



514 SHATTO PLACE, LOS ANGELES, CA 90020

AFSCME DISTRICT COUNCIL 36 POLICIES

Effective February 1, 2018

As Adopted by the Council 36 Executive Board December 9, 2017



DISTRICT COUNCIL 36

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FINANCIAL POLICY

1. Per Capita Taxes

- a. Per Capita Taxes from locals are due on a monthly basis to AFSCME District Council 36 no later than the 15th day of the following month. (Article III, Section 2, Council 36 Constitution)
- b. Any agreement with International and/or the Council relative to Per Capita Tax payments that deviate from the norm will be enforced.
- c. When locals who are not on central collection do not remit their Per Capita Taxes by this date, the Council Business Manager shall mail a notice of delinquency. This notice shall be provided to all Council 36 Board members.
- d. Failure of a local union to remit its per capita tax within forty-five (45) days after such local is declared delinquent shall result in suspension of the local union from the privileges and benefits afforded by the Council until all per capita tax has been paid up-to-date or the suspension has been revoked by the Council Executive Board. (Article III, Section 2, Council 36 Constitution)
- e. The Council Business Manager shall include on the monthly financial report the status of Per Capita Tax payments due to AFSCME District Council 36.
- f. AFSCME District Council 36 will not advance Per Capita Tax payments to the International, California PEOPLE Impact or to a local Central Labor Council on behalf of the locals who are in arrears.
- g. There will be an annual review of any deviation from the Per Capita Taxes for requests which have been previously granted by the Council.

2. Rebates

- a. The Council Business Manager shall include on the monthly financial report the status of rebate checks due to the locals. These checks are due no later than 15 days after the receipt of the monies collected by the Council.
- b. All monies owed to the Council for payroll by a local shall be deducted from the local's dues rebate and accounted for accordingly.

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3. Expense Reports

- a. Expense reports for Officers and the Executive Director should be approved by a designated officer or “Finance Committee” of the board appointed for that task. No person should approve their own expense report. Officers and the Executive Director’s expense report can be paid prior to approval, pending review by the “Finance Committee”, provided that the person paid will reimburse the Council for any amounts that are later designated as not approved. The Council Treasurer or the Council President will approve the expenses of the Executive Director and Board Members other than themselves.

4. Policies and Procedures

- a. The Council shall develop written policies and procedures from current and past management practices. Current practices should be evaluated for consistent application and importance. Written Council policy drafts should be reviewed by key staff to ensure they comply with the intent of the Council management and to avoid conflict with staff union contracts.

5. The Council 36 Credit Card

- a. The Council 36 Credit Card will be used primarily for booking travel arrangements. The credit card will be retained in the Council office. The records of such transactions shall be reported on expense reports with the appropriate documentation provided to the Local.

CONFLICT OF INTEREST POLICY

ARTICLE I PURPOSE

The purpose of the conflict of interest policy is to protect AFSCME Council 36’s (Council 36) interest when it is contemplating entering into a transaction or arrangement that might benefit the private interest of an officer or executive staff of Council 36 or might result in a possible excess benefit transaction. This policy is intended to supplement but not replace any applicable state and federal laws governing conflict of interest applicable to nonprofit and labor organizations.

ARTICLE II DEFINITIONS

1. **Interested Person:** Any staff, officer, or Board member, who has a direct or indirect financial interest, as defined below, is an interested person.

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2. **Financial Interest:** A person has a financial interest if the person has, directly or indirectly, through business, investment, or family:
 - a. An ownership or investment interest in any entity with which Council 36 has a transaction or arrangement,
 - b. A compensation arrangement with Council 36 or with any entity or individual with which Council 36 has a transaction or arrangement, or
 - c. A potential ownership or investment interest in, or compensation arrangement with, any entity or individual with which Council 36 is negotiating a transaction or arrangement.

Compensation includes direct and indirect remuneration as well as gifts or favors that are not insubstantial.

A financial interest is not necessarily a conflict of interest. Under Article III, Section 2, a person who has a financial interest may have a conflict of interest only if the appropriate Board or committee decides that a conflict of interest exists.

