

# **RULES GOVERNING**

**AFL-CIO**

## **AREA LABOR COUNCILS AND CENTRAL LABOR COUNCILS**

**Includes all changes made by the AFL-CIO  
Executive Council through March 2012**

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# **I. Rules Governing Area Labor Councils and Central Labor Councils**

## **1. Status of Rules**

These rules are issued by the Executive Council of the American Federation of Labor and Congress of Industrial Organizations pursuant to the provisions of the Constitution of the AFL-CIO. They supersede all rules previously issued. These rules and the Constitution of the AFL-CIO shall govern the conduct, activities, affairs, finances and property of all area labor councils and central labor councils of the AFL-CIO and provide the procedures for the discipline, including suspension and expulsion, of such councils or their officers by the AFL-CIO. These rules may be amended at any time by the Executive Council of the AFL-CIO, subject only to the provisions of the AFL-CIO Constitution.

## **2. Definitions**

- (a) When used in these rules, the term "local union" shall include local lodges, local brotherhoods or other local units of affiliated national or international unions or organizing committees which, in such unions, perform the functions of local unions.
- (b) When used in these rules, the term "President," unless otherwise specified, shall mean the President of the AFL-CIO, and the term "Secretary-Treasurer," unless otherwise specified, shall mean the Secretary-Treasurer of the AFL-CIO.
- (c) When used in these rules, the term "Executive Council" shall mean the Executive Council of the AFL-CIO.
- (d) When used in these rules, the term "AFL-CIO constituency group" shall mean the Alliance for Retired Americans, A. Philip Randolph Institute (APRI), Asian Pacific American Labor Alliance (APALA), Coalition of Black Trade Unionists (CBTU), Coalition of Labor Union Women (CLUW), Labor Council for Latin American Advancement (LCLAA), Pride at Work (PAW), and such other constituency organizations as may be designated by the Executive Council of the AFL-CIO.

- (e) When used in these rules, the term “chapter” shall mean a non-chartered, subordinate body of a central labor council, an area labor council or a state labor council. Chapters may be created as the result of (1) mergers of central labor councils, or (2) recognition by a state labor council, area labor council or central labor council that an AFL-CIO organizational presence is needed in a specific geographic area in its jurisdiction. Chapters shall have no right of representation or involvement in the affairs of a central labor council, an area labor council or a state labor council.

### 3. Composition of area labor councils and central labor councils

- (a) Area labor councils, central labor councils and chapters shall be composed exclusively of locals of national and international unions and organizing committees affiliated with the Federation, directly affiliated local unions, local bodies chartered by the trade and industrial departments of the AFL-CIO, and, subject to paragraph (d) of this rule, state or local chapters of AFL-CIO constituency groups within the geographical limits of the council that are chartered by a national AFL-CIO constituency group. Joint boards, district bodies and similar subordinate organizations within the geographical limits of the area labor council and central labor council that are chartered by an affiliate of the AFL-CIO may affiliate where the constitution of the area labor council or central labor council so provides. Any question that may arise with respect to the proper area labor council or central labor council to which local unions or other subordinate bodies or constituency groups are to affiliate or the extent of such affiliation shall be determined by the President of the AFL-CIO.
- (b) It shall be the duty of all national and international unions and organizing committees affiliated with the AFL-CIO to instruct their local unions to join area labor councils and central labor councils in their vicinity where such exist. Similar instructions will be given by the AFL-CIO to all local unions affiliated directly with it.

- (c) A union retiree group and an associate member organization may be admitted as an affiliate, where the constitution of the area labor council or central labor council so provides, with one delegate and one vote. Where two or more retiree groups desire to affiliate with an area labor council or central labor council and are eligible to do so, the area labor council or central labor council constitution shall require that the affiliation be through a council of the retiree groups; a retiree council shall be entitled to a maximum of three delegates and three votes as provided in the area labor council or central labor council constitution.
- (d) A local chapter of an AFL-CIO constituency group may be admitted as an affiliate, with one delegate and one vote, subject to the delegate eligibility requirements of Rule 10. 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. 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 any area labor council, central labor council or chapter, nor may any AFL-CIO constituency group, or its delegate, be present for or have voice or vote in any meeting or decision of any area labor council, central labor council or chapter Committee on Political Education.
- (e) Area and central labor councils will undertake all reasonable efforts ensure diversity of representation at every level.

#### 4. Purposes of Area Labor Councils, Central Labor Councils and Chapters

- (a) The functions and responsibilities of area labor councils and central labor councils within their respective areas shall be:

- (1) To assist in furthering the appropriate objects and policies of the AFL-CIO, or of organizations affiliated with the AFL-CIO (provided such objects or policies are not inconsistent with the objects or policies of the AFL-CIO).
  - (2) To serve as a means of exchanging information among affiliated bodies on matters of common interest.
  - (3) To provide aid, cooperation and assistance to affiliated local unions and other affiliated bodies in their common and individual endeavors.
  - (4) To propose, support and promote legislation favorable to and to oppose legislation detrimental to the interest of workers and organized labor.
  - (5) 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.
  - (6) To engage in such other activities as are consistent with the objects and principles set forth in the Constitution of the AFL-CIO and the policies of the AFL-CIO.
- (b) Area labor councils, as chartered organizations of the AFL-CIO, shall conform their activities on national affairs to the policies of the AFL-CIO and on state matters to the policies of their respective state federations.
- (c) Central labor councils, as chartered organizations of the AFL-CIO, shall conform their activities on national affairs to the policies of the AFL-CIO, on state matters to the policies of their respective state federations, and, if applicable, on regional matters to the policies of their respective area labor councils.
- (d) Chapters are non-chartered subordinate bodies of a state, area or central labor council. Chapters may be authorized to enact bylaws consistent with the state, area or central council's constitution; elect a chapter president and secretary-treasurer, hold meetings of delegates from local unions within the chapter's geographic jurisdiction and make recommendations to the state labor council, the area labor council or the central labor council for its consideration. Chapters may not assess a per capita or membership fee. In accordance with

the endorsement procedure for area labor councils and central labor councils, the chapter may endorse candidates running for local public office within the chapter's geographic jurisdiction and may screen, interview and recommend to the area labor council or central labor council candidates for state and federal legislative office but such recommendation is not binding on the council.

