



Article XIV: State and Local Central Bodies

Section 1

Central bodies subordinate to the Federation may be chartered upon a city, state or other regional basis as may be deemed advisable by the Executive Council and shall be composed exclusively of locals of national and international unions and organizing committees, affiliated with the Federation, directly affiliated local unions, local central bodies within the geographical limits of state and regional bodies, and such other subordinate bodies and constituent entities as the Executive Council may determine are eligible for affiliation or other participation.

Section 2

(a) It shall be the duty of all national and international unions and organizing committees to instruct their local unions to join affiliated central labor bodies in their vicinity where such exist. Similar instructions shall be given by the Federation to all local unions affiliated directly to it.

(b) A national or international union may affiliate its entire membership with the appropriate state central bodies by paying to the AFL-CIO monthly a state central body national affiliation fee equal to 75 percent of the per capita charged by the various state bodies weighted to reflect the distribution of the union's membership among the states. If a union elects to pay this national affiliation fee, each local of that union (or other eligible subordinate body as determined by the Executive Council) will be entitled to membership in the appropriate state central body, and each of those locals will be entitled to full voting strength in its state central body. The national affiliation fees received by the AFL-CIO will be rebated to the state central bodies on the basis of their membership, per capita rates, and needs. The Executive Council shall establish procedures for calculating the amount of the fee due from any union electing to pay the national affiliation fee, for determining the voting strength of the union's locals within the various state central bodies, and shall take such other steps as are necessary to implement this section.

(c) The Executive Council is authorized to establish such programs, rules and procedures as it deems necessary or advisable to achieve the goal of full participation and fair affiliation of local unions to central labor bodies and to ensure coordination and integration of central labor body activities with the programs of the AFL-CIO and affiliated national and

international unions. The Executive Council is further authorized to modify or phase out the program contained in Section 2(b) of this Article as part of any program, rule or procedure adopted under this Section. The Executive Council shall also issue rules governing the creation and merger of central labor bodies.

Section 3

The Executive Council shall issue rules governing the conduct, activities, affairs, finances and property of state and local central labor bodies and providing procedures for the discipline, including suspension, trusteeship and expulsion of such bodies or suspension or expulsion of their officers. Such rules shall define the powers of the President, or his designee, with respect to disciplinary action against state and local central labor bodies and their officers. They shall provide for notice and hearing in all cases in which such action is taken, but shall permit emergency action (including the authority to suspend officers and establish a trusteeship over such central labor bodies and their property) prior to hearing where in the opinion of the President the interests of the Federation so require. The rules shall further provide for appeals to the Appeals Committee of the Executive Council, and shall also provide that decisions appealed from shall remain in full force and effect pending such appeal.

Section 4

Upon the dissolution, suspension or revocation of the charter or trusteeship over any state or local central body, all funds and property of any character shall revert to the Federation, which to the extent appropriate shall hold such funds and property in trust until such time that the organization may be reorganized and conform with the Constitution and laws of the Federation. It shall be the duty of the officers of a state or local central body that has been dissolved or whose charter has been suspended or revoked, or that has been placed under trusteeship, to deliver all funds and property to the President or his designated representative. In the event of a failure or refusal to so deliver such funds and property, all expenses incurred by the Federation in recovering such funds and property shall be reimbursed to the Federation from the funds and property recovered.

PROCESS AND CRITERIA GOVERNING ISSUANCE OF AFL-CIO CHARTERS TO INDEPENDENT ORGANIZATIONS

I. Background

The need for unity has never been greater. The entry of union-busters to the White House, combined with their influence in Congress and many states, creates a clear and present danger to the rights of our members and our organizations. We are committed to reinforcing the AFL-CIO as the most powerful and unified labor center possible.

Under Article III, Section 4 of the AFL-CIO Constitution, the Executive Council has the power to issue charters or certificates of affiliation to organizations desiring to affiliate with the Federation. Over the past 43 years since the merger of the AFL and the CIO, approximately 20 national and international unions have been chartered (or rechartered) directly as new affiliates, though several of them have subsequently merged or consolidated in some fashion with other affiliates.

Over this same period, other requests for direct affiliation have been discouraged or denied. In many instances, the Federation has believed that affiliation through an existing affiliate would be the more appropriate course. In some cases, the Federation's concerns arose from irreconcilable jurisdictional conflicts that it feared would result if the independent union were directly chartered; in other cases, the concerns related to the petitioner's size or other particular characteristics.

During the past few years, the Executive Council's Committee on the Future has periodically engaged in discussions concerning when and under what conditions to grant charters to independent unions. Yet, despite these deliberations and despite the creation of a Special Committee in 1998 to review charter applications, there has been little progress toward affiliation of independent organizations, either through mergers or direct chartering.

Consequently, the Committee on the Future has once again undertaken to review these matters, and has decided to articulate certain general principles applicable to direct chartering, as well as to delineate the criteria and the process which it believes should normally be employed in the consideration of future charter applications.

II. General Principles

Three underlying principles would seem to have general applicability to the consideration of charter requests from any independent organization seeking to affiliate with the AFL-CIO.

