



APPROVED FOR THE
A.F.G.E. NATIONAL
EXECUTIVE COUNCIL

Elliott B. Kelley

January 5, 2023

NATIONAL VETERANS AFFAIRS COUNCIL CONSTITUTION C-53

PREAMBLE

For the purpose of promoting unity of action in all matters affecting the mutual interests of governmental civilian employees in general and for the improvement of governmental service, we, as members of this American Federation of Government Employees, adopt this Constitution.

ARTICLE I NAME

Section 1. This organization shall be known as the National Veterans Affairs Council of American Federation of Government Employees Locals.

Section 2. The President of the National VA Council shall establish the Headquarters and any additional office site as this Council may need.

ARTICLE II PURPOSE

Section 1. To promote the interests and improve the effectiveness of this Council so as to improve representation of member AFGE locals in their efforts to render the maximum service to their membership.

Section 2. This Council does not advocate the overthrow of the constitutional form of government of the United States; does not discriminate with regard to the terms of membership because of race, creed, color, national origin, sex, age, political affiliation, disability, marital status, sexual orientation, or preferential or nonpreferential civil service status, and is not subject to corrupt influences or influences opposed to basic democratic principles.

Section 3. This Council shall be governed by the provisions of this Constitution and the AFGE National Constitution. Consistent with the AFGE National Constitution, the AFGE National President shall ensure that all provisions of this Constitution are met, and shall take necessary action to do so.

ARTICLE III

REPORTING AND FINANCIAL REQUIREMENTS

Section 1. This Council subscribes to the Standards of Conduct for Labor Organizations as provided for in Public Law 95-454 (1978 or the current edition), and other governing laws and regulations with particular reference to the following:

- (a) The maintenance of democratic procedures and practices, including provisions for periodic elections to be conducted subject to recognized safeguards and provisions defining and securing the right of individual members to participate in the affairs of the organization, to receive fair and equal treatment under the governing rules of the organization, and to receive fair process in disciplinary proceedings;
- (b) The exclusion from office in the organization of persons affiliated with communist or other totalitarian movements and persons identified with corrupt influences;
- (c) The prohibition of business or financial interests on the part of organization officers and agents which conflict with their duty to the organization and its members; and
- (d) The maintenance of fiscal integrity in the conduct of the affairs of the organization, including provision for accounting and financial controls and regular financial reports or summaries to be made available to members.

Section 2. This Council shall comply with the reporting requirement of Public Law 95-454, as amended, and all other applicable regulations (submission of LM-2/4 Report and Constitution to the Department of Labor, submission of Form 990 for the preceding year to the Internal Revenue Service). A copy of the above forms and AFGE Form 41 shall be provided to the AFGE National Office and to member Local Presidents.

Section 3. Official publications shall not bear the name of or serve as a political vehicle for any single officer of this Council. Copies of official publications shall be furnished to the National Office.

Section 4. Every officer, agent, shop steward, or other representative or employee who handles funds or other property thereof shall be bonded. The Council must be bonded for at least ten percent of all the monies handled during the year. In accordance with Article XXIV, Section 8(c) of the AFGE National Constitution, the National President shall negotiate a blanket bond in the amount of \$5,000 to cover up to five people who handle the Council's funds for the protection of the Council. In the event that the Council needs, desires or is required by the Labor-Management Reporting and Disclosure Act of 1959, as amended, to be bonded for additional amounts or for

additional people who handle the Council's funds, it shall be incumbent upon the Council to bear the additional expense of such additional bond. It will be responsible for payment of all charges for all bonding of the Council, including the initial \$5,000 blanket position bond negotiated by the National President, and it shall own all bonding paid for by the Council. In order for the bond to be effective, the Council must file within 90 days after the close of its fiscal year a copy of the AFGE form for the annual audit and a copy of the Department of Labor required form.

ARTICLE IV **MEMBERSHIP**

Section 1. All Veterans Affairs locals and VA district councils in good standing with AFGE, duly chartered by the AFGE National Executive Council, shall be eligible for membership in this Council. Each National VA Council district, with the approval of the National Executive Council, may form a Council for proper representation. In all National VA Council districts not represented by a council, the VA Council, if requested by member locals within a district, will assist in establishing the formation of such organizations or councils.