ARTICLE III PROCEDURES

1. **Duty to Disclose:** In connection with any actual or possible conflict of interest, an interested person must disclose the existence of the financial interest and be given the opportunity to disclose all material facts to the board and members of committees with Board delegated powers considering the proposed transaction or arrangement.
2. **Determining Whether a Conflict of Interest Exists:** After disclosure of the financial interest and all material facts, and after any discussion with the interested person, he/she shall leave the Board or committee meeting while the determination of a conflict of interest is discussed and voted upon. The remaining board or committee members shall decide if a conflict of interest exists.
3. **Procedures for Addressing the Conflict of Interest:**
 - a. An interested person may make a presentation at the Board or committee meeting, but after the presentation, he/she shall leave the meeting during the discussion of, and the vote on, the transaction or arrangement involving the possible conflict of interest.
 - b. The chairperson of the Board or committee shall, if appropriate, appoint a disinterested person or committee to investigate alternatives to the proposed transaction or arrangement.
 - c. After exercising due diligence, the Board or committee shall determine whether Council 36 can obtain with reasonable efforts a more advantageous transaction or arrangement from a person or entity that would not give rise to a conflict of interest.

- d. If a more advantageous transaction or arrangement is not reasonably possible under circumstances not producing a conflict of interest, the Board or committee shall determine by a majority vote of the disinterested board whether the transaction or arrangement is in Council 36;s best interest, for its own benefit, and whether it is fair and reasonable. In conformity with the above determination it shall make its decision as to whether to enter into the transaction of arrangement.

4. Violations of the Conflicts of Interest Policy

- a. If the Board of committee has reasonable cause to believe a member or staff has failed to disclose actual or possible conflicts of interest, it shall inform the member of the basis for such belief and afford the member an opportunity to explain the alleged failure to disclose.
- b. If, after hearing the member’s response and after making further investigation as warranted by the circumstances, the Board or committee determines the member has failed to disclose an actual or possible conflict of interest, it shall take appropriate disciplinary and corrective action.

ARTICLE IV RECORDING AND PROCEEDINGS

The minutes of the Executive Board and all committees:

- A. The names of the persons who disclosed or otherwise were found to have a financial interest in connection with an actual or possible conflict of interest, the nature of the financial interest, any action taken to determine whether a conflict of interest was present, and the Board’s or committee’s decision as to whether a conflict of interest in fact existed.
- B. The names of the persons who were present for discussions and votes relating to the transaction or arrangement, the content of the discussion, including any alternatives to the proposed transaction or arrangement, and a record of any votes taken in connection with the proceedings.

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ARTICLE V ANNUAL STATEMENTS

Each Executive Board Officer, Executive Staff and Member of a Committee shall annually sign a statement which affirms such person:

- a.** Has received a copy of the conflicts of interest policy,
- b.** Has read and understands the policy,
- c.** Has agreed to comply with the policy, and
- d.** Understands Council 36 is non-profit and in order to maintain its federal tax exemption it must engage primarily in activities which accomplish one or more of its tax-exempt purposes.

ARTICLE VI PERIODIC REVIEWS

To ensure Council 36 operates in a manner consistent with non-profit purposes and does not engage in activities that could jeopardize its tax-exempt status, periodic reviews shall be conducted. The periodic reviews shall, at a minimum, include the following subjects:

- A.** Whether compensation arrangements and benefits are reasonable, based on competent survey information and the result of arm's length bargaining.
- B.** Whether partnerships, joint ventures, and arrangements with management organizations conform to Council 36's written policies, are properly recorded, reflect reasonable investment or payments
- C.** for goods and services, further goals of Council 36 purposes and do not result in inurement, impermissible private benefit or in an excess benefit transaction.

ARTICLE VII USE OF OUTSIDE EXPERTS

When conducting the periodic reviews as provided for in Article VII, Council 36 may, but need not, use outside advisors. If outside experts are used, their use shall not relieve the Board of its responsibility for ensuring periodic reviews are conducted.

