

NST
ADVISOR

AFGE



“Convention Edition”

OUR TIME IS
NOW



AFGE 42ND NATIONAL CONVENTION

June 20-24, 2022 • Orlando, FL

NST ADVISOR AFGE

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How are the voting strength and number of delegates determined?



HOLDING DELEGATE ELECTIONS

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Process required to attend and vote at the 42nd National Convention. It is not too early to start planning.

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AFGE 42nd National Convention
 Walt Disney World Swan & Dolphin Hotel
 Lake Buena Vista, Florida
www.swandolphinmeetings.com
 Phone: (407) 934-4121

From the National Secretary-Treasurer



Eric Bunn, Sr.
AFGE National
Secretary-Treasurer

The last two years have been difficult to say the least. We have endured the coronavirus which brought untimely loss of loved ones and unwanted restrictions, civil unrest in the United States, a contentious presidential election, and conflicts all over the world. As a union, AFGE has endured a lot as well, with attacks on official time, unions being removed from office space and constant attempts to undermine the representation of our members. However, we have endured these challenges and have emerged smarter and stronger than ever.

Likewise, we have made significant improvement as it pertains to AFGE's Financial standing. The Federation sustained two years of net operating gains in 2019 and 2020 of approximately \$11 million each year. And, we are on track to have another year of positive net gains of approximately \$10 million. This is in large part due to the NEC taking great care and consideration in the review and allocation of budgeted expenses. This has ensured that our resources are being maximized in the best way possible for our membership. However, while we have made many strides to financial recovery, there is still much to be done. We need to restructure and reorganize our operations; invest in our building; create a long-term strategy to reduce our post-retirement obligation; and offset inflation.

With this as a backdrop, we are looking forward to the 42nd AFGE National Convention. The convention will be held June 20-24, 2022, at the Walt Disney World Swan & Dolphin Resort in sunny Orlando, FL. I hope that you are as excited as I am for this event. During the National Convention, we elect our National Officers and conduct the important business of AFGE. This is a time that each of us can, and should, make our voices heard on the important issues that will determine the direction of our great union.

This Spring 2022 issue of the NST Advisor is dedicated to the 42nd AFGE National Convention. We have included important information to ensure that our delegates have the necessary information to fully participate. We discuss the convention delegates and how voting strengths are determined. We also discuss holding proper delegate elections and registering your delegates online. Lastly, we discuss credentialing requirements, which will inform you on the process required to attend and vote at the 42nd AFGE National Convention.

The staff of the Office of the National Secretary-Treasurer (NST) has been working diligently to prepare for the convention. This staff is critical in the administration of the convention from making eligibility determinations, certifying delegate credentials, reconciling the delegate count and much more. However, they don't do this in a vacuum. This is an endeavor that encompasses many departments at AFGE that work in concert to ensure a productive National Convention.

Again, we look forward to seeing you at the 42nd AFGE National Convention!

A handwritten signature in blue ink, appearing to be 'EB', written in a cursive style.

CONVENTION DELEGATES

Types of delegates and how the count is calculated

Dr. Arla J. Bentley, Deputy Administrator to NST

A delegate is a member elected by a Local or Council membership. The number and types of delegates to attend and vote at the AFGE National Convention is governed by the National Constitution as well as the Local or Council's bylaws.

TYPES OF DELEGATES

The AFGE Constitution defines **four** types of delegates:

- ❖ Delegate by virtue
- ❖ Delegate
- ❖ Alternate Delegate
- ❖ Proxy Delegate

DELEGATE BY VIRTUE

A Delegate by Virtue is an elected Local or Council Officer who, just by being elected to said position, will serve as the Local's representative. When members vote for these types of Officer positions in their Local or Council, they are affirming that these individuals will represent them at the National Convention, Caucuses, and Council Conventions as a "Delegate by Virtue." Under the Standard Constitution, Article VI, Section 3, all elected presidents automatically become Delegates by Virtue.

In addition to the president, the bylaws of each Local and Council define which additional Officer position may also become Delegates by Virtue. Please note that Council delegates do not have the right to vote in elections. In filling a vacancy, only a person who is appointed or succeeds from a position in which the person was a delegate by virtue may be a delegate by virtue in the new position.