Effective April 30, 1996, the jurisdiction of each VA district council shall remain as follows:

- 1st District -- Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island and Vermont (C-258);
- 2nd District -- New Jersey and New York;
- 3rd District -- Delaware and Pennsylvania (C-264);
- 4th District -- Maryland, North Carolina, Virginia and West Virginia (C-185);
- 5th District -- Alabama, Florida, Georgia, South Carolina and Tennessee (C-179);
- 6th District -- Indiana, Kentucky and Ohio (C-262);
- 7th District -- Illinois, Michigan and Wisconsin (C-59);
- 8th District -- Iowa, Minnesota, Nebraska, North Dakota and South Dakota (C-259);
- 9th District -- Arkansas, Kansas, Missouri and Oklahoma (C-226);
- 10th District -- Louisiana, Mississippi and Texas (C-227);
- 11th District -- Alaska, Idaho, Montana, Oregon and Washington (C-249);
- 12th District -- California and Nevada (C-263);
- 13th District -- Wyoming, Utah, Colorado, Arizona and New Mexico (C-219);
- 14th District -- District of Columbia, Montgomery and Prince George's Counties in Maryland, Arlington and Fairfax Counties and the City of Alexandria in Virginia;
- 15th District -- Hawaii, Puerto Rico, and the overseas areas.

Section 2. Upon receipt of exclusive recognition or national consolidation rights under law, all locals covered by the petition for exclusive recognition or national consolidation rights will be required to affiliate with the National VA Council and pay a per capita tax prescribed by the council for members within the unit of exclusive recognition or national consolidation.

- (a) Any local that once has affiliated with the National VA Council shall be responsible for per capita tax, unless it is no longer part of the exclusive or national consultation bargaining unit;

(b) A local that comes under the exclusive recognition, and has been so notified by the Treasurer of the National VA Council, shall be responsible for per capita tax to the Council from the first day of the month following notification. Notification shall be by certified mail, return receipt requested.

Section 3. Representation in this Council shall be by VA local delegates elected in accordance with the member locals' constitutions and duly certified to the Treasurer of this Council.

(a) Alternate delegates shall be elected in the same manner and may be elected at the same time as the delegates.

(b) Alternate delegates may be seated upon presenting to the Sergeant-at-Arms credentials approved by the Credentials Committee and verification of the delegate'(s) absence.

(c) Locals having a VA unit membership of 100 or less shall be entitled to one delegate; 101 to 200, two delegates; 201 to 300, three delegates; 301 to 400, four delegates; 401 to 500, five delegates; 501 to 750, six delegates; 751 to 1000, seven delegates; 1001 to 2000, eight delegates; 2001 to 3500, nine delegates; over 3500, ten delegates.

Section 4. For the purpose of electing officers and for roll call votes taken on any matter before this Council, each local's delegates shall be entitled to cast a proportionate share of the votes of his/her respective local, based on the average membership strength of his/her respective local, to be determined as follows:

(a) for regular Council meetings, as described in Article IX, Section 1 of this Constitution, as the twelve month period between August 1 and July 31 of each year.

(b) for special meetings, as described in Article IX, Section 3 of this Constitution, the most recent calculation of membership strength for the past twelve month period by the National VA Council Treasurer, as verified by the Council's Credentials Committee.

A single delegate may cast all votes for one or more delegates to which his/her respective local is authorized. When voting member strength at the National VA Council meeting held in conjunction with the AFGE National Convention, the AFGE rules shall apply. Local and Council delegates may cast one vote on other matters before this Council.

Section 5. Official AFGE Credential Form C-3 will be issued to delegates and alternate delegates elected by secret ballot by plurality vote of members voting at a regular or special meeting for attendance at Council meetings or Council Conventions. Credentials will be properly executed by the local or district council. Delegates and alternate delegates will be furnished one copy, one copy will be forwarded to the Council, and the third copy will be retained for the local or Council files. Proxy delegates will only be permitted for annual or semi-annual meetings or Conventions when it is not feasible for a local or council to send a delegate. Delegates may not carry proxies from more than three locals or councils.

ARTICLE V **REVENUE**

Section 1. Per capita tax for locals, payable at the beginning of each month, shall be ~~\$4.00~~ **\$4.50** per member per month, effective January 1, ~~2020~~ **2023**.

The breakdown of the existing \$1.00 for Restricted Funds shall be 12¢ Arbitration; 20¢ Lobbyist; 10¢ Organizing; 10¢ Training; and 13¢ Operating Expense Fund.

