

CONSTITUTION
FOR
NEW YORK CITY RENT REGULATION SERVICES EMPLOYEES
LOCAL 1359

ARTICLE I
NAME

The name of this organization shall be New York City Rent Regulation Services Employees Local Number 1359 of the American Federation of State, County and Municipal Employees (AFSCME), AFL-CIO. The organization received its charter July 15, 1962.

ARTICLE II
AFFILIATIONS

This local union shall be affiliated with New York City District Council Number 37 of the American Federation of State, County and Municipal Employees (DC37); the New York State AFL-CIO; and the New York City Central Labor Council, AFL-CIO.

ARTICLE III
OBJECTIVES

The objectives of this local union shall be to carry out on a local basis the objectives of the American Federation of State, County and Municipal Employees.

ARTICLE IV
MEMBERSHIP AND DUES

Section 1. All employees of the Rent Regulation Services of the City of New York are eligible for membership in this local union, subject to the requirements of the Constitution of the International Union.

Section 2. Application for membership shall be made on a standard application form. Unless such form includes a valid authorization for payroll deduction of dues, the application shall be accompanied by the current month's dues.

Section 3. The biweekly dues of the local shall be \$20.80 for annual salary up to \$28,000; \$21.70 for annual salary from \$28,001 - \$38,000; \$22.65 for annual salary of

\$38,001 - \$48,000; and \$23.60 for annual salary of \$48,001 and above. A single amount of \$20.80 will be deducted for all employees paid at an hourly rate.

Section 4. Membership dues shall be payable monthly in advance to the treasurer of District Council 37, and in any event shall be paid not later than the 15th day of the month in which they become due. Any member who fails to pay dues by the 15th day of the month in which they become due shall be considered delinquent, and upon failure to pay dues for two successive months shall stand suspended. Provided, however, that any person who is paying dues through a system of regular payroll deduction shall for so long as he/she continues to pay through such deduction method, be considered in good standing.

Section 5. A member suspended under the above section may be reinstated to membership in the local on payment of all arrearages.

Section 6. Per capita tax increases imposed by exercise of Article IX, of the AFSCME international Constitution and/or Article III of the Constitution of District Council 37 upon Local 1359 shall result in the automatic adjustment of the local's dues rates to compensate for such increase in the per capita tax rate in an amount equal to satisfy such increased payment.

ARTICLE V CHARGES, TRIALS, DISCIPLINARY ACTION, PENALTIES & APPEALS

Procedures on trials, charges, disciplinary action, penalties and appeals shall be in accordance with Article X of the AFSCME International Constitution in effect at the time of the adoption of this constitution and as amended from time to time.

ARTICLE VI MEETINGS

Section 1. Regular membership meetings of this local shall be held on the second Tuesday of each month at 6:00 p.m., except in the months of July, August and December. Executive board meetings shall be held on the first Tuesday of every month at 6:00 p.m., except that the board may at its discretion hold any meeting up to one hour earlier. Said meetings shall be held at the AFSCME AFL-CIO Regional Office, or at any other place which the executive board might designate and of which the membership shall be properly informed. Cancellation of executive board meetings during the months of July, August and December, shall be at the discretion of the president with the approval of the executive board.

Section 2. Special meetings may be called by the president, or, by a majority vote of the executive board, or by a petition filed with the president and signed by 10% of the membership. Said petition shall call for a special meeting. Upon receipt of said petition, the president will call a special meeting which shall be held no earlier than 10 business days nor later than 20 business days subsequent to the day of the filing of the petition. The purpose of the meeting shall appear in the meeting notice mailed to the general membership. No other business shall be transacted at this meeting. A special membership meeting may also be called by the International President or his authorized representatives.

Section 3. A quorum shall consist of 18 members in good standing for a general or special membership meeting, and 7 executive board members at executive board meetings.