## 5. Charters

Charters shall be issued to area labor councils and central labor councils by the President on behalf of the Executive Council. Such charters may be refused, modified, revoked, or suspended pursuant to the Constitution of the AFL-CIO and these rules. Charters may be suspended or revoked in disciplinary proceedings pursuant to Rule 25. The President may also, for good cause shown, modify or revoke a charter as to name or territory. Any charter that has been revoked or suspended shall be surrendered to the President along with all assets held by the central labor council or area labor council.

## 6. Affiliation

- (a) Area labor councils shall admit as affiliates, upon the payment of such per capita tax and fees as may be required by the constitution or bylaws of such council, all local unions directly affiliated to the AFL-CIO or affiliated with national or international unions and organizing committees affiliated with the AFL-CIO, and such other subordinate bodies and constituent entities as the Executive Council may determine are eligible for affiliation or other participation. Where per capita tax and fees are centrally collected by the area or state labor council, local unions shall indicate how their membership is to be allocated between the central labor councils within the area or state labor council's jurisdiction, and the area or state labor council shall notify central labor councils of that allocation for purposes of calculating per capita voting strength on a monthly basis. Area labor councils shall affiliate with the State AFL-CIO.
- (b) Central labor councils shall admit as affiliates upon the payment of such per capita tax and fees as may be required by the constitution or bylaws of such



council, all local unions directly affiliated to the AFL-CIO or affiliated with national or international unions and organizing committees affiliated with the AFL-CIO, and such other subordinate bodies and constituent entities as the Executive Council may determine are eligible for affiliation or other participation. Central labor councils shall affiliate with the area labor council in whose jurisdiction it is located and the State AFL-CIO.

- (c) No area labor council or central labor council shall affiliate or retain as an affiliate any organization not affiliated with the AFL-CIO or with an affiliate of the AFL-CIO, or any organization that has been suspended or expelled by a parent body affiliated with the AFL-CIO or by the AFL-CIO. The Solidarity Charter program authorized by the Executive Council, for so long as it remains in effect shall be the only exception to this rule.
- (d) Any area labor council or central labor council shall have the power to suspend or expel any organization affiliated with it upon conviction, after charges, notice and hearing, of having engaged in conduct or a course of activity hostile or contrary to the best interest of the area labor council or central labor council or contrary to its constitution or bylaws.
- (e) No organization shall be permitted to be an affiliate of any area labor council or central labor council, if that affiliate is controlled or dominated by officers or persons whose policies and activities are consistently directed toward the achievement of the program or purposes of authoritarianism, totalitarianism, terrorism or other forces that suppress individual liberties and freedom of association.

## 7. Constitutions and Bylaws

- (a) Each area labor council and central labor council shall adopt a constitution and/or bylaws consistent with the Constitution of the AFL-CIO and with these rules. Constitutions may be amended only upon a favorable vote of two-thirds or more of the delegate votes cast. Such constitutions and bylaws and any amendments thereto, shall be subject to approval by the President and two

copies thereof shall be submitted to the President upon their adoption.

Amendments shall not become effective until approved by the President.

- (b) Amendments to the constitution or bylaws of an area labor council or central labor council duly proposed in accordance with the provisions of the constitution or bylaws of the council may be submitted to the President for approval in advance of the annual meeting or convention at which they are to be acted on and such amendments, if approved, may be put into immediate effect, if adopted by two-thirds or more of those delegates casting a vote in the form submitted to the President or without substantive change. If any substantive changes are made in amendments which have received prior approval, such amendments shall be resubmitted for approval by the President, and shall not become effective until written notification of approval is issued by the President.
- (c) The President may, at any time, require any area labor council or central labor council to amend its constitution or bylaws in order to bring them into conformity with the provisions of these rules or of the Constitution of the AFL-CIO. The council will notify the President in writing that such amendments have been adopted and provide a copy of the amendments.
- (d) The president may temporarily waive or suspend one or more provisions of an area labor council or central labor council constitution or bylaws, after consultation with national and international unions as appropriate, where (a) the waiver or suspension is requested by the area labor council or central labor council with the support of its executive board, (b) the area labor council or central labor council has demonstrated to the satisfaction of the President that the waiver or suspension is warranted under the circumstances, and (c) the President determines that the waiver or suspension is consistent with the objects and principles of the AFL-CIO Constitution.

## 8. Delegate and Annual Meetings

- (a) Each area labor council shall meet at such frequency and on such terms as provided in its constitution and bylaws, but at a minimum shall hold an annual

meeting or convention and quarterly executive board meetings. If the area labor council does not have central labor councils in its jurisdiction, the area labor council shall hold monthly delegate meetings. Each area labor council shall report to the President the time, date and location of its monthly, quarterly and annual meetings.

- (b) Central labor councils shall hold delegate meetings at least once a month. The President or his/her designee may, for good cause shown, permit exceptions to this rule. Each central labor council shall report to the President the time, date and location of its delegate meetings.
- (c) The quorum for meetings of central labor councils shall be no less than fifty percent plus one delegate of the size of its executive board and, in addition, delegates representing a sufficient number of different affiliates to insure a broad representation of the central bodies' affiliates but normally no less than five affiliates. The constitution of the central body shall contain a provision stating its quorum requirement.
- (d) The minimum quorum for an executive board meeting shall be fifty percent plus one of the board's member affiliates and the constitution of the central body shall contain a provision stating this quorum requirement.
- (e) The constitution of an area labor council shall provide for the credentialing of delegates for its annual meeting/convention, unless the area labor council holds a monthly delegate meeting.

## 9. Representation and Voting

- (a) The constitution or bylaws of area labor councils and central labor councils shall provide, among other things, for the holding of meetings, the credentialing and qualifications of delegates to such meetings, an election appeal process, and the basis of representation therein. Delegates shall only represent the local union in which the delegate is a member in good standing, unless the delegate was selected to represent local bodies chartered by the trade and industrial departments of the AFL-CIO, or state or local chapters of AFL-CIO constituency

groups within the geographical limits of the council that are chartered by a national AFL-CIO constituency group.