Of the \$0.50 increase, one-third shall go to the general fund, which is 16¢; and the remaining two-thirds (34¢) shall be divided evenly among the named Restricted Accounts: Arbitration - 07¢, Lobbyist - 06¢, Organizing - 07¢, Training & Education - 07¢, and Operating Expense Fund - 07¢ (due to inflation).

The \$1.50 increase will be earmarked as follows: 10¢ for organizing, 15¢ for training, 15 ¢ for lobbyist, and \$1.10 for grievance and arbitration.

The .50 increase will be earmarked for 7422/Legislative.

Any member local failing to pay per capita tax or any assessment or other indebtedness to the Council by the due date shall be notified by the Council Treasurer of its arrearages. If at the end of three months the local is still in arrears, or if the local is delinquent in payment of per capita tax to the Federation, it will not be permitted to participate in any affairs of this Council, including election of Council officers, other than those locals which have been placed in arrears due to fiduciary malfeasance by previous local officers who have been formally charged, and which have entered into a repayment agreement with National Office and NVAC. A suspended local shall be reinstated to full membership in this Council upon payment of arrearages. The fiscal year shall begin on April 1 and end on March 31.

Section 2. The NVAC Executive Committee shall have the authority to move money in restricted accounts to the general fund based upon financial shortfalls in the Council's budget.

Section 3. Upon notification as per Article IV, Section 2(b) above, locals will be responsible for per capita tax to the Council.

Section 4. The books, records, and financial accounts of this Council shall be open to inspection at all times to the National President and the National Secretary-Treasurer or their duly designated representative(s) and any duly authorized and accredited representative of this Council; any accredited Council delegates or financial officers of constituent locals, upon request; or any member of a constituent local for just cause to verify Council financial reports filed with the Department of Labor.

Section 5. A special per capita tax rate for retired members is set at no more than ½ of the rate that AFGE National charges for retired members and is designated for the general fund.

ARTICLE VI

OFFICERS

Section 1. The elected officers of this Council shall be:

President	First Executive Vice-President
Treasurer	Second Executive Vice-President
	Third Executive Vice-President

Section 2(a). If a vacancy occurs in the office of the President, on a rotating basis, the Executive Vice Presidents (in the order listed in Section 1 of this Article) shall fill the office for the unexpired term; the first Presidential vacancy will be filled by the First Executive Vice President.

(b) If a vacancy occurs in the office of the First Executive Vice President, the unexpired term of the vacancy will be filled by the Second Executive Vice President.

(c) If a vacancy occurs in the office of the Second Executive Vice President, the unexpired term of the vacancy will be filled by the Third Executive Vice President.

(d) If a vacancy occurs in the office of the Third Executive Vice President, the Executive Committee shall fill, by appointment, the vacant Executive Vice President position(s). If there is more than one year remaining in the unexpired term of office, then an election shall be held.

Interim vacancies of other elected offices shall be filled by appointment of the Executive Committee until a proper election can be held.

Section 3. If an officer of this Council takes a full-time position not with the VA or the VA Council, he/she will resign the office of the Council within 30 days after assuming the position. If the officer does not resign voluntarily, the President, with the concurrence of the Executive Committee of the National VA Council, shall declare the position vacant.

ARTICLE VII **OFFICERS DUTIES**

Section 1. The President shall function as the presiding officer of the Council and shall exercise supervision of the affairs of the Council, subject to approval of the Executive Committee. It shall be the duty of the President, in accordance with the mandates of the Council, to plan and pursue policies that will promote the welfare of the Council; keep the membership fully advised of activities, preside at Council Conventions and at meetings of the Executive Committee; and sign all official documents pertaining to the office. The President shall be the Chairperson of the Council's National Negotiating Committee. The President shall appoint a Parliamentarian, Sergeant-at-Arms, and a Secretary.