DELEGATE (REGULAR)

Regular delegates are elected by plurality vote by the Local's membership in accordance with AFGE's election rules and ranked by the number of votes that they received.

ALTERNATE DELEGATE

Locals are entitled to an equal number of alternate delegates. Alternate delegates may be elected specifically as alternates, but candidates for delegate may be treated as alternates in the order of votes received. However, Alternate Delegates have no voting rights unless they are registered and upgrade to delegate status in the event a delegate is not able to attend.

PROXY DELEGATE

Locals may choose to elect a delegate from another local to represent them at the National Convention on their behalf. These delegates must be elected by name and must be delegates from their own locals. Normally, Locals that cannot afford to send their own elected delegate(s) will send their proxy with another local.

VOTING STRENGTH

In calculating the number of delegates, AFGE has used the average number of members (active and retired) on the local's billing statement for each of the 12 months in the period of March 1, 2021 through February 28, 2022, prior to the Convention. For Locals chartered during the 12-month period, the number of delegates is determined by calculating the average for the number of months in existence.

| <u>Months</u> | <u>Active Member Count</u> |
|---------------------------|--------------------------------|
| March | 150 |
| April | 163 |
| May | 169 |
| June | 199 |
| July | 244 |
| August | 250 |
| September | 250 |
| October | 257 |
| November | 259 |
| December | 277 |
| January | 280 |
| February | 315 |
| | 2,813 |
| Number of Months / 12 | 12 |
| Voting Strength (Rounded) | 234 |



For example, a Local with the following membership will have a voting strength of 234, calculated as follows:

NUMBER OF DELEGATES ALLOWED

| Voting Strength | | # Of Delegates |
|--|--------------|-------------------|
| FROM | TO | |
| 0 | 100 | 1 |
| 101 | 200 | 2 |
| 201 | 300 | 3 |
| 301 | 400 | 4 |
| 401 | 501 | 5 |
| 501 | 750 | 6 |
| 751 | 1,000 | 7 |
| 1,001 | 2,000 | 8 |
| 2,001 | 3,000 | 10 |
| Each 1,000, <i>or portion thereof</i> , above 3,000 an additional 1 delegate | | |

Once the Local's voting strength is determined, the number of delegates can be calculated. Article VI, Section 2 of the AFGE Constitution governs the number of delegates.

In the above example, the calculated voting strength of the Local was 234. Evaluating the 234-voting strength equates to 3 delegates. As explained, at least one of the three delegates will normally be the Local president as a Delegate by Virtue. The other two delegates may be other delegates by virtue of office designated by the Local's Constitution and Bylaws or will need to be elected.

ALLOCATION OF VOTING STRENGTH

In elections and when taking certain votes on the convention floor, a Local may vote its voting strength. Using our example above, the voting strength is allocated equally among the three delegates. The president is allocated any remaining amount. Following the example above, the three delegates would each have 78 votes. Since 234 is divisible by three, no additional amount is allocated to the president.

HOLDING DELEGATE ELECTIONS

by John Thompson, Associate General Council, AFGE General Counsel's Office

Electing local delegates, including local officers who are designated by your bylaws as delegates by virtue of office, is the most important part of the credentialing process. At every National Convention and district caucus, the credentials committee has been forced to deny locals representation or to deny them a portion of their voting strength because they failed to elect their delegates properly.

AFGE National elections fall under Title IV of the Labor-Management Reporting and Disclosure Act (LMRDA). Title IV requires that AFGE's delegates be properly elected to vote in AFGE National elections. However, you don't need to worry about reading the LMRDA, since nominations and elections are governed by Appendix A of the AFGE National Constitution, which incorporates and satisfies the applicable legal requirements.

Electing delegates is virtually identical to electing other officers, so I am going to summarize the election process. For a more in-depth discussion of conducting an election, please consult the AFGE Election Manual, which is available on the AFGE website.