CREDIT CARD POLICY

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- Personal use of the card is not permitted. Immediate repayment should be made of any inadvertent personal charges.
- The council must maintain copies of all credit card statements along with supporting documentation for all charges. The union's records should contain adequate documentation to demonstrate the business purpose of all charges made on the union's credit card. This documentation on file should be sufficient to stand alone without additional explanations.
- Any person responsible for making a charge on the union owned credit card must provide an accounting of that charge to the union on an expense report or other form intended for that purpose. All supporting receipts should be attached to the expense report.
- All reported charges must be documented by an itemized invoice and explained as to the union purpose.
- Hotel charges should be supported by an itemized folio and a full explanation of union business purpose.
- Any entertainment or business meals charged to the union's credit card must list the names of the people entertained, their relationship to the union, and the business purpose of the entertainment or meal. A sign in sheet or a listing of attendees is required to support any union purchase of food for meals, such as for catering for a meeting.
- Charges for conferences or conventions should be supported by all travel receipts and a full explanation, which includes the specific meeting or conference attended. For example, the documentation should state "International Legislative conference" rather than "International Union Meeting."
- Upon receipt of the credit card statement, the charges on the statement must be reconciled to expense reports and receipts. Any unsupported charge must be investigated. Charges that cannot be documented as union business should be reimbursed by the cardholder incurring the charge.
- Credit card reconciliation will be reviewed on a regular basis by two signatory authorities of the Council.

EXPENSES INCURRED BY STAFF



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Staff should not be reimbursed directly by local unions. All reimbursements for travel, entertainment or other expenses incurred by council 36 staff shall be expensed by the staff member and reimbursed by council 36.

If a staff member incurs expense for a local (i.e.) food for a local union meeting, that were authorized or requested by a local, the local should request that the council debit the local for these expenses. The staff representatives will submit the expense on the weekly expense report and be reimbursed by the council.

Local unions may not incur costs for the travel of any Council 36 staff member.

PROCEDURES FOR MAILINGS TO MEMBERS

1. The mailing lists, home addresses and phone numbers of AFSCME Council members are confidential and shall not be disclosed, shared or used in any way which deviates from this policy.
2. In order to ensure confidentiality, all mailing utilizing Council 36 resources must be coordinated through Council 36 Support Staff.
3. Local union presidents, chairpersons of elections committees, Council 36 Board members and staff members shall make all requests for mailing through Council 36 support staff.
4. Routine Mailings such as Notices of Membership Meetings, local union newsletters or flyers, ballots for contract ratification will be mailed upon request and billed to the local in accordance with existing policy.
5. Ballots for local union elections or mailings for candidates in a local union election shall be mailed in accordance with the AFSCME Elections Code. Candidates for local union office should coordinate their mailings through the Elections Committee Chairperson of their local union. Individual candidates will be billed for the cost of their mailing in accordance with the AFSCME Elections Code.
6. Any other requests for mailings shall be made through the Executive Director.

HEALTH & WELFARE PLANS



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The Health and Welfare Plans negotiated with the Council 36 Staff Union and OPEIU shall apply to all staff members who are members of the respective bargaining units. Benefits for part time employees shall be provided in accordance with the terms of the Staff Union Agreement/or the OPEIU Agreement respectively.

Project staff/temporary employees shall receive benefits as determined by the terms of their engagement as project staff/temporary employees. Members of the Executive Staff shall receive benefits in accordance with the provisions of the Council 36 Staff Union Agreement. Any exceptions to this policy will be determined on a case by case basis by the Council 36 Executive Board.

Retiree Medical Benefits are provided to Staff and Executive Staff in accordance with the provisions of the Collective Bargaining Agreement with the Council 36 Staff Union.

Clerical Staff members who are represented by OPEIU will be eligible for the following retiree medical benefits:

After age 62 and 10 years of service, clerical staff who retire from Council 36 and from the OPEIU pension plan are eligible for 1 party coverage in the Kaiser Plan

After age 62 and 20 years of service, clerical employees retiring from the OPEIU Pension Plan would be eligible for 2-party Kaiser. Upon reaching age 65 employee and/or spouse will be enrolled in the Kaiser Medical Senior Advantage Plan.

Dependents must be enrolled 1 year prior to retirement.

The terms of this benefit may change if benefits provided in the Staff Union Agreement are modified.

POLICY ON HARASSMENT

The American Federation of State, County and Municipal Employees District Council 36 is committed to providing a positive and respectful work environment that is free from hostile, offensive, intimidating or harassment conduct. AFSCME District Council 36 employees shall not harass any other employee, applicant, member, constituent, project staff, vendor or visitor based upon race, color, religion, national origin, age, sex, disability, marital status, sexual orientation, ancestry, parental status, political activity, union activity or family relationship. AFSCME District Council 36 has a zero-tolerance stance with regard to harassment. Sexual harassment can occur from men to women, from women to men, from men to men, or from women to women.