ARTICLE VII OFFICERS, NOMINATIONS AND ELECTIONS

Section 1. The officers of this local shall be a president, a vice-president, a treasurer and a secretary. There shall also be three delegates to District Council 37 elected at-large, one delegate elected to the New York City Central Labor Council and five executive board members elected separately by local members in the title series which the board member shall represent as follows: one from the Professional (representing all attorneys and accountants) title series; one from the Clerical title series; one from the Rent Examiner title series; one from the Inspector title series and one from the Rent Program Specialist title series. The above-named positions shall constitute the executive board and are to be elected for a term of three years. A union office representative for each work site with more than 200 local members will also be elected for a term of three years. The position of union office representative shall not be held by a member of the executive board.

Section 2. Vacancies between elections in all offices, title series positions, delegate positions and union office representative positions shall be filled by a vote of the executive board. A vacancy in one of the five executive board positions representing members in a particular title series shall be filled by a member from the appropriate title series.

Section 3. Nomination of officers of this local shall be held every two (2) years. Effective March, 2008, nominations of officers of this local shall be held every three (3) years. Nominations shall be conducted at the March general membership meeting of the local in every third year, commencing in 2008. Not less than 15 days prior to the holding of nominations for local union officers, a notice of nomination meeting shall be mailed to each member at the member's last known address. Nominations are to be made from the floor at this meeting. Those nominated shall be afforded the opportunity

to decline within one week after having been advised of said nomination. The name of any nominee who so declines shall not appear on the ballot. A member may be a candidate for a local union office and for a delegate position during the same election but in no event may such individual, if elected to both positions, exercise more than one vote on the executive board.

Section 4. To be eligible for office, a member must be in good standing in the local for one year immediately preceding the election.

Section 5. Any nominee for elective office shall have the right once prior to the election, to have mailed through the union office, but at private expense, campaign literature. The literature shall be mailed to each member in good standing.

Section 6(a). Elections shall be conducted by secret ballot and the candidate receiving a majority of the votes cast for that office/title series position shall be declared elected. Any office/title series position for which a candidate does not receive a majority of the votes cast for that office/title series position shall be filled through a run-off election in which there shall be a ballot bearing two names for each office/title series position to be filled, such names being those nominees who received the greatest number of votes in the first balloting, and the candidate receiving the highest number of votes in the run-off shall be declared elected. Write-in votes shall not be valid for any purpose.

Section 6(b). Candidates for union office representative positions shall not require a majority of votes cast to be elected but shall be elected to open positions in order of the greatest number of votes received

Section 7(a). The election will be conducted in the month of April of every even-numbered year. Commencing in 2008, and for each election thereafter, the election will be conducted in the month of April in every third year. Date and time of the election shall be set forth by the Election Committee. Said election will take place in each of the Local 1359 work sites so that all members are given a reasonable opportunity to vote. At least fifteen days' advance written notice shall be given the membership prior to holding the election and any run-off.

Section 7(b). In the event that it is no longer possible to conduct the local election at the employer's work sites because of circumstances beyond the control of the Election Committee and/or the local (e.g., because the employer revokes its consent to the union to so utilize its facilities), the Election Committee shall make use of the facilities of District Council 37 to conduct the election.

Section 8. Any candidate whose name is to appear on the ballot shall have the right to have present an official observer of his/her own choosing, who must be a

member of the local, in all places where ballots bearing the candidate's name are to be cast or counted.

Section 9. The election committee shall consist of at least one member chosen at each work site of the New York State Office of Rent Administration, Division of Housing and Community Renewal, not presently holding any office in the local or the local offices. No member of the election committee may be a candidate for office. The election committee shall be established and shall have the responsibility for the conduct of the election in accordance with this constitution and the Constitution of AFSCME. The election committee shall also report, as expeditiously as possible, the results of the balloting, together with recommendations regarding any protests which have been lodged regarding the conduct of the election. The election committee members are to be chosen triennially by majority vote of the executive board at least two weeks prior to the membership meeting in March. The members of the election committee shall choose their chairperson.

Section 10. Every officer, title series representative and delegate shall, upon assuming office, subscribe to the obligation of an officer contained in Appendix B of the International Constitution in effect at the time of the adoption of this constitution and as from time to time amended.