- (b) The constitution and bylaws shall provide for representation and voting procedures on a basis which will be equitable and which will assure the representative character of the area labor council or central labor council. It shall provide for a roll-call vote on any pending question, including elections, upon demand of a reasonable fixed percentage or number of delegates, which percentage or number shall not exceed thirty (30) percent of the delegates present. The number of votes to which a local union is entitled on roll-calls shall be equal to, or directly proportional to, the average membership of the local union as determined by the per capita tax payments to the council for the preceding two calendar quarters, or such longer reasonable period as the council's constitution may prescribe, but not to exceed twenty four months. The average membership of a local union affiliated for less than the prescribed period shall be computed from the month of affiliation and shall be determined by dividing the total per capita tax paid for all months affiliated by the months in the prescribed period.
- (c) On a roll-call vote, the number of votes of a local union shall be divided equally among all its accredited delegates present. Each delegate shall be entitled to cast only his/her assigned number of votes, except that one delegate may be permitted to cast all the votes of the delegates representing his/her local union when such procedure is properly provided for in the area labor council or central labor council constitution; no other proxy voting is permitted. On votes other than roll call votes each delegate shall cast only his/her vote; no proxy voting is permitted. Organizations other than local unions affiliated with the area labor council or central labor council shall be allotted one delegate and one vote for each such organization; such organizations may not vote on behalf of local unions by proxy or otherwise. However, a union retiree council- may be entitled to a maximum of three delegates and three votes as provided in the area labor council or central labor council's constitution.

- (d) The number of delegates that a local union is entitled to shall be calculated no less than every six months. Organizations which were suspended or expelled because of non-payment of per capita and seek reinstatement shall be required to pay per capita only for the number of months due at the time of the suspension or expulsion plus the current month's per capita tax but shall not be permitted to retroactively pay per capita for any other months. Constitutions shall contain standards for determining the number of delegates for affiliates that have been exonerated from paying per capita tax for any part of the period used for calculating per capita.
- (e) A roll-call on elections may be conducted orally, or by written or printed ballots. Each ballot shall clearly show the name, organization and number of votes of the delegate casting the ballot. The roll call sheet and ballots shall become part of the records of the area labor council or central labor council and shall be preserved and available for examination by any delegate or officer of an affiliated organization for a period of not less than six months. If an election appeal is filed, the roll call sheet and ballots shall not be destroyed until after a final decision has been rendered and all appeals have been exhausted.

## 10. Delegates

- (a) No person shall be eligible to serve as a delegate to an area labor council or central labor council unless he/she is a member in good standing of the local union he/ she desires to represent, and the local union is affiliated with such area labor council or central labor council or, if the constitution or bylaws of the area labor council or central labor council so provides, unless he/she is a district, state, national or international union representative regularly servicing the affiliated local union. No person shall be eligible to serve as a delegate who holds a salaried position, or any other position of administrative or executive authority in a union or any subordinate branch of a union which has been suspended, expelled or which has disaffiliated from the AFL-CIO. Delegates from local unions which hold Solidarity Charters may serve as

delegates consistent with the terms of the Solidarity Charter program, for so long as it may remain in effect.

- (b) No area labor council or central labor council shall reject credentials presented by a duly elected or appointed delegate who is eligible to be a delegate under the provisions of paragraph (a) of this rule.
- (c) Any delegate to a central council may, upon conviction, after charge, notice and hearing, be expelled or suspended from such council for having engaged in conduct or a course of activity hostile or contrary to the best interests of the area labor council or central labor council or contrary to its constitution or bylaws.

## 11. Officers and Agents

- (a) The constitution or bylaws of each area labor council or central labor council shall provide for the nomination of officers, the appointment of an election committee, election of officers, the filling of vacancies of office, the duties of officers and their terms of office (not to exceed four years), and shall set forth the requirements for eligibility for office.
- (b) No individual shall be eligible to serve as an officer, member of the executive board or 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 area labor council or 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.
- (c) 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 in a labor organization or employee benefit fund, shall serve as an officer or managerial employee of the area or central council, or a chapter.
- (d) No person shall be eligible to serve in any of the capacities enumerated in paragraph (b) of this rule, who holds a salaried position or any other position

of administrative or executive authority in a union, or any subordinate branch of a union, which has been suspended, expelled, or which has disaffiliated from the AFL-CIO.

- (e) No person shall be eligible to serve as an officer of an area labor council or central labor council unless he or she is a member in good standing of a local union affiliated with the central or area labor council and further, the officer must remain a member in good standing of a local union affiliated with the central or area labor council at all times during their term of office.
- 11. The President of the AFL-CIO, and his/her designees, shall have the right to participate, and have a voice, in all area labor council and central labor council activities, meetings, and deliberations.
- 12. The officers and managerial employees of an area labor council or central labor council shall comply with all of the provisions of the AFL-CIO Ethical Practices Code. The President and Secretary-Treasurer of each area labor council or central labor council shall certify in the area labor council's or central labor council's Annual Report to the AFL-CIO or on such other form required by the President of the AFL-CIO, that they and the other officers and the managerial employees of the area labor council or central labor council have reviewed the AFL-CIO Ethical Practices Code and are in compliance with it. If not in compliance with the Ethical Practices Code, the officers will state the provision with which they (or the other officers or managerial employees) are not in compliance, the facts that cause them to not be in compliance, the steps they will take to be in compliance and the date by which they will be in compliance.
- 13. The constitution of each area labor council or central labor council shall establish an ethical practices standing committee, in accordance with the AFL-CIO Ethical Practices Code.

## 12. Removal of Officers

Any area labor council or central labor council, acting through its delegate body, in the case of a central labor council, and through its executive board or its annual meeting or convention in the case of an area labor council, may suspend or remove any officer or

member of its executive board, executive committee or other governing body, upon written charges, notice and hearing for violation of the Constitution of the AFL-CIO or these rules, or the constitution or bylaws of the area labor council or central labor council, or for the misappropriation of funds, malfeasance in office or neglect of duty. Appropriate provisions for such removal of officers shall be contained in the constitution or bylaws of the area labor council or central labor council.

### **13. Records and Reports**

Area labor councils and central labor councils shall keep such records in such manner and for such duration as required by the President or the Secretary-Treasurer by rules or otherwise. Area labor councils and central labor councils shall file such reports in such manner and at such times as may be required by the President or the Secretary-Treasurer by rules or otherwise, and shall produce their books and records on demand of the President, including those of any IRS Code Sections 501(c)(3) or 501(c)(4) organizations which it has established or on which its officers serve.

### **14. Revenue of Area Labor Councils and Central Labor Councils**

The constitution or bylaws of each area labor council and central labor council shall prescribe the per capita tax and affiliation fees payable to such area labor council or central labor council and the penalties, including suspension or expulsion, for failure to pay such per capita tax or affiliation fees. An area labor council's constitution or bylaws may provide for financing of central labor councils' or chapters' programs and activities, and a central labor council's constitution or bylaws may provide for financing a chapter's programs and activities.