The Council President may hire, supervise, and fire employee(s), subject to the approval of the Council Executive Committee, providing the delegates to the Council, or the Executive Committee, have given prior approval, either by adoption of an annual budget that provides for

employee(s), or by authorizing the expenditure of funds for employee(s). Employees of the Council must have a service or employment contract, and will be advised before hiring that the contract incorporates the following: (1) any such service or employment contract must be submitted in writing for prior review and approval by the Council Executive Committee, (2) it does not extend beyond the term of office of the Council President or is otherwise specifically limited to a lesser duration, (3) it is subject to an approved budget and availability of funds, (4) it may not cause deficit spending, (5) it may be terminated for just cause, including a disciplinary or performance based removal, or in the event of insufficient funds, for lack of work, or for other valid reason, subject to approval of the Executive Committee, and (6) by entering into a contract, the Council and the employee agree that the National Office of the Federation is neither a party to the contract nor responsible for any matter arising from the contract, including the enforcement or termination of the employment. The Executive Committee shall establish a grievance procedure for all employees.

The President also shall provide an annual report to Local Presidents detailing accomplishments over the past year and the goals for the upcoming year.

Section 2. The Executive Vice Presidents in the order listed in Section 1 of Article VI shall preside at any meeting of the Council from which the President is absent. In the absence of the Executive Vice Presidents, the delegates shall elect a temporary chair for that meeting.

The Executive Vice Presidents shall perform other related duties assigned to them by the President not inconsistent with this Constitution.

Section 3. The Treasurer shall receive, receipt for, disburse and keep records of all monies received or disbursed for the Council, shall deposit all surplus monies in a federal chartered bank or credit union in the name of the Council with the approval of the Council, and shall render an account at all meetings and whenever otherwise requested to do so by the President. The President and all Executive Vice Presidents, along with the Treasurer, shall have the authority to sign checks. Every check must have two signatures: one signature must always be the President's or the Treasurer's. The Treasurer shall submit all receipts and disbursements to a certified public accountant for a review annually, and triennially prior to the National VA Council Convention, and the report will be mailed to all Local Presidents quarterly and at least 30 days prior to the National VA Council Convention.

ARTICLE VIII

SALARIES

Section 1. The President of the National VA Council shall receive compensation at a rate not to exceed GS-13, step 10. This will include his/her government salary, not including retirement, plus any differences necessary to reach a total annual income of GS-13, step 10. Clerical salaried positions may be set forth in other parts of this Constitution or by direction of the Executive Committee, excluding all elected officers.

Section 2. Effective January 1, ~~2013~~ **2023**, the National VA Council Treasurer's salary will be paid at ~~\$1,500 per month.~~ ***\$1,745 per month, with an increase annually that matches the pay increase that civilian federal employees receive.***

ARTICLE IX MEETINGS

Section 1. The National VA Council Convention will be held every third year, the year following each AFGE National Convention, during the month of October/November, and the site and date will be left to the discretion of the NVAC Executive Committee. The Executive Committee shall select the dates of the NVAC Convention by October 1 of the year preceding the NVAC Convention year, and the NVAC office shall notify all locals 30 days after said date is set. In addition, the National VA Council will meet in conjunction with the AFGE National Convention.

Section 2. A quorum of this Council shall consist of 25% of the registered delegates. A quorum of any committee shall consist of a majority of the members thereof. A quorum is not required for nominations and/or elections.

Section 3. Special meetings may be called at any time by the President, by a majority of the Executive Committee, or upon request in writing from 30% of the locals in good standing, provided however, at least 30 days notice is given as to the specific purpose of such meeting. Only those items listed in the notice will be discussed or voted upon.

ARTICLE X ELECTIONS

Section 1. The officers of the Council shall be elected by secret ballot and by majority vote of the delegates in good standing present and voting. The vote shall be based on the average membership strength of the respective locals in accordance with Article IV, Section 4.

Section 2. The term of office shall be for three years or for the balance of the unexpired term, beginning in 1995.

Section 3. To be qualified as a candidate for Council office, the candidate must be a member in good standing of a constituent local, must have been a member for one year of an AFGE local, immediately preceding the closing of the nomination process, and must not be a member in any labor organization not affiliated with the AFL-CIO. Any Veterans Affairs employee who is a member of a constituent local shall be eligible to be nominated as a candidate and to hold office in this Council.

Section 4. Elections shall be conducted every third year at the National VA Council Convention. The Convention call shall include announcements of nomination and election of officers, and shall be mailed to all known VA Local Presidents and Treasurers, at their last known addresses, not less than 60 days prior to the election of officers. It shall be the responsibility of the local to notify its membership of the nomination and election. All declared candidates for a National VA Council office will be provided, upon request, the following information as expeditiously as the information is available:

- (a) A complete list of the names, business and home addresses, and business telephone

numbers of the Presidents and Treasurers of each local in the VA district;

(b) One set of the names and mailing addresses of the Presidents and Treasurers of each local in the VA district. Additional sets will be supplied to each candidate upon written request to the National VA Council Treasurer. The cost of these additional sets will be charged the candidate at the actual cost to the Council;

(c) The names, addresses and local affiliations of each delegate elected to the VA district caucus; and

(d) The lists of the locals and voting strengths as computed by the National VA Council and the National Secretary-Treasurer.