Section 11. The president shall be our delegate to all the American Federation of State, County and Municipal Employees International Union Conventions, provided the expenses incurred for same are within Local 1359 fiscal means, which shall be determined by the executive board, after receiving a current financial report and recommendation by the treasurer. If it is established that Local 1359 can afford to send additional delegates to this AFSCME International Union Convention, the executive board may recommend same to the membership, wherein nominations and elections by the membership of the additional delegates shall conform to Article VII of this constitution.

Section 12. The president shall be one of four delegates to District Council 37.

ARTICLE VIII DUTIES OF OFFICERS, EXECUTIVE BOARD, DELEGATES, AND OFFICE REPRESENTATIVES

Section 1. The president shall act at all times in a manner which maintains the organization and benefits its membership. He/she shall preside at all meetings of the local union and of the executive board. He/she shall be a member of all committees. He/she shall countersign all checks drawn against the funds of the local. He/she shall appoint all standing committees and all special committees of the local, subject to the

approval of the executive board. He/she shall report periodically to the membership regarding the progress and standing of the local and regarding his/her official acts.

Section 2. The vice-president shall assist the president in the work of his/her office. In the absence of the president or in his/her inability to serve, the vice-president shall preside at all meetings and perform all duties otherwise performed by the president. The vice-president may, with the approval of the executive board, be authorized to act as co-signer of checks drawn on the local funds in place of either the president or treasurer.

Section 3. The secretary shall keep a record of the proceedings of all executive board meetings and general membership meetings of this local union, draw authorized orders on the treasurer to be countersigned by the president, and perform such duties as may be required by the officers of this local.

Section 4. The treasurer shall receive and receipt for all monies of the local union. He/she shall deposit all money so received in the name of the local union in a bank or banks selected by the executive board, and money so deposited shall be withdrawn only by check signed by the president and treasurer. He/she shall prepare and sign checks for such purposes as are required by the constitution or are authorized by the membership or the executive board. He/she shall keep an accurate record of receipts and disbursements and shall, at each general membership meeting submit to the membership a monthly operating statement of the financial transactions of the properties of the local union.

Section 5. The executive board shall be the governing body of the local union except when general and special meetings of the local union are in session. All matters affecting the policies, aims and means of accomplishing the purposes of the local not specifically provided for in this constitution or by action of the membership at a regular or special meeting shall be decided by the executive board. The board shall meet monthly at the call of the president or of a majority of the members of the board. A report on all actions taken by the executive board shall be made to the membership at the next following general membership meeting.

Section 6. Delegates to District Council 37. The delegates shall participate in the proceedings at District Council 37 meetings, conventions, conferences, etcetera. They are to reflect the opinion and wishes of the members of Local 1359 at these meetings.

Section 7. Delegate to New York City Central Labor Council. The delegate shall represent Local 1359 at all New York City Central Labor Council meetings, conferences, etcetera, and shall reflect the opinions and wishes of our members at these meetings.

Section 8. Union office representatives shall process grievances, enforce the contract and union rules; shall bring the thinking of the leadership to the membership and the thinking of the membership to the leadership; and shall help organize new employees.

Section 9. The following shall be the order of succession of officers to the president in the event of a) illness, making it impossible for the president to function; b) the president's demise; c) the president's removal from office; or d) absence due to union business:

1. the vice-president
2. the treasurer
3. the secretary

In the event that all of the above-named officers are in a position as itemized under a, b and c in this section re: succession of officers, the executive board shall conduct the business and operation of Local 1359 until special elections can be expeditiously conducted to fill out the unexpired term of these officers. Except for the designation of the date of the nominations and elections and the date of the appointment of the election committee, said special election shall be conducted in the same manner as provided by Article VII of this constitution.

ARTICLE IX STANDING COMMITTEES

Section 1. There shall be standing committees as follows: Collective Bargaining, Educational, Labor-Management, Political Action, Health, Security and Welfare, Newspaper, Social, House, Grievance, Constitution, and Pension and Retirement.

Section 2. The chairperson of these committees and other special committees shall be appointed by the president with the approval of the executive board. Each chairperson shall vote only to break a tie.