The fees of local unions shall be on a per capita basis and shall be uniformly applied to all local unions, and shall be based on the actual number of dues-paying members of such local unions.

The fees of affiliated organizations other than local unions shall be fixed on a uniform basis, which shall not exceed \$50.00 per year, unless the President of the AFL-CIO approves a higher amount.



## 15. Financial Practices, Reports and Audits

The funds of an area labor council or central labor council shall be expended only pursuant to authorization by the procedures set forth in its constitution or bylaws. The funds shall be used only for legitimate expenditures in furtherance of the objectives of such council or of the AFL-CIO.

Area labor councils and central labor councils shall follow such financial practices and keep records that will ensure that their funds and properties will be safeguarded and will be expended only for authorized purposes. Each area labor council and central labor council shall prepare an annual budget. Each central labor council shall adopt, in writing, consistent and uniform expense policies, that includes, at a minimum, expense reimbursement through a voucher system, the submission of original receipts and approval of the expenditures, the prohibition of labor council credit cards for any personal expenditures and barring the use of debit cards. The Secretary-Treasurer may require any area labor council or central labor council to amend its financial practices and procedures to be in conformity with the provisions of this rule. The Secretary-Treasurer may at any time require any area labor council or central labor council to submit financial reports, and may cause a full audit to be made of the books, records, funds, property or accounts of any area labor council or central labor council, including 501(c)(3) and 501(c)(4) organizations that it has established or controls, and may require the area labor council or central labor council to bear the expenses thereof. Written financial statements shall be distributed at each Executive Board meeting and Delegate meeting. Any organization with annual receipts of \$150,000 or more shall have an audit conducted by an outside independent CPA firm no less than every other year.

## 16. Coordinated Planning and Performance

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 request or his/her designated representative. . 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 pursuant to Rule 24.

## 17. Bonds

All officers, agents and employees of any area labor council or central labor council having a financial responsibility shall be covered by a fidelity bond. The AFL-CIO will provide a bond in the amount of \$2,500 or in such other amount it deems appropriate to area and central labor councils. However, area and central labor councils, at their expense, must purchase a bond in an amount equal to no less than ten percent of the funds handled by such officers, agents and employees in the prior fiscal year; if the AFL-CIO-provided bond equals or exceeds this amount, no additional bond is required. If the Secretary-Treasurer determines that the amount of the bond purchased is insufficient, the Secretary-Treasurer may require that the bond be increased at the expense of the area labor council or central labor council in a sum sufficient to protect the funds of the area labor council or central labor council. Upon the discovery of any irregularity or deficiency in the accounts or transactions of the area labor council or central labor council or any officer, agent or employee thereof, the person making such discovery shall immediately report such irregularity or deficiency to the Secretary-Treasurer. A chapter must also have or be covered by a bond, at its expense (or if the area labor federation or central labor council so chooses, at its expense), in an amount equal to no less than ten percent of the funds handled by its officers, agents and employees in the prior fiscal year.

## 18. Organizing

Area labor councils and central labor councils should lend all possible assistance to the organizing activities of local unions and their parent national or international unions or organizing committees affiliated with the AFL-CIO.

## 19. Strikes

No area labor council or central labor council shall have the authority or power to order any local union or other labor organization to strike or to take a strike vote. No area labor council or central labor council shall provide assistance in any labor dispute involving any affiliated local union except upon the request or with the consent of the national or international union or organizing committee with which such local union is affiliated or, in the case of local unions directly affiliated to the AFL-CIO, except upon the request or with the consent of the President. If requested or consent is given by the national or international union or organizing committee with which such local union is affiliated, such area labor council or central labor council may give proper assistance to such local union or such other labor organization with the approval of the labor organization's parent body, so long as such assistance is not inconsistent with the objects, principles and policies of the AFL-CIO.

## 20. Collective Bargaining

No area labor council or central labor council shall take part in any collective bargaining activities.

## 21. Boycotts and Unfair Lists

No area or central labor council shall have power or authority to initiate a boycott. They can endorse and provide support for a boycott campaign of an affiliate. An area or central labor council 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 area labor council or central labor council shall be governed by the following regulations:

- (a) The Secretary-Treasurer, or his/her designated agent, shall be notified in writing of all boycott requests, whether local, regional or national in scope.

- (b) ***Disputes affecting contractual interests of other unions*** – If the requested action is directed against an employer which 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 area labor council or central labor council except as authorized by the President or by the Executive Council of the AFL-CIO.
- (c) ***Local Disputes*** – If the requested action is directed against an employer for a dispute arising within the area of the area labor council or central labor council which does not involve the contractual interest of other AFL-CIO unions, the area labor council or central labor council may take the requested action if, in its judgment, such action is warranted and shall provide written notice to Secretary-Treasurer of such action. The council will notify the Secretary-Treasurer when a boycott is terminated.
- (d) ***Disputes in areas of other area labor councils or central councils*** – If the requested action is directed against an employer for a dispute arising wholly outside the area of the area labor council or central labor council, no action shall be taken unless the AFL-CIO and the area labor council, central labor council or state central council in whose area the dispute arose has first acted favorably on the request of the aggrieved union in keeping with applicable rules.
- (e) ***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 area labor council or central labor council unless the affiliated national or international union involved has first secured approval of the AFL-CIO.

## 22. Publications and Advertising

Experience has demonstrated that irresponsible publishers of so-called labor papers, yearbooks and directories and/or unscrupulous solicitors of advertising for such publications have, on occasion, exploited the name and good reputation of the AFL-CIO to

further their own selfish ends, and to the detriment of the best interests of organized labor. Therefore, no area labor council or central labor council shall be associated in any way with a yearbook or labor directory when such yearbook or labor directory accepts commercial advertising of any kind.

It should be clearly understood that labor publications should exist for the sole purpose of furthering the best interests of the labor movement, not as a source of additional revenue. Therefore, advertising should be accepted in labor publications only if it is necessary to the publications' existence. No area labor council or central labor council shall be associated with any publications except in conformity with the following requirements.