The single most important factor in conducting a successful election, i.e., an election that withstands protests, is the quality of the local's list of membership addresses. Locals should attempt to update their members' contact information on an ongoing basis, especially during the two to three months before the actual election process starts. Use email or postings to alert members to update their addresses or reach out to them individually, especially where members' address information is clearly bad. Document your efforts. This will help in the event of a Department of Labor investigation.

The first step your local should take in the election process is to select an election committee; the manner of creating an election committee should be specified in the local Bylaws. The election committee should consist of at least three people, but if it is larger, it should have an odd number of members. No member of this election committee can be a candidate. The election committee should select a chair from amongst its members. The committee has the authority to make the major decisions in the election process, including setting the dates and times and places of the nominations and election. Among the first tasks of the election committee is to rent two post-office boxes for handling its correspondence and ballots (mail or absentee) and to familiarize themselves with the AFGE Election Manual.

The local's officers, particularly the President and Treasurer, have a responsibility to cooperate with the committee, and cannot interfere with or usurp the decisions of the committee, though the members still control how the election is funded. The local's officers should help the election committee to update the local's membership list and the members' addresses—the single most important action to ensure a smooth election.



Another responsibility of the election committee is to draft campaign and election rules. The most important rules to include regarding campaigning are the following:

1. Every candidate has a right to campaign, so long as he or she does so without the use of employer (including employers other than the agency you work for) or union (including any union, AFGE or other) funds or resources;
2. The election committee must comply with all reasonable and timely requests of the candidates to distribute their campaign literature to members, at the candidate's expense, and to provide the same opportunity to all candidates; and
3. Each candidate is entitled to have an observer, who is a member of the local, present at all stages of the election, such as when the ballots are picked up from the P.O. box or counted.
4. All candidates must be treated equally.

NOMINATION NOTICE

Locals must give at least ten days' written notice prior to the nomination meeting or deadline for submission of nominations by mail (or electronic means). The notice must inform the members of the following information:

1. that delegates are to be elected;
2. the term of office of the delegates;
3. the date, time, and place of any nomination meeting, or the deadline for mailed nominations and the method of making and accepting nominations; and
4. the eligibility requirements for holding office:
 - a. in good standing (current in dues).
 - b. being a member of an AFGE local for at least one year (this does not apply to newly formed locals).
 - c. not being a member in any labor organization not affiliated with the AFL-CIO.

As a part of the delegate election process, members should also decide (by vote):

1. whether the local will send delegates to the Convention;
2. and if so, whether the local will elect its full complement of delegates (the membership could vote to elect a lesser number of delegates)

The nomination notice must be timely to provide members with a reasonable opportunity to nominate candidates. Therefore, the notice can be emailed or conspicuously posted (where every member has an opportunity to see it), rather than mailed. If the local doesn't have every member's email address, the local should mail the notice.

ELECTION NOTICE

Whether the elections use mail or manual ballot, all must be conducted by secret ballot. The local must mail (no posted notice and no email) notice of the election to each member at his or her last known address at least fifteen days before the election.

ELECTIONS BY MAIL

If the local is conducting its election by mail, this notice may include the actual ballot that will be used for voting. The voting instructions should call for the return of the ballot at a date a minimum of fifteen days later. Mailed ballots should include an envelope addressed back to the election committee and an otherwise blank envelope labeled "Secret Ballot."

ELECTIONS AT A MEMBER MEETING

If a local conducts nominations and elections in one meeting, the local must mail out a combined nomination and election notice. The notice must satisfy the requirements of both nomination and election notices, which means that the local must give at least fifteen days' notice by mail.

ONLINE ELECTIONS

During the COVID-19 Pandemic, there were a lot of successful attempts to move business online. Unfortunately, after the 2020 District Caucuses, the Department of Labor has told AFGE that online elections do not meet the statutory requirement of a secret ballot. As a result, AFGE can't recommend conducting any elections online. Locals can still conduct nominations via online platforms.

ELECTION RESULTS

In either manual or mail ballot elections, when either the polls have closed or the deadline for returning ballots has passed, the election committee must count the ballots. The election committee should count each vote where the voter's intent is clear, and the ballot remains secret. Write-in votes are prohibited because they compromise the secrecy of the ballot.

