a member nor shall the accused be permitted to vote on the charges. The Executive Board shall hear all witnesses to the charges and allow the accused to be represented by another union member. Any determination of the question of guilt or innocence shall be made in Executive Session without the accused being present. Any officer found guilty shall automatically be removed from office.

SECTION 4. *Appeal.* The accused shall have the right to appeal as provided in Rule Twenty-six of the Rules Governing Central Labor Councils as adopted by the Executive Council of the AFL-CIO.

SECTION 5. *Executive Director.* The Executive Director may be removed from office on the basis of incompetency without a petition of charges by a two-thirds (2/3) concurrence of the Executive Board sitting in Executive Session. The Executive Director shall be notified in writing, by registered mail, by the President at least fourteen (14) days in advance of the Executive Session of any intention of removal action occurring under this Section. The Executive Session shall hear all witnesses on behalf of the Executive Director before determining the question.

ARTICLE XI

VACANCIES

Section 1. President. Should the office of President become vacant the Vice-President shall assume the office of President.

Section 2. Vice-President or Secretary/Treasurer. Should the office of Vice-President or Secretary/Treasurer become vacant, the vacancy shall be filled with a current member of the Executive Board by majority vote of the Board.

Section 3. Area Representative. Should the office of an Area Representative-become vacant, the vacancy shall be filled by action of the Executive Board, with a person who meets the qualifications as defined in Article VII, Section 3.(b) from the same area.

Section 4. Executive Director. Should the position of Executive Director become vacant, the President shall name either himself or another officer to fill the vacancy on an acting basis for not more than thirty (30) days. The President shall cause the Executive Board to be convened within thirty (30) days to select an Executive Director.

ARTICLE XII

FINANCES

SECTION 1. *Per Capita Tax.* Each affiliated local union shall pay a per capita tax of two dollars (\$2.00) per month for each of its dues paying members.

Revenue may also be derived from assessments when, and as ordered by a majority vote of a convention. The Executive Board may also declare an assessment of a sum not to exceed five dollars (\$5.00) per capita of each affiliated local union in any fiscal year when special programs of the state federation require, or when funds of the state federation are insufficient to meet the needs of the state federation.

SECTION 2. *Affiliation Fees.* Local Central Labor Councils and Other Councils eligible to affiliate may be affiliated upon the payment of fifteen dollars (\$15.00) per annum, payable on or before January 31.

SECTION 3. *Payment of Per Capita Tax.* Per capita tax for the preceding month shall be due and payable on or before the 10th of each month.

SECTION 4. *Arrears and Suspension.* Any affiliated organization whose payment of per capita tax is two (2) months in arrears shall be so notified by the Executive Director. An affiliate three (3) months in arrears shall be suspended and notified with ten (10) days of such suspension by the Executive Director. At the time an affiliated local is suspended, both their State and International Union shall be notified.

SECTION 5. *Reinstatement.* 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. *Fraud in Per Capita Tax.*

1. A local union paying per capita tax on less than its full dues paying membership shall be subject to suspension by the Executive Board. The Executive Board may require the local union to provide proof of membership where there is a reason to believe that such local union is violating this Section. If the local union shall fail or refuse to provide proof of membership upon request, the Executive Board may base its findings on such evidence available.
2. Any delegate may deliver evidence concerning such local union to be reporting fraudulently their membership, and if the local union does not disprove the evidence, the Credentials Committee shall recommend that such local shall not be seated in the convention. Any local union may be denied representation in any convention or other function of the WYOMING STATE AFL-CIO without regard to suspension action.

SECTION 7. *Exoneration.* Any local union unable to pay all or part of its per capita tax because of financial difficulty shall report the circumstances to the Executive Director in writing, who shall file such report with the Executive Board by mail. If in the judgment of the Executive Board, circumstances justify the waiver of per capita tax payment, the Board may waive such per capita tax, not to exceed six (6) months, except by review of the Board.

SECTION 8. *Deposit of Funds.* All money received by the WYOMING STATE AFL-CIO shall be deposited in a bank or banks designated by the Executive Board. No funds shall be withdrawn except by check bearing the signatures of both the Executive Director and President, and supported by the proper warrant approved by the President. In addition to the Executive Director and President, one additional Executive Board member who is not a Trustee, may be recommended by the Executive Director and approved by the Executive Board as an alternate signatory who may sign checks in the absence or unavailability of either the Executive Director or President.

SECTION 9. *Vouchers and Warrants.* No checks shall be drawn on the WYOMING STATE AFL-CIO for personal expenses incurred on behalf of the organization until a voucher showing the purposes of the expense with supporting evidence that the expenses were in fact incurred. The President shall examine all such vouchers and approve same before payment is made. All other payment shall be supported by appropriate receipts.