- (a) Any publication, including newspapers, newsletters, magazines or any other form of publication owned, in whole or in part, either directly or through a corporation, by an area labor council or central labor council, or which is issued in the name of, or which is endorsed, authorized or given official approval by an area or central labor council, shall be required by the area or central council to conform to the provisions of this rule and a copy of the ethical trade union standards as may be determined by the President by regulation or otherwise. The area labor council or central labor council shall furnish to the responsible officer or manager of any such publication a copy of this rule and a copy of the ethical trade union standards as determined by the President of the AFL-CIO.
- (b) No area labor council or central labor council shall authorize or permit any such publication to claim or imply by use of geographical or other terms in its name or title, or in any other way, that it is the publication of any other area labor council or central labor council unless the publication is also officially endorsed by such other area labor council or central labor council.
- (c) No area labor council or central labor council shall authorize or permit such publication to solicit local advertising (as distinguished from national advertising) outside the regular area of circulation of the publication, which area of circulation shall not include any part of the geographic jurisdiction of

any other area labor council or central labor council without the written consent and approval of such other area labor council or central labor council.

- (d) No area labor council or central labor council shall authorize or permit such publication to accept paid political advertising.
- (e) Any contract made by an area labor council or central labor council for the production of such publication shall incorporate this rule as an integral part of the contract.

## 23. Lists

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

No less than 45 nor more than 120 days prior to an election of area labor council or central labor council officers, the area labor council or central labor council shall compile and notify each affiliated organization of the availability of a list containing the following information: (i) the name and address of each of the area labor council or central labor council's elected officers (including executive board members); (ii) the name and mailing address of each of the organizations affiliated with the area labor council or central labor council; (iii) the name of each of the affiliated organization's principal officers; (iv) each organization's projected per capita voting strength and delegate entitlement at the election; and (v) to the extent available, the names and mailing addresses of the delegates. An area labor council or a central labor council shall compile and notify each affiliated organization of the availability of a list containing the information set forth above in each non-election year in the same month in which the information was last provided. Officers of organizations affiliated with the area labor council or central labor council shall also be entitled at the place where the records are kept, to inspect and to make their own notes concerning the most current underlying records relating to the information included in the lists provided for above.

## 24. Discipline of Area Labor Councils and Central Labor Councils and Their Officers by the AFL-CIO

- (a) The President is authorized to take disciplinary action against area labor councils and central labor councils including the authority to suspend or expel any officer thereof, and to suspend such organizations or revoke their charters. Such disciplinary action may be taken against any such organization or officer when such organization or officer violates or fails to comply with any of the provisions of the Constitution of the AFL-CIO or of these rules, or engages in any activity or course of conduct which is contrary or detrimental to the welfare or the best interests of the AFL-CIO, or when any such organization fails to conform its policies to the policies of the AFL-CIO.
- (b) In any case where disciplinary action is taken under this rule, the organization or any officer charged shall first be given reasonable notice of the nature of the charges and shall be afforded a full hearing either by the President or by a person or persons designated by the President to act for her/him as a Hearing Officer or Officers. In the latter event, such Hearing Officer or Officers shall, as soon as practicable after the close of the hearing, make a report, either orally or in writing, to the President, who shall make the ultimate decision. The decision of the President shall be in full force and effect unless or until reversed or changed upon appeal as provided in paragraph (g) of this rule.
- (c) In cases of emergency, where the interests of the AFL-CIO reasonably require such action, the President is empowered to suspend any officer and establish a trusteeship over the operation and property of an area labor council or central labor council prior to the hearing provided for in paragraph (b) of this rule. In such case, the hearing shall be conducted as soon as practicable after such emergency action, but in no event later than 45 days following such action, unless a postponement of such hearing is granted by the President upon proper request.
- (d) In any case where an area labor council or central labor council has been suspended under the provisions of this rule, the President shall have the power

to assume charge of the affairs and business of such suspended area labor council or central labor council, suspend any or all of the officers thereof, appoint temporary officers under the supervision of a trustee, and to appoint a trustee for the purpose of taking charge of and conducting the business of such area labor council or central labor council during the period of suspension. Such trustee shall have the right, in the name of the AFL-CIO, upon demand, to all of the funds, properties, books and assets of the suspended area labor council or central labor council for the period he/she is in charge of such area labor council or central labor council, such funds and properties to be held in trust for the benefit of the suspended area labor council or central labor council and to be expended only to the extent necessary for the proper conduct of the affairs of the suspended area labor council or central labor council. A trustee appointed under this rule may be removed with or without cause by the President at any time and a successor trustee appointed.

- (e) Wherever the charter or certificate of affiliation of an area labor council or central labor council shall have been revoked or suspended, all funds, properties, books and assets of such area labor council or central labor council shall become the property of the AFL-CIO and shall, upon demand, be turned over to a duly authorized representative of the President, and the AFL-CIO shall have the right to immediate possession of all such funds, properties, books and assets in trust until such time as the organization whose charter or certificate of affiliation has been suspended or revoked may be reorganized and be able to conduct its activities and actions in conformance with the Constitution and the laws of the AFL-CIO.
- (f) Whenever a demand has been made under this rule or the Constitution of the AFL-CIO for the funds, properties, books and assets of any area labor council or central labor council, and such demand is refused, then all expenses of whatever nature incurred by the AFL-CIO in recovering such funds, properties, books and assets shall be a lawful charge upon the property and funds involved and, on recovery thereof, the AFL-CIO shall reimburse itself from the funds and property recovered.



(g) Any disciplinary action taken by the President under this rule may be appealed by the individual or organization involved to the Appeals Committee of the Executive Council of the AFL-CIO. Any such appeal shall be filed in writing with the Secretary-Treasurer within 30 days after notice of the disciplinary action being appealed. Appellants shall have the right to appear before the Appeals Committee on any appeal taken pursuant to this paragraph. The decision of the Appeals Committee may be further appealed to the next succeeding regular convention of the AFL-CIO. Such further appeal shall be filed in writing with the Secretary-Treasurer at least 30 days prior to the opening of the convention. An appellant shall have the right to appear before any appeals committee of the convention and, except in the case of an individual appellant, shall have the right to appear before the convention itself. An individual appellant shall have the right to appear personally before the convention itself only with the consent of the convention.

## 25. Exhaustion of Remedies

No organization or individual subject to these rules shall resort to any court until all relief within the AFL-CIO as provided for within these rules and the Constitution of the AFL-CIO is exhausted.