Unlike officer elections, delegates (other than delegates by virtue of office) need only be elected by a plurality vote, meaning that the candidates who receive the most votes become delegates, whether they receive the majority of the votes cast or not. Unless the local has specific rules regarding electing alternate delegates, those candidates who do not receive enough votes to get a delegate position should be considered alternate delegates in order of the number of votes received.

An election is a complicated process. I strongly encourage you to give the local enough time prior to the Convention so that everything can be done correctly. I again refer you to the AFGE Election Manual. If you need any further assistance in conducting your election, please contact your district office. Staff from the General Counsel's Office are available for guidance at (202) 639-6424.

CREDENTIALING REQUIREMENTS

Dr. Arla J. Bentley, Deputy Administrator to NST

AFGE's 42nd National Convention will be held at the Swann & Dolphin in Orlando, Florida. In addition to voting for the Federation's National Officers, Local and Council delegates will propose, debate, and vote on changes to the AFGE National Constitution and other resolutions. All officers will serve, and constitutional changes will be effective until the next Convention in **2024**.

To be seated at the convention all delegates must go through the credentialing process. This process validates that the member and Local or Council is eligible to attend and cast votes.

WHAT IS A CREDENTIAL?

This Convention differs from previous Conventions in that we are no longer distributing or requiring the mailing of a Credential form. Registration for this convention is all electronic via the CVENT platform. Information about registering for this Convention was sent via email to the email address provided to our database. You can also access the registration information on the AFGE website. The Convention Call and other supplemental documents with information concerning electing delegates is available.

REQUIREMENTS TO BE CREDENTIALIED

AFGE's Constitution defines the requirements for delegates to be credentialed.

Locals and Councils are notified of their voting strength and the number of delegates to which they are entitled. After the Local or Council is notified as to the number of delegates allowed, the affiliate can determine whether it needs to elect additional delegates and how many.

Elections must be conducted in accordance with the rules and regulations of the Department of Labor and AFGE's National Constitution. Local and Council constitutions and bylaws will generally contain additional rules that must be followed. All delegates must be elected not later than 30 days prior to the National Convention (**May 21, 2022**).

NATIONAL AND COUNCIL PCT

To qualify for seating at the National Convention, all Locals and Councils are required to be current on their payments with the National office. Delegates from a previous convention also approved a change to the National Constitution requiring all Locals be current on their payments to related bargaining councils (if any). All payments to the National Office and related councils must be paid as of 60 days prior to the convention which is **April 21, 2022**.

In the Convention Call sent out to all Locals and Councils, Local Eligibility is stated as the following:

LOCAL ELIGIBILITY

According to Article VI, Section 1, of the AFGE National Constitution, in order to be entitled to representation at the National Convention, a local must pay all per capita tax and all other accounts due to the Federation, including bargaining councils. In addition, no local will be eligible to vote at the National Convention unless per capita tax, bargaining council dues and any other accounts due to the Federation or bargaining councils are paid in full 60 days prior to convening the event. Each local is notified of its current balance on MyLocal on an ongoing basis.

The 60-day deadline for payment of per capita tax and all other accounts due to AFGE is April 21, 2022. In order for a non-insured local to be eligible to participate in the National Convention, all per capita tax, including the March per capita tax, which is due on or before April 20, 2022, plus any other accounts due must be paid and received by AFGE by April 21, 2022. In order for an insured local to be eligible to participate in the National Convention, all per capita tax, including the April per capita tax, which is due on or before April 1, 2022, plus any other accounts due must be paid and received by AFGE by April 21, 2022. Locals will be advised of their eligibility status by the National Secretary-Treasurer's Office on or about April 21, 2022. After April 21, 2022, there is no opportunity for locals to pay delinquent per capita tax and other miscellaneous charges to become eligible.

STEPS FOR CREDENTIALING

To qualify for credentialing, Local or Council officers must follow these steps:

1. Be current in per capita and other accounts to AFGE and bargaining councils
2. Elect delegates in accordance with applicable rules
3. Register delegates online (CVENT). Registration information can be found at www.afge.org
4. Pay registration fee
5. Check in at Convention

AFGE does not have the authority to alter any of the requirements for delegates to be credentialed. Only those members of Locals and Councils that follow these requirements will be registered as delegates.