First, direct chartering will continue to be deemed as less than preferable than merging with an existing affiliate. This stems from the Executive Council's recognition that business consolidation and the growth of national and multi-national corporations make it imperative that organized labor seek out the advantages that can be gained by economies of scale in a variety of areas and the power that results from increased density in a particular geographic, industrial or occupational jurisdiction. Accordingly, while acknowledging that direct chartering may be an appropriate course of action in some limited circumstances, the Executive Council will continue to encourage all affiliates, including those chartered pursuant to this Policy Statement, to actively consider merging with like-minded organizations.

Second, each independent organization brings its own set of conditions and issues raised by the prospect of direct chartering. Thus, no matter how much consensus there is with respect to the general applicability of the criteria listed below, this process must contain a certain degree of flexibility, and those criteria cannot always be rigidly applied. For example, while we would agree that normally we do not intend to charter independent organizations representing small numbers of members, there may be instances where the symbolic or political value of such an organization's affiliation with the AFL-CIO may outweigh the negative response that would otherwise be accorded on the basis of size.

Third, in the case of some charter applications, it may not be realistic to expect that all of the concerns raised by individual affiliates, such as ones pertaining to possible jurisdictional conflicts, can be resolved in the abstract. On the other hand, once a charter is issued, promises of specific conduct may be difficult to enforce because under the AFL-CIO Constitution a charter, after it has been granted, can only be revoked upon a two-thirds Convention vote (Article III, section 5). A potential solution to this problem, which could be accomplished by constitutional amendment, may lie in a short-term "provisional" chartering process, which would allow identified remaining concerns to be resolved while the organization in question is inside the Federation. This is discussed in part IV, below.

III. Criteria

With this background, and in the context of these general principles, we believe that the criteria identified by the Special Committee and approved by the Executive Council in the NATCA charter report in 1998, are generally sound. Some may be more relevant than others depending on the independent union applicant's particular situation and its relationship with existing affiliates operating in the same or overlapping jurisdiction.

These criteria, in no particular order of importance, are as follows:

1. Size of the Independent Organization. Though not absolute, a presumption in favor of chartering would attach to unions with 100,000 or more members; similarly a presumption against chartering would attach to unions with fewer than 20,000 members.

2. Geographic Scope of the Independent Organization. Again, though not absolute, consideration would be more readily given to organizations with a national base.

3. Reasons for Desiring Affiliation. Independent Organizations showing a genuine desire and intent to work cooperatively with and actively participate in the labor movement in pursuit of the labor movement's shared goals, such as organizing, legislative lobbying, and political mobilization, would receive more favorable consideration than those appearing simply to be seeking Article XX/XXI coverage or other defensive protections.

4. Occupational or Industrial Jurisdiction of the Independent Organization. Consideration would be given to the potential for conflict with other AFL-CIO unions already representing workers in the same jurisdiction(s). The views of these unions would be particularly significant in this area.

5. Adherence to Democratic Principles, including those required under the AFL-CIO Constitution and traditions.

6. Financial Stability of the Independent Organization. This would be significant, particularly in assessing whether the organization would be likely to adequately represent its membership while also being able to participate in the labor movement's broader activities.

7. Symbolic Value. There may be situations where there may be symbolic value in a particular independent organization's affiliation with the AFL-CIO.

8. Exploration of Merger or Affiliation Possibilities with Existing Affiliates. This would involve a review of the prospects for merger or affiliation either as an alternative to direct chartering or at some point in the near future.

9. Views of Existing AFL-CIO Unions, particularly those with potentially overlapping or conflicting jurisdictional interests.

IV. Provisional Charters

In certain cases, particularly where affiliates with significant representation in the independent organization's primary jurisdictions have difficulty reaching necessary understandings in advance of a chartering decision, there may be value to offering a "provisional" charter for a fixed period of time.

Under this process, a reviewing committee appointed by the President could recommend and the Executive Council could approve a charter application subject to one or more conditions. After a specified period of time, not to exceed three years, the provisional status would be

Process and Criteria Governing Issuance of AFL-CIO Charters to Independent Organizations

removed and the affiliation would be deemed permanent, absent a vote of the Executive Council to revoke the charter. [Note: this provision would require constitutional amendment at the AFL-CIO's Convention.]

V. Process

Upon receipt of a charter application for an independent organization, if deemed worthy of consideration, the President shall appoint a Review Committee consisting of three active members of the Executive Council whose own affiliates do not appear to have a direct interest in the primary jurisdiction(s) represented by the independent organization in question.

The Committee shall, as expeditiously as practical, undertake a review of the independent organization's application. In the process, the Committee shall solicit input from all directly affected affiliates, shall request from the applicant and consider any information, including documents, that may be necessary or relevant to their deliberation, and shall prepare a report to the Executive Council containing recommendations as to whether or not the applicant should be granted an AFL-CIO charter, and, if so, whether it should be granted provisionally, subject to one or more specified conditions, as described in Section IV, above.

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