This policy applies to all areas of employment and to all employees including non-supervisory professional and administrative personnel, supervisors, managers and executives. This policy covers conduct in the workplace during an employee's normal work hours, whether on or off AFSCME District Council 36 premises, as well as during work-related travel and at work-related functions.

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Harassment can arise from a broad range of behavior; Examples of prohibited behavior include, but are not limited to, the following:

- Verbal conduct such as using degrading, vulgar or discriminatory words to describe an individual or making derogatory or discriminatory comments, slurs, taunts, jokes, or epithets (E.g. those which are based upon race, color, sex, sexual orientation, age, religious belief, national origin, ancestry, mental or physical disability).
- Non-verbal conduct such as making derogatory or discriminatory gestures; displaying derogatory or discriminatory-based objects, pictures, posters or cartoons; or giving, sending or circulating derogatory or discriminatory letters, e-mail messages, voice-mail messages, gifts, notes or invitations.
- Retaliation or threat of retaliation for protesting about harassing conduct, making a complaint about such behavior, or providing information concerning complaints or harassment.

Sexual Harassment

Sexual harassment is a particular form of employee misconduct. All employees must be allowed to work in an environment free from unsolicited and unwelcome sexual overtures. Sexual harassment does not refer to occasional compliments or other general acceptable social behavior. It refers to behavior that is not welcome, personally offensive, undermines or weakens morale and, therefore, unreasonably interferes with the work effectiveness of the victims and their coworkers.

Sexual harassment is prohibited whether or not there is sexual conduct. Sexual harassment is defined as unwelcome conduct of a sexual nature, including unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal or physical conduct of a sexual nature where:

1. Submission to such conduct is made an expressed or implied term or condition of employment;
2. Submission to or rejection of such conduct is used as the basis for employment decisions; or
3. Such conduct has the purpose of effect of unreasonably interfering with work performance or creating an intimidating, hostile or offensive working environment.

Examples of sexual harassment include but are not limited to:

- Offering employment benefits in exchange for sexual favors, such as favorable assignments, reviews, promotions or the like;
- Denying or threatening to deny employment benefits for rejecting sexual advances;

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- Inappropriate conduct or efforts to make social contact, such as sexual advances or repeated unwanted requests for dates;
- Verbal conduct of a sexual or gender-based nature, such as using sexually degrading, vulgar or discriminatory words to describe an individual; making sexually suggestive comments about an individual's body; discussing sexual activity; or making derogatory sexual, gender-related or discriminatory comments, slurs, taunts, jokes or epithets;
- Non-verbal conduct of a sexual or gender-based nature, such as unwelcome staring, leering, displaying sexually suggestive objects, pictures, posters or cartoons, making sexual derogatory, obscene or discriminatory gestures; or giving, sending or circulating sexual, derogatory, obscene or discriminatory letters, e-mail messages, voicemail messages, gifts, notes or invitations;
- Unwelcome physical conduct of a sexual or gender-based nature, such as touching, patting, pinching, brushing the body, or impeding or blocking an individual's movements; and
- Retaliating or threatening retaliation for protesting about harassment, making a complaint about such behavior, or providing information concerning a complaint about harassment.

If an employee becomes aware of harassment, this information should be promptly communicated verbally or in writing on the Harassment Complaint form to the employee's supervisor, the Executive Director or the Assistant Executive Director, whoever is preferred. Timely reporting of an incident is essential to AFSCME District Council 36's ability to conduct an investigation. AFSCME District Council 36 cannot investigate or correct the situation unless it is put on notice of the harassing conduct.

Council 36 will take the necessary steps to promptly and impartially investigate complaints and, where appropriate, correct any form of harassment. AFSCME District Council 36 will handle reports of such alleged misconduct with sensitivity to concerns for confidentiality, reputation and privacy. No retaliatory action will take place against an employee who has made a good faith complaint about harassment prohibited by this policy or has provided information concerning a complaint about harassment.

Should the facts substantiate harassment; the harasser will be subject to appropriate disciplinary action which, depending on the severity of the policy violation, may include suspension or termination.



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It must also be recognized that unfounded complaints of harassment may have serious effects upon the individual who has been accused. A person who makes unfounded complaints will also be subject to similar disciplinary action.