WHAT DOCUMENTS YOU'LL PROVIDE DURING ONLINE REGISTRATION?

After entering delegate information in the online registration process, each Local and Council will be required to provide documentation detailing the Local or Council rules and results of election meetings. The required documents include the:

- Constitution
- Bylaws
- For delegate by Virtue:
 - Officer election notice
 - Officer election meeting minutes or tally sheet
- For other delegates:
 - Election notice
 - Election meeting minutes or tally sheet



There is only a need to upload one copy of the aforementioned documents in CVENT for all delegates.

WHAT HAPPENS NEXT?

After review of the credential submissions and all criteria have been met, each registered delegate will receive a confirmation letter stating that the delegate has been certified. If additional information is required or if there is an issue with the delegate election, the Local President will be immediately contacted to resolve the issues.

NATIONAL SECRETARY-TREASURER ADDITIONAL TOPICS

Bonds

The tri-annual AFGE Bond Certificates were renewed for January 2022 to January 2025. You will notice on your ledger the charge for your renewal. DOL requires that unions cover at least 10% of the cash they handle. Since AFGE has more than 1,000 affiliates, we ask for the locals/councils to review their required amount each year when preparing their LM reports. The calculation is as follows:

| | |
|---|---------------------------------------|
| | Beginning Cash Balance |
| + | Total Cash Receipts |
| = | Total Cash Handled |
| x | 10% required by DOL |
| = | Required Minimum Bond Coverage |

The local/council can elect to be covered for more than the Required Minimum Bond Coverage. We suggest that locals/council be bonded for 20% of the Total Cash Handled. However, this is totally up to the local.

If you would like to receive an electronic bond certificate for your local/council; or would like to make an adjustment to your current bond coverage, please send an email to Wanda Manson on Wanda.Manson@afge.org.

990 Filing

This is a reminder that the deadline to file your IRS 990 report with the Internal Revenue Service is fast approaching. The due date for AFGE Affiliates with a **fiscal year end date of December 31, 2021** is May 15, 2022. If your fiscal year end is not December 31st, the due date of the IRS 990 is the 15th day of the fifth month after the end of your fiscal year (example: if your fiscal year end is March 31st, then the IRS 990 is due August 15th).

Additionally, the Internal Revenue Service is now requiring that all 990 and 990-EZ forms be filed electronically. To assist locals with electronically filing the IRS Form 990 or 990-EZ, we have contacted two tax consultants willing to input and electronically file for AFGE Locals/Councils. Please click this [link](#) for further details on the electronic filing. The two vendors are as follows:

Warren Strother III Tax & Financial Services

Warren Strother
n1sparkman@aol.com
511 11th Street SE, 2nd Floor
Washington, DC 20003
Phone: (202) 544-1442
Fax: (202) 544-4066

Greenfield Financial Services, Inc.

Veneranda Toledo
vene@greenfieldsfinancial.com
1159 Iowa Ave., Ste. 118
Riverside, CA 92507
Phone: 951-275-9986
Fax: 951-275-9088

This does **NOT** include those locals/councils that are eligible to file the IRS Form 990-N (ePostcard). If your local/council has less than \$50,000 of cash receipts and less than \$500,000 in total assets, the local is eligible to file a 990-N (ePostcard) by clicking this link ([990-N Filers](#)).

If you need assistance, please feel free to contact one of the members of the Compliance Team:

Willie Hope
willie.hope@afge.org
(202) 639-6949

Teya Bruce
teya.bruce@afge.org
(202) 279-0746

Omar Arnold
omar.arnold@afge.org
(202) 639-6499

Financial Officers Training

The training schedule for the remainder of fiscal year 2022 are as follows:

Financial Officers Training Class (Washington, DC)

April 25-28, 2022

July 25-28, 2022

September 26-29, 2022

Financial Officers Training Webinar

March 22-24, 2022

August 23-25, 2022

October 25-27, 2022

IRS Form 990 Training Webinar

April 19, 2022

Visit the NST page on [AFGE website](#) for more information and to register online.