Section 5. Nominations for Council office shall be moved by delegates to the Convention. The member nominated shall accept or decline the nomination; no individual shall be nominated unless he or she is present at the Convention or has presented prior written notification to the Executive Committee or the Election Committee of his/her willingness to accept nomination.

Section 6. For the offices of the Executive Vice Presidents, the candidates with the three highest majority of votes will be elected to the office of the Executive Vice Presidents. The candidate with the highest majority of votes will assume the office of First Executive Vice President; the candidate with the second highest majority of votes will assume the office of Second Executive Vice President; the candidate with the third highest majority of votes will assume the office of Third Executive Vice President.

Section 7. The delegates, prior to commencement of the nomination and election process, shall elect an Election Committee, consisting of not less than three members, by division of the house. If a larger Committee is required, it shall contain an odd number of members. No member of the Committee will be an incumbent officer or a candidate for the Council office for which the election is being conducted.

Section 8. No monetary or other resources of AFGE or any employer shall be contributed or applied to promote the candidacy of any candidate in an election. Candidates requesting lists of all constituent Local President's and Local Treasurer's last known addresses will make such requests to the National Secretary-Treasurer's office. There is no charge by the National Secretary-Treasurer for the first set.

Section 9. (a) The placement of observers will be determined by the Chairperson of the Election Committee to insure the security of unused ballots.

(b) If during the election process an observer has a question, he/she must bring the question directly to the Chairperson of the Election Committee.

(c) At the conclusion of the balloting, the Election Committee shall tally the total ballots cast, the ballots challenged, the ballots voided, and the total number of valid ballots cast. The Election Committee shall prepare a written report and inform the members of the results as soon as possible.

(d) A majority of valid votes cast is required for election to an office. If no candidate receives a majority of the valid votes cast for the office(s) at issue, a runoff election shall be conducted immediately. The runoff shall be between the two candidates receiving the greatest number of votes, whose position on the ballot shall conform with the order of their nomination.

(e) All election related documents (including those pertaining to nominations and the minutes of any meetings) must be sealed and preserved for one year after the election. To that end, following the Election Committee's disposition of all election complaints, the documents shall be forwarded to the National Secretary-Treasurer for custody.

(f) All Council officers must be elected, and protests filed, in accordance with the AFGE Rules of Conduct for an Election, as reflected in the AFGE National Constitution. For purposes of entertaining timely election complaints, protests must be received by the Election Committee within five days of adjournment of the Council meeting or Convention.

ARTICLE XI

EXECUTIVE COMMITTEE

Section 1. The Executive Committee shall consist of the five nationally elected general officers of the Council and a Representative elected from each of the 15 VA districts. The funding of the District Representatives will be provided by the VA locals or VA council within the respective VA districts.

Section 2. The Executive Committee shall meet at the call of the President, or by majority vote of the Executive Committee. It shall be the duty of the Executive Committee to devise and initiate such actions as may be necessary in the interim between Council meetings, not inconsistent with the objectives of the Council, this Constitution, or the AFGE National Constitution.

Section 3. All meetings and actions of the Executive Committee of this Council shall be recorded in minutes, and such minutes shall be distributed to District Representatives 30 days after each meeting. The District Representatives shall provide a copy to each member local within their VA districts within 30 days.

Section 4. Expenditures by the Council President in excess of \$500 per month must have prior approval by the Council's Executive Committee. All expenditures authorized by the Executive Committee will be reported in writing at the next regular meeting of the Council. Upon request a copy of such report will be made available to any officer in good standing of the Council.

Section 5. The Treasurer will prepare a financial report for each Executive Committee member. Copies of the financial report and the approved budget will be distributed to all member locals by the District Representatives.

ARTICLE XII

COMMITTEES

Section 1. NVAC committees may be established as the Council may direct, and the membership of such committees, with the exception of the Election Committee and National Negotiating Committee, shall be appointed by the President, subject to approval of the Executive Committee. The President may appoint special committees between meetings that will be for the good of the Council.