It is the responsibility of every employee of AFSCME District Council 36 to follow this policy conscientiously. Adopted by Council 36 Executive Board at the January 28, 2009 meeting.



HARASSMENT COMPLAINT FORM

Name: _____

Job Title: _____

Department: _____

Supervisor: _____

Description of incident (Please include name and actions of the alleged harasser; witnesses to the incident; date, time & place of incident; and all other relevant information; use additional pages as needed).

Suggested Resolution:

Employee Signature: _____ **Date:** _____

Complaint submitted to: _____ **Date** _____

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LEGAL POLICY

The law firm of Rothner, Segall and Greenstone is retained by Council 36 as counsel for labor issues arising in the course of representing members of the Council.

1. Monthly Retainer

- a.** The monthly retainer is used for miscellaneous phone calls by the staff on behalf of the locals they service.
- b.** If the initial consultation results in the need for further legal assistance, the staff member will consult with the local president and or Executive Director for authorization to proceed, prior to any action being taken.
- c.** Billings received from the law firm details each case with current activity in addition to detailed usage of the retainer.
- d.** Billings are reviewed by the Executive Director to determine local or Council responsibility.

2. Local Union Responsibility

- a.** Local Unions contacting the law firm on their own accord are solely responsibility for any fees incurred.
- b.** If the local union is unable to pay the cost of legal services needed, the local may request assistance from the Council prior to incurring any fees. The Council Executive Board will make determinations regarding such legal assistance.

3. Staff Responsibility

- a.** Staff will consult with the local union president /leadership on the necessity for retaining counsel.

4. The Council may retain other counsel; upon Board approval if it is determined that other specialized expertise is required.

5. Executive Director Responsibility

- a.** The Executive Director may utilize the services of the law firm within budgeted amounts to provide needed services to the Council.
- b.** Requests for Legal assistance shall conform to the Council 36 Legal Policy. Local unions may also request assistance for other needs.

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REQUESTS FOR FINANCIAL ASSISTANCE BY LOCAL UNIONS

There may be instances where the Council 36 Executive Board deems it in the best interest of the membership to provide financial assistance to a local union, affiliated with the Council.

In order to assist the Council Executive Board in the evaluation of such requests, they shall be submitted to the Executive Director for review and recommendation and shall include a copy of the local's most recent financial statement.

All requests will be presented to the Executive Board for consideration.

ORGANIZING POLICY

The call to “organize the unorganized” has been central to the mission of the Labor Movement since its birth. Organizing gives a voice at work to the new members, helps protect existing members, enhances our political influence, and brings new blood and vibrancy to the union.

Organizing also requires us to expend resources. There are staffing and legal costs for the actual campaign, the subsequent negotiation costs once recognition is achieved, and, finally, staff support for proper enforcement once an agreement is reached.

In an era where resources are scarce, we have a duty to our existing members to make organizing decisions strategically. Likewise, affiliations of independent labor organizations also come with expenses that must be carefully examined.

However, organizing the unorganized is an integral part of our representational work. Unorganized units in a city, for example, may hold back advances that could be won by the organized units. Weak unaffiliated unions in neighboring cities are often used in class and compensation studies that, again, work against us when comparisons are required, such as fact finding.

It is imperative that we support our membership by organizing these units, and our local union leadership must play a significant role in identifying these targets, and supporting campaigns that will, in turn, support their members.

This latter role is especially important in light of the expected ruling in *Janus*. The loss of Agency Shop will undoubtedly weaken many of the unions that surround our locals; it is not unexpected that some units will be completely broken. If we are there to pick up the pieces of these broken unions, we will be in a better position to protect ourselves, and may even have the opportunity to make ourselves stronger in some jurisdictions.

The Council, in order to properly analyze organizing and affiliation opportunities, is adopting a policy of evaluating them on the basis of the following:

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- Size of the unit;
- Expectation of support from the unit;
- Expectation of opposition from the employer;
- Expected assistance (or opposition) from other unions with the same employer;
- Expected assistance (or opposition) by the surrounding community (public, churches, other unions, other organizations, charities, etc);
- Likelihood of getting to a first MOU;
- Proximity to other existing AFSCME units;
- Strategic position relative to other AFSCME units;
- Geographical position relative to existing AFSCME units;
- Political importance to Council 36 and AFSCME District Council 36; and
- Importance to the expansion of AFSCME District Council 36.