Section 3. Meeting of a standing committee may be called at any time by its respective chairperson, and the secretary of the local union shall call a meeting of a standing committee at any time upon the written request to do so by any three or more members of such committee.

Section 4. All committees are to be comprised of an odd number of members. A quorum shall consist of at least three (3) committee members.

ARTICLE X
LOCAL UNION EXPENDITURES

Section 1. The funds of the local union shall be handled in accordance with the following regulations:

- A) All expenditures of the local union must be authorized and approved by the executive board. Changes in recurring expenditures and non-recurring expenditures in excess of \$500.00 shall not go into effect until said changes and/or expenditures have been recommended by the executive board and approved by the membership at a regular membership meeting of the local. Authorization for non-recurring expenditures of \$500.00 or less may be given by the executive board at a regular executive board meeting and a record of all such authorizations must be submitted as order of business at each regular meeting of the membership of the local union.
- B) All checks on accounts of the local union must be signed by the treasurer and countersigned by the president. In the absence or incapacity of the president or treasurer, the vice-president shall be the second signatory of checks.
- C) The local union shall maintain detailed and accurate books and records of account. There shall be rendered to the executive board a semi-annual report of income and expenditures and there shall be rendered to the membership an annual financial report, audited by a Certified Public Accountant.

ARTICLE XI
MISCELLANEOUS PROVISIONS

Section 1. This local union shall at all times be subject to the provisions of the Constitution of the American Federation of State, County and Municipal Employees and the Constitution of District Council 37 of the American Federation of State, County and Municipal Employees.

Section 2. Robert's Rules of Order, Revised, shall be the guide in all cases to which they are applicable and in which they are not inconsistent with this constitution and special rules of this local union or of the American Federation of State, County and Municipal Employees, and District Council 37.

Section 3. Except to the extent specified in this constitution, no officer of the local union shall have the power to act as agent for or otherwise bind the local union in any way whatsoever. No member or group of members or other person or persons shall have the power to act on behalf of or otherwise bind the local union except to the extent specifically authorized in writing by the president of the local union or by the executive board of the local union.

Section 4(a). Stipends. A monthly stipend of \$150.00 shall be paid to the president. A monthly stipend of \$75.00 shall be paid to the vice-president, the treasurer and the secretary.

Section 4(b). All executive board members who are in attendance at an executive board meeting shall receive a meal/meeting allowance not to exceed \$25.00 when said meeting was scheduled after normal working hours. All delegates in attendance of their respective assigned meetings shall receive the same meal/meeting allowance. All members of the collective bargaining committee and other local union committees who are conducting local business after normal working hours, or members who are on assignment outside their District/Borough Rent Office, may have their meals paid for, or receive a meeting/expense allowance, up to a maximum of \$25.00, with the approval of the president and the executive board.

Section 5. The chairperson of the constitution committee shall be the local's parliamentarian, and is to rule on all disputes on parliamentary procedures and constitutional matters at our general and special membership meetings and executive board meetings.

Section 6. All members of Local 1359 shall receive a copy of this local's constitution.

ARTICLE XII

All collective bargaining agreements, memoranda of understanding, or any other unit-wide agreements affecting terms and conditions of employment negotiated by and between the certified bargaining agent, D.C. 37, and the employer shall be subject to recommendation by the executive board and thereafter subject to ratification by the membership.

ARTICLE XIII AMENDMENTS

This constitution may be amended, revised, or otherwise changed by a majority vote of the executive board and a two-thirds (2/3) vote of the membership present and

voting on such proposal. Said amendments to this constitution must be read at a regular or special membership meeting of Local 1359 and read and voted upon at a subsequent meeting of Local 1359. Adequate and proper notice shall be given to the membership prior to the date on which the vote is taken. Members can propose an amendment to this constitution by submitting same in writing to the secretary of Local 1359, who will bring said amendment before the next executive board meeting for their recommendation.

APPROVED BY:

A handwritten signature in cursive script, appearing to read "Gerald W. McEntee".

GERALD W. McENTEE
International President

Approval Date: 01/16/2007