## 26. Appeals

Any final decision of an area labor council or central labor council in a matter requiring a hearing within the area labor council or central labor council under these rules may be appealed to the President within 30 days after the decision appealed from. The decision of the President may thereafter be appealed to the Appeals Committee of the Executive Council. Any such appeal shall be filed in writing with the Secretary-Treasurer within 30 days after notice of the action being appealed. Appellants shall have the right to appear before the Appeals Committee in support of their appeal. The decision of the Appeals Committee may be further appealed to the next succeeding regular convention of

the AFL-CIO. Such further appeal shall be filed in writing with the Secretary-Treasurer at least 30 days prior to the opening of the convention. The appellant shall have the right to appear before any appeals committee of the convention and, except in the case of an individual appellant, shall have the right to appear before the convention itself. An individual appellant shall have the right to appear personally before the convention itself only with the consent of the convention. During any such appeal the original decision of the area labor council or central labor council, or of the President, or of the Appeals Committee as the case may be, shall remain in effect unless reversed, modified or temporarily stayed.

## 27. Election Protests

A protest of the election of any officer of an area labor council or central labor council may be made to the President within 30 days of exhaustion of any applicable procedures provided by the constitution or bylaws of the central or area council. If the President upholds a protest, in determining the appropriate remedy, he/she may direct that the election be rerun or a new election be conducted and may decide the manner of conduct of any such rerun election. The President may also direct such other remedies as may be appropriate. The decision of the President may thereafter be appealed in accordance with the procedures set forth in Rule 26

## 28. Dissolution and Merger

An area labor council or central labor council may dissolve or merge only with the approval of the President. Upon such dissolution or merger, all funds, properties, books and assets of such council shall revert to the AFL-CIO and shall, upon demand, be turned over to a duly authorized representative of the President. In the event of dissolution, the AFL-CIO will hold all such funds, properties, books and assets in trust until such time that the area labor council or central labor council involved can, if appropriate in the judgment of the President, be reorganized or reconstituted in conformity within the Constitution and laws of the AFL-CIO.

## **II. Rules Governing Committees on Political Education of Area and Local Central Bodies**

*The following rules are an amendment of and are supplemental to the Rules Governing AFL-CIO Area and Local Central Bodies and are issued by the Executive Council of the AFL-CIO pursuant to the authority of the Constitution of the AFL-CIO. They shall govern all area and local central bodies and all their Committees on Political Education. They supersede the COPE bylaws previously issued and revised.*

29. Each AFL-CIO area and local central body shall have a Committee on Political Education (COPE) which shall be a standing committee of the central body and shall be responsible to the central body. Each central body COPE shall be governed by the applicable provisions of the Constitution of the AFL-CIO, by the Rules Governing AFL-CIO area and local central bodies, including these Rules, by the Constitution and Bylaws of the central body and by such special bylaws as may be adopted by the central body COPE which are not in conflict with the Constitution, rules or bylaws of the national AFL-CIO or of the central body. Such special bylaws shall be approved by the central body in accordance with its established procedures.
30. The central body COPE shall be composed of the officers and other members of the executive board of the central body, the central body COPE director if there is one, and such other members as may be prescribed by appropriate bylaws duly adopted pursuant to Rule 29. It shall not be a delegate body, but shall function as a committee.
31. The president and the chief financial officer of the central body shall be the chairperson and chief financial officer, respectively, of the central body COPE.
32. The central body COPE shall be responsible for developing and executing approved programs of sound political education to encourage union members and their families to exercise their full rights and responsibilities as citizens and to take their rightful place in the political life of the local, state and national communities.

33. In addition to such other duties as may be assigned by the central body, the COPE shall be responsible for planning, initiating, stimulating and assisting campaigns to:
- (a) Encourage the qualification and registration to vote of members of affiliated unions of the AFL-CIO and their families;
  - (b) Ensure maximum voting participation on election day;
  - (c) Encourage qualified candidates to seek public office;
  - (d) Educate members and their families and develop community educational programs on the political issues of the day through study, discussion and other appropriate means;
  - (e) Support or oppose candidates and ballot propositions in both primary and general elections, pursuant to procedures set forth in Rule 39; and
  - (f) Assist, within its geographical jurisdiction, in the effective solicitation of individual voluntary contributions to the AFL-CIO Committee on Political Education Political Contributions Committee.
34. The central body COPE shall have the power to establish an administrative subcommittee of which the chairperson and the chief financial officer shall be members, to carry on the non-policy functions of the central body COPE and to expedite the routine functioning of the central body COPE.
35. The central body COPE shall meet at such times as it may determine and shall also meet on call of the chairperson. The chairperson shall also call a meeting of the committee upon request of 25 percent of the committee members.
36. The central body COPE shall implement programs designed to achieve full participation of trade union members in the activities of the central body COPE. COPE.
37. Files and membership lists are subject to Rule 23 of the Rules Governing AFL-CIO Area and Local Central Bodies and shall not be inspected or given to anyone except in conformity with said rules and upon written authorization of the central body COPE Chairperson.

38. The endorsement procedure of the central body shall be as follows:

- (a) Action by the local central body to support or oppose shall be limited to (1) candidates in primary and general elections for local offices (municipal, county, school board and other local offices) within the territorial jurisdiction of the central body, and (2) local ballot measures.
- (b) Action to support or oppose candidates and local ballot measures and to make recommendations to the state COPE as provided for in paragraph (d) of this rule shall be taken at a regular or special meeting of the central body acting on the report of the central body COPE.
- (c) It shall be the responsibility of the central body COPE to prepare appropriate recommendations concerning candidates and ballot measures for consideration and action by the central body.
- (d) It shall be the responsibility of the central body, after considering the report of the central body COPE, to make appropriate recommendations to the state COPE regarding candidates for (1) the state legislature or a state constitutional convention, and (2) for Congress, from districts wholly or partially within the territorial jurisdiction of the central body.
- (e) Recommendations to the state COPE regarding candidates for the state legislature or a state constitutional convention shall be made only after first considering the records of the candidates and the information available from the state AFL-CIO and the state COPE. It shall be the responsibility of each central body to cooperate with other central bodies which share the same state legislative district to secure a joint recommendation, if possible.
- (f) Recommendations to state COPE by local central bodies regarding candidates for the U.S. House of Representatives shall be made only after first considering the records of the candidates and the information available from the national AFL-CIO and the national COPE. It shall be the responsibility of each central body to cooperate with other central bodies which share the same congressional district to secure a joint recommendation, if possible.