No one factor above should be understood as determinative, or of primary importance above all others; all factors must be weighed together. For example, the fact that a unit is close to other existing units in a city we represent might be outweighed by its small size. Alternately, the fact that we have a very good support from a large unit might be outweighed by its remote geographical location.

The Council instructs the Organizing Director to evaluate these factors on a case-by-case basis, and make recommendations to the Executive Director on all organizing and affiliation opportunities.

CHARITABLE CONTRIBUTIONS POLICY

As part of the effort to broaden the alliance between AFSCME and the communities in which we live and serve, Council 36 may contribute to private non-profit community based organizations, religious organizations, educational institutions, and charitable organizations. Our affiliate local unions shall be informed and encouraged to build such alliances as well. This policy is intended to ensure that such contributions are in the board interest of Council 36 and that our affiliated local unions are informed of these events and opportunities.

1. Requests for contributions shall be approved by the Executive Board of Council 36. Such requests shall first be reviewed by the Budget and Finance Committee of Council 36, who will make recommendations to the Executive Board. If the request is received after the Budget and Finance Committee has met, it will be brought directly to the board.
2. Council 36, in order to encourage alliance building at the local level, will share even invitations and requests for contributions with our affiliated locals on a monthly basis.

EXECUTIVE BOARD MONTHLY REGULAR MEETINGS POLICY

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The following shall outline the noticing Locals, participation of members, and procedure on the conduct of the regularly scheduled monthly Council 36 Board meeting. This policy is not intended to replace the existing procedure of the distribution of approved minutes and financial report, nor is it intended to minimize the elected officer's duties and responsibilities.

Noticing of Locals and Agenda

The Council Staff shall electronically publish the regularly scheduled monthly Council 36 Board meeting agenda no later than 4 business days prior to meeting to the president of all Council 36 locals and Council 36 Executives. The agenda will have enough specificity to allow the Board members and members at large to properly prepare to comment on agendized **action** items. Items may be added up to the day of the board meeting, but must meet the following criteria to qualify as a late submission:

The delaying of the item to the next regularly scheduled board meeting will have detrimental consequences to the issue addressed by the item AND the submitter has a bona fide reason for not timely submitting the item for distribution.

Local leaders wishing to have an item agendized must contact and submit the item to their respective Vice President on the Council 36 Executive Board no later than 8 business days prior to meeting, who will decide to include the issue in their report to the Board, or request the chair to agendize said item.

It is the discretion of the chair to agendize items requested by the locals, or to address the issue/item in a more appropriate manner.

The electronically published agenda will follow the following format:

1. Call to Order
2. Roll Call of Officers
3. Member comment (limited to 2 minutes)
4. Secretary's Report
 - a. No unapproved minutes shall be published
5. Treasurer's Report
 - a. No unapproved financials shall be published
6. Vice President's Report
7. President's Report
8. Executive Director's Report
 - a. Political Report
 - i. To include at minimum names of candidates seeking assistance from DC 36(Financial or otherwise)
 - b. Organizing Report
 - c. Field Director's Report

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d. Business Manager's Report

9. Unfinished Business

- a. All unfinished business shall be published

10. New Business

- a. New action items submitted by officers, staff, and members

11. Member Comments (Limited to 2 minutes)

12. Adjournment

No executive session business shall be published in any agenda, and action items moved in executive session will continue to be available as has been the practice.

Member comments.

Members may comment after roll call of officers and prior to adjournment for 2 minutes. In addition, members may submit a card to speak* for a limit of 2 minutes, on any agenda item, providing the card is submitted prior to the item being considered by the executive board. The card must contain the following information:

1. Name
2. Local
3. Item

Example: In order to move the meeting in a timely fashion, allow all members the opportunity to comment on all issues, the 2-minute time limit will be enforced except as waived by the executive board in a majority vote. Additionally, members may not yield their time to another member.

To summarize, the intent of this proposed policy is to allow members and local leaders to prepare to actively engage the Executive Board in a productive way, and to allow the Executive Board to prepare for any issues local leaders intent to discuss at the regularly scheduled board meeting.

**See Speaker Card Form Attached on the Following Page.*