SECTION 10. *Annual AUP.* **The Fiscal Year of the State Federation shall begin on the first day of January of each year and end on the last day of December.** A certified public accountant selected by the Executive Board shall perform the Agreed Upon Procedures (AUP) as required by the Secretary-Treasurer of the National AFL-CIO for the calendar year ending December 31, and shall submit the CPA's report, in writing, to the Executive Board of the WYOMING STATE AFL-CIO. The annual CPA's report shall be submitted, in writing, to the delegates at the annual convention. In the event the Executive

Board discovers any irregularities, they shall immediately notify the office of the Secretary-Treasurer of the National AFL-CIO.

SECTION 11. *Annual Budget*

The State federation shall prepare an annual budget and adopt a written expense policy that includes, at a minimum, expense reimbursement through a voucher system, the submission of original receipts and approval of expenditures, the prohibition of the use of the state federation's credit card for personal expenditures, and the barring of use of debit cards

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ARTICLE XIII

PARLIAMENTARY AUTHORITY

SECTION 1. *Precedence.* The rules contained in Robert's Rules of Order, latest revised edition, shall govern in all cases to which they are applicable and in which they are consistent with this Constitution or By-Laws. In case of conflict between the provisions of this Constitution or By-Laws and the policy requirements of the AFL-CIO Rules Governing State Central Labor Councils, the latter shall prevail and appropriate steps be taken by the Executive Board of the WYOMING STATE AFL-CIO to bring this Constitution or By-Laws into conformity.

ARTICLE XIV

AMENDMENTS

SECTION 1. *Majority.* This Constitution may be amended by any constitutional convention of the WYOMING STATE AFL-CIO or any special convention called for that purpose, by two-thirds (2/3) concurrence of the votes cast. The By-Laws to this Constitution may be amended by any constitutional convention or special convention of the WYOMING STATE AFL-CIO by a majority concurrence of the votes cast. Amendments to this Constitution shall become effective when approved by the President of the AFL-CIO.

SECTION 2. *Submitting Amendments.* Any affiliate, officer, or the Executive Board may submit proposed amendments to this Constitution or the By-Laws of the WYOMING STATE AFL-CIO by submitting such proposed amendments, in the case of a constitutional convention, no later than seventy-five (75) days prior to the scheduled opening of the convention. In the case of a special convention, such amendments must be submitted within ten (10) days following the notice of such special convention.

The Executive Director, in the case of a constitutional convention, shall include such proposed amendments with the call for the convention.

In the case of a special convention, proposed amendments shall also be included with the call provided the provisions of Article IV, Section 2 are complied with.

The convention itself may, by unanimous vote, accept or initiate constitutional amendments no later than the afternoon session of the second day of the convention.

Amendments initiated by the National AFL-CIO shall be considered without regard to the limitations set forth in the Constitution.

SECTION 3. *Copies.* The Executive Director shall cause a sufficient number of copies of the proposed amendment to be prepared to provide each delegate with the proposed amendment for the convention.

ARTICLE XV LISTS

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

ARTICLE XVI STRATEGIC PLANNING

State, area and local central bodies in a state shall ensure that their work is coordinated and integrated with each other and with the programs and priorities of the AFL-CIO and affiliated national and international unions. State, area and local central bodies shall develop a unified work plan and budget at least every two years, which shall set forth the roles, responsibilities, budget, and activities of each organization. Such work plans and budgets shall be submitted to the president of the AFL-CIO upon or his/her designated representative, upon request. The president may modify, approve or reject any work plan or budget. The failure of a state, area or local central body, or any of its officers, to participate in the unified planning and budgeting process, to conform their activities to the unified work plan and budget, or to meet performance standards and benchmarks as established by the Executive Council, shall be grounds for disciplinary action.

ARTICLE XVII COLLECTIVE BARGAINING, STRIKES AND BOYCOTTS

Section 1. This State federation shall not take part in any collective bargaining activities. The state federation shall not have the authority to order a strike. The state federation may give proper assistance to a local union engaged in a strike only upon the request or consent of the national or international union with which such local union is affiliated, except upon the request or consent of the AFL-CIO President.

Section 2. This State federation shall have no power or authority to initiate a boycott. This State federation can endorse and provide support for a boycott campaign of an affiliate. This State federation 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 State federation shall be governed by the following regulations:

- 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.
- Disputes affecting contractual interests of other unions — If the requested action is directed against an employer that 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 the state central body, except as authorized by the President or by the Executive Council of the AFL-CIO.
- Disputes within the state — If the requested action is directed against an employer for a dispute arising within the state which does not involve the contractual interest of other AFL-CIO unions, the state central body may take the requested action if, in its judgment, such action is warranted and shall provide written notice to the Secretary-Treasurer of such action. The state central body will also notify the Secretary-Treasurer when a boycott is terminated.

- **Disputes in areas of other central bodies — If the requested action is directed against an employer for a dispute arising wholly outside the state, no action shall be taken unless the local central body, or the state central body, as the case may be, in whose area the dispute arose has first acted favorably on the request of the aggrieved union in keeping with applicable rules, and the AFL-CIO agrees with the requested action.**
- **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 the central body unless the national or international union involved, which must be affiliated with the AFL-CIO, has first secured approval of the AFL-CIO.**