- (g) The central body shall support the action of the national AFL-CIO on candidates for President and Vice President of the United States, and the state AFL-CIO's action on candidates for the state legislature, delegates to a state constitutional convention, the U.S. House of Representatives, the U.S. Senate, governor and all statewide offices and ballot measures. No central body shall make any endorsement, direct or implied, with respect to any of the offices enumerated in this paragraph other than the recommendations provided for in paragraphs (c), (d), (e), and (f) of this rule.
  - (h) An action to support or oppose candidates or ballot measures and on recommendations to the state COPE by the central body shall require a two-thirds majority of the votes cast. In the absence of a two-thirds majority either to support or oppose or to recommend to the state COPE, the central body shall be neutral except that the central body shall support the final action of the national AFL-CIO and the state AFL-CIO on candidates and issues covered by paragraph (g) of this rule.
  - (i) An action to support or oppose a candidate or a ballot measure may be revoked by the central body if that body so decides by a majority of the votes cast.
  - (j) The Executive Council recognizes the dilemma state and local AFL-CIO central bodies sometimes confront in determining whether to endorse candidates for political office. In certain contests if the best candidate shows a degree of commitment to labor's legislative goals that is questionable, or his/her record is at best marginal on key AFL-CIO issues. In light of that situation, the central body may make a "limited endorsement" in order to express a preference between two or more candidates in a manner that specifies a limit in the central body's endorsement and effort for the candidate so endorsed.
39. Officers and members of the central body COPE shall conform their activities with regard to candidates and ballot measures to the position of the state AFL-CIO or the central body as the case may be.

40. The central body COPE shall be financed by the central body and such funds, if any, as re provided by the state and/or national COPE, for all its educational activities and programs, subject to applicable federal, state and local laws.
41. The financial records of the central body COPE shall be subject to the reporting and auditing provisions of the constitution of the central body, the Rules Governing AFL-CIO Area and Local Central Bodies and applicable federal, state and local laws.

### **III. Ethical Trade Union Standards for Publications Owned or Endorsed by State, Area and Local Central Bodies**

**(Issued by the President on April 10, 1967)**

*In order that ethical trade union standards shall be observed by publications owned or endorsed by bodies in conformity with the intent of the Rules of the AFL-CIO Governing State and local central bodies, particularly Rule 22 covering publications and advertising, and in accordance with the powers vested in me by the Constitution of the AFL-CIO, I hereby order and direct:*

1. All such publications shall refuse advertising from any firm which resists organization of its employees by any affiliate of the AFL-CIO, and shall not solicit or accept advertising from any firm involved in a strike or lockout, or which is on the unfair list of the central body.
2. In soliciting advertising, the only claim that shall be made is that such advertising may win consumer acceptance or approval of the advertiser's product or service.
3. All advertising, except of nationally advertised standard brands, must carry the name and location of the advertiser, and when pertinent, the identification of the product or service.
4. Publications shall not associate themselves in any form with yearbooks, directories

or programs which have as their primary purpose the solicitation of donations under the guise of advertising.

5. Any endorsement conferred upon a privately owned publication shall be by official, recorded action of the central body or its executive board, shall spell out in contract form all terms and conditions of the endorsement and shall provide for withdrawal of the endorsement for cause, which shall include violation of the terms of this directive. In case of such withdrawal, the central body shall make the fact public, with the reasons therefore. If there is a change of ownership or control of an endorsed publication, the contract between the publication and the central body shall be void.
6. Such publications must publish in each issue an accurate statement of such endorsement. Such statement shall give the official name of the endorsing central body, but shall not include the names of the individual unions which are members of the central body.
7. A committee of the central body shall supervise its official publication on a continuing basis to ensure that all provisions of Rule 22 and these ethical trade union standards are observed. Such committee shall report periodically to the executive board of the central body.
8. Any understanding or arrangement between the publisher, editor or owner of any endorsed publication and an officer of the central body, or any officer of an affiliated body, shall be made a matter of record filed with the central body. Any changes in such arrangements or understanding during the life of the contract shall also be made a matter of record.
9. Publishers and/or editors of endorsed publications shall agree, in writing, to observe this directive and all applicable provisions of Rule 22 of the Rules of the AFL-CIO Governing State, area and/or local central bodies.



## **IV. Policy on Involvement of Local Central Bodies With Commercial and Nonprofit Enterprises**

**(Adopted by the Executive central body of the AFL-CIO on May 2, 1972)**

Increasingly, unions are looked upon by commercial enterprises as profitable channels through which to promote the same of commodities or services. Endorsement by a central body, advertising in the labor press, issuance of discount cards and the use of mailing lists to reach union members are among the means sought by commercial, profit-making enterprises in an effort to secure a competitive advantage over rivals offering substantially the same commodities or services.

Insurance companies particularly are active in such promotions. Officers of bodies have been offered "cash" money for mailing lists or an endorsement. Labor papers frequently carry special "advertising supplements" containing a business reply card to secure information about a policy "for union members only." Such policies range from health and accident to supplemental hospital and medical insurance. All legitimate and sound insurance companies have similar policies at similar rates. The chief result of the endorsement of one company by a central body is to give that particular company an advantage in selling its policy to union members. This is of no benefit to the central body or to the union member who buys as a consequence of the endorsement.

Discounts are generally available on most consumer products in one form or another. Unless the central body can negotiate a regular discount substantially lower than otherwise available, no service to members results from an endorsement or the distribution of discount cards or coupons.

For these reasons an endorsement by a central body of a commercial enterprise generally is not sound policy and is contrary to the purposes for which bodies have been established by the AFL-CIO. No central body may permit the use of mailing lists in its possession for commercial purposes. Nor may a central body permit the use of advertising in a publication owned or endorsed by the central body which seeks to secure a

competitive advantage by alleging or implying special prices and/or privileges for union members unless such benefits can be clearly established.

A legitimate distinction must be made between a service-oriented enterprise and a profit-making enterprise. In the former it is frequently possible to materially promote the interests of union members without compromising union principles. An example of a service-oriented enterprise which a body should support is the organization and establishment of nonprofit, prepaid, comprehensive group health plans to provide medical services to union members and their families and to the community. The AFL-CIO actively supports such plans and urges the state bodies and central labor bodies to do likewise.

Some bodies have become involved in eyeglass and prescription drug programs seeking to furnish the members of affiliated unions with these items at low cost. To the extent that such programs are the result of negotiated arrangements which include adequate control for the body of prices and quality, and are not merely a means to promote greater sales for the benefit of the business, they are commendable and useful.