Section 2. Standing committees shall be Budget, Credentials, Legislative, Membership, Mid-Term Bargaining, and Safety.

Section 3. (a) A National Negotiating Committee shall be established, which will include the Executive officers of the Council, the district officers of the Council, and the District Representative or Alternate with primary responsibility to draft the contract proposals.

(b) The President of the National VA Council shall serve as the Chairperson.

(c) All National Level Agreements which directly change National Contracts between the National VA Council and the Department of Veterans Affairs Headquarters shall be subject to ratification by majority vote of the constituent members covered by the Agreements. National contracts negotiated with the agency are subject to review by the National President, and the agency shall be so notified.

(d) The bargaining history, including but not limited to, circulars, regulations, etc., published by the Department of Veterans Affairs Headquarters, of all negotiations conducted by the National Negotiating Committee, of any Agreement, will be maintained. The bargaining history will be available if needed, and upon request by the respective VA locals for supplemental negotiations.

(e) The District Representatives shall poll the locals within their VA districts by telephone, prior to the decision to roll over the National Agreement. The District Representatives will provide the Executive Committee a written confirmation of the poll.

(f) Roll-over of the National Agreement shall be at the discretion of the Executive Committee of the VA Council, upon the concurrence of the AFGE National President.

Section 4. (a) Mid-Term Bargaining Committees shall be established to negotiate changes not directly affecting National Contracts.

(b) The National Council President shall appoint a chairperson and committee members subject to approval of the Executive Committee.

(c) Mid-Term Bargaining Committees shall have full authority to negotiate and reach agreement with the Department of Veterans Affairs Headquarters on National Level changes not directly affecting National Contracts.

(d) The National Council President may appoint such other national and regional level mid-term bargaining committees as are needed to negotiate national and regional changes not directly affecting National Contracts. The National Council President shall refer particular matters to these committees for negotiations, and shall appoint a chairperson and committee members.

(e) Agreements reached by national and regional level mid-term bargaining committees appointed by the President are subject to the approval of the Executive Committee.

(f) The National Council President with Executive Committee approval may appoint representatives to the Department of Veterans Affairs committees or as needed for the purpose of pre-decisional involvement. These representatives shall report their findings to the Council and shall not have authority to negotiate or in any way bind the Council by their participation in committees, groups or task forces.

ARTICLE XIII **LOBBYIST**

Section 1. Contingent upon resources being available, a fully certified and credentialed lobbyist will be selected for all VA employees. The hiring, salary, duties, and the utilization of the lobbyist on a full-time or part-time basis are to be established by the Executive Committee. Supervision also will be provided by the Executive Committee.

ARTICLE XIV **COMPLAINTS AND APPEALS**

Section 1. Complaints against any of the Council officers or delegates arising out of or resulting from an individual's conduct or status as a Council officer on matters concerning the operation of the Council, excluding Council officer elections (which are processed in accordance with the procedures set forth in Appendix A of the AFGE National Constitution) will be processed as follows:

(a) Constituent locals or members thereof, shall register a complaint first with the Council President. A committee of investigation and, if probable cause is found, a trial committee will be appointed by the President, or the Executive Committee if the President is the accused.

The Council President or the Executive Committee as appropriate, shall insure that neither the committee of investigation nor the trial committee includes the complainant(s) or the accused, and in no case will the committee of investigation and the trial committee be composed of any of the same members. No member of the Executive Committee may serve on the committee of investigation. No member shall be eligible to serve on the committee of investigation or trial committee for the hearing of charges under this Article if he/she is directly or indirectly involved in the matter which gave rise to the charges upon which the accused is to be tried, and the committees otherwise shall be impartial.

A hearing on the complaint shall be conducted consistent with applicable provisions of Article XXIII of the AFGE National Constitution, not less than two weeks after the mailing of the notice nor more than 180 days after the preferring of charges.

(b) The trial committee's findings of fact and decision shall become effective after 45 days of its publication or service by mail to all constituent locals, unless disapproved by a majority of them during that 45 day period. The committee of investigation finding of no probable cause or trial committee's decision exonerating the accused shall not be subject to Council approval, or be subject to any further action within the Council or the Federation.