No body may endorse, or engage in, or be involved with a commercial enterprise or nonprofit organization unless such participation has been approved by the President of the AFL-CIO.

## V. Ethical Practices Code for AFL-CIO Officers and Representatives

1. Every AFL-CIO officer and managerial employee, whether elected or appointed, has a high fiduciary duty and sacred trust to serve the best interests of the members honestly and faithfully.
2. No AFL-CIO officer or managerial employee should own or have a personal financial interest which conflicts with the full performance of his or her fiduciary duties. In particular:
  - (a) No AFL-CIO officer or managerial employee shall have any substantial financial interest in any firm which bargains collectively with the AFL-CIO or with any directly affiliated local union of the AFL-CIO ("DALU").
  - (b) No AFL-CIO officer or managerial employee shall own or have a substantial financial interest in any firm which does business or seeks to do business with the AFL-CIO or any DALU.
  - (c) For purposes of these rules, a "substantial interest" is one which either contributes significantly to the individual's financial well-being or which enables the individual to affect or influence the course of corporate decision making. A substantial interest does not include stock in a purchase plan, profit-sharing plan or ESOP.
  - (d) An AFL-CIO officer or managerial employee shall not be deemed in violation of these prohibitions with respect to any investments, which are held in a mutual fund or a blind trust.
3. No AFL-CIO officer or managerial employee shall accept any *non-de minimis* personal payment of any kind from an employer which bargains collectively with the AFL-CIO or any DALU, or from a business or professional enterprise which does business or seeks to do business with the AFL-CIO or any DALU, other than regular pay and benefits for work performed.

4. No AFL-CIO officer or managerial employee shall receive compensation of any kind from a fund established for the provision of retirement, health or welfare benefits for serving as an employee representative or labor-designated trustee on such employee benefit fund or plan, except for reasonable reimbursement of expenses provided uniformly to such representatives or trustees. A benefit "fund" or "plan" for purposes of this provision means a fund or plan sponsored by the AFL-CIO or a DALU, or in which the AFL-CIO or a DALU participates. It is not a violation of this provision for an officer or managerial employee who is not a full-time employee of the AFL-CIO to be a lawfully paid employee of a retirement, health or welfare fund.
5. No AFL-CIO officer or managerial employee who serves in a fiduciary position with respect to, or who otherwise exercises responsibilities or influence in the administration of, a retirement, health or welfare benefit fund or plan shall have any substantial financial interest in any investment manager, insurance carrier, broker, consultant or other firm doing or seeking to do business with the fund or plan. A benefit "fund" or "plan" for purposes of this provision means a fund or plan sponsored by the AFL-CIO or a DALU, or in which the AFL-CIO or a DALU participates.
6. No AFL-CIO officer or managerial employee shall convert any property belonging to the AFL-CIO to the individual's personal advantage.
7. Every AFL-CIO officer and managerial employee shall carry out his/her AFL-CIO office or appointment in a manner that gives full recognition, in connection with affairs of the AFL-CIO, to the right of union members to assemble freely, attend AFL-CIO meetings, express views, arguments and opinions, nominate candidates for AFL-CIO office, run for AFL-CIO office and vote in AFL-CIO elections, except to the extent such rights are limited by provisions in the constitution and laws of the AFL-CIO and/or relevant AFL-CIO entity. No AFL-CIO officer or managerial employee shall penalize, discipline or otherwise interfere with or retaliate against any union member for exercising such a right in connection with affairs of the AFL-CIO.

8. 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 AFL-CIO officer or managerial employee.
9. This Code shall be enforced by the following process:
  - (a) The President of the AFL-CIO shall appoint a standing Ethical Practices Committee (EPC) consisting of four members of the AFL-CIO Executive Council, serving on a rotating basis, and an elected AFL-CIO Executive Officer.
  - (b) Charges of violations of this Code may be filed only by a member of a union affiliated with the AFL-CIO and must be accompanied by substantiating documentation. Such charges shall be referred to the EPC for review and recommended disposition. A charge alleging the existence of a substantial financial interest by a nonemployee officer of the AFL-CIO in violation of Section 2(a) or 2(b) of this Code shall be dismissed administratively where it is established that the individual in question recused himself or herself from any and all decision making with respect to the firm or firms involved.
  - (c) The EPC shall have the authority to investigate and, where the EPC finds reasonable cause to believe that a violation of the Code has occurred, to bring the matter to an appropriate hearing before an impartial hearing panel drawn from within the AFL-CIO, if the matter is not otherwise resolved.
  - (d) All charges and investigations shall be kept confidential unless and until the EPC finds reasonable cause to bring the matter to a hearing. The EPC shall adopt reasonable measures to ensure that confidentiality is maintained, including enforceable sanctions for breach of confidentiality.
  - (e) Fundamental due process shall be afforded to the individual charged in connection with any such hearing.
  - (f) Following completion of the hearing, the hearing panel shall issue a written decision containing its findings and recommendations to the AFL-CIO President and Executive Council.

- (g) Where a violation is found, the recommendations shall include an appropriate disposition and/or recommended penalty up to and including removal from service as an AFL-CIO officer (in accordance with procedures of the AFL-CIO Constitution) and/or employee.
  - (h) The Executive Council shall have the final decision in the matter and shall permit the individual charged a reasonable opportunity, upon request, to present his or her position to the Council prior to rendering a final decision.
  - (i) There shall be no retaliation against any AFL-CIO officer, representative or employee for filing a charge alleging a violation of this Code.
10. The substance and procedures of this Code shall be binding upon each AFL-CIO State Federation and Central Labor Council with respect to its own officers and managerial employees, subject to the following:
- (a) Wherever reference herein is made to the AFL-CIO, the corresponding reference shall be to the particular State Federation or Central Labor Council only.
  - (b) References herein to a directly affiliated local union of the AFL-CIO (DALU) shall not apply.
  - (c) Each State Federation or Central Labor Council is responsible for enforcing the substance of this Code through its own Ethical Practices Committee and through procedures consistent with those set forth in paragraph 9 above, subject to review by the AFL-CIO pursuant to Article XIII, Section 3 of the AFL-CIO Constitution.
  - (d) This Code is not intended to address the dealings and conduct of State Federation or Central Labor Council officers and employees in their other capacities as officers, representatives, employees or members of separate labor organizations, whether or not affiliated with the State Federation or Central Labor Council.