(c) The trial committee shall render a decision suspending the accused for a specific time from his/her office, removing him/her from the office, barring him/her from holding any office for a specified time, and/or suspending or removing him/her from membership for a specified period of time, or finding him/her not guilty as accused. After decision of the trial committee, an officer suspended or expelled from office and/or membership shall have the appeal right to the National Executive Council set forth in Article XXIII, Section 9 of the AFGE National Constitution, by service upon the National Secretary-Treasurer within 15 days of receipt of the trial committee's decision.

(d) The NEC shall review the case and affirm or reverse the decision, reduce the penalty, or return the case to the National VA Council for a new trial before a different trial committee. If the decision of the NEC should affirm any adverse action taken against the appellant by the National VA Council, upon receipt of the NEC's written decision, the appellant may further appeal to the next AFGE National Convention.

ARTICLE XV

AMENDMENTS AND RESOLUTIONS

Section 1. This Constitution shall become effective when ratified by VA Council delegates and when subsequently approved by the AFGE National Executive Council. Copies of this Constitution shall be available to all locals and councils in good standing upon request to the President of the National VA Council.

Section 2. Any proposed amendment to this Constitution shall be submitted to the National VA Council President in writing not less than 60 days prior to a regular meeting. The National VA Council President shall notify all Local Presidents of the proposed amendment(s) not less than 30 days prior to the date upon which action will be taken to amend at a regular meeting. Constitutional amendments will be considered only at the National VA Council meetings not held in conjunction with the AFGE National Convention.

Section 3. It shall require a two-thirds vote of the delegates present and voting to amend the Constitution.

Section 4. Amendments concerning a change in dues structure may be adopted by a ~~majority~~ 2/3 vote ~~and by secret ballot~~ of the delegates in good standing voting at a general or special meeting of this Council, after not less than 30 days written notice to the principal office of each constituent

local, or by ~~majority~~ 2/3 of the members of the constituent locals and councils in good standing voting in a membership referendum conducted by ~~secret~~ ballot.

Section 5. Resolutions shall be sent to the President of the National VA Council in writing not less than 45 days prior to the date of the regular meeting. Copies of the proposed resolutions will be sent to all Local Presidents not less than 15 days prior to the date of the regular meeting.

Section 6. (a) Copies of resolutions adopted at the National VA Council Convention shall be published in the next VA Council newsletter after said Convention.

(b) Locals submitting the resolution shall be supplied with any correspondence regarding the implementation of said resolution.

ARTICLE XVI

LOCALS' DISTRICT COUNCIL AND/OR **DISTRICT ORGANIZATION'S RIGHTS**

Section 1. All constituent locals and councils shall have the right to conduct their internal business without interference, coercion, or restraint by this Council, insofar as such matters are not in conflict with this Constitution and the AFGE National Constitution.

Section 2. Each constituent local and council in good standing shall be entitled to full participation on all matters before this Council through the District President or District Representative or local delegate.

Section 3. Any local or council which is not affiliated with the National Council, or which is not in good standing, may not speak, act, or conduct any business on behalf of the Council on any matter properly within the responsibility of this Council.

Section 4. Each constituent local shall be entitled to negotiate supplemental collective bargaining agreements with management for the purpose of implementing the National Agreement and covering those matters more appropriately negotiated at the local level. Such agreements shall be subordinate to the National Agreement and shall neither conflict with nor repeal it. Each constituent local negotiating such an agreement shall have the right and responsibility to administer and enforce such agreement.

ARTICLE XVII

PARLIAMENTARY AUTHORITY

The current edition of *Robert's Rules of Order Newly Revised* shall be the Parliamentary authority for all matters of procedure not specifically covered by this Constitution, that of the AFGE National Constitution, or the Convention Rules of the National VA Council.

ARTICLE XVIII

DELEGATES TO AFGE NATIONAL CONVENTION **AND VA COUNCIL NATIONAL CONVENTION**

Section 1. This Council is entitled to two delegates for representation at the AFGE National Convention.

Section 2. The selection of such delegates shall be accomplished in the following manner. The President and one of the nationally elected officers of this Council, by virtue of their election to those offices, shall serve as ex officio delegates, but may not participate in the election of AFGE national officers.

Section 3. The VA Council national officers, by virtue of their election, shall serve as ex officio delegates to the VA National Convention, but may not participate in the election of NVAC Council officers unless they are a delegate from their respective local

Section 4. The expenses of the elected ex officio delegates shall be paid by the Council.