



NATIONAL CONSTITUTION

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APALA NATIONAL CONSTITUTION

STATEMENT OF PURPOSE

The United States is witnessing a phenomenal growth of Asian Pacific Americans in the work force and within the Labor Movement. The Asian Pacific American Communities and the Labor Movement share common concerns for economic and political justice, equal opportunity and an improved quality of life for all working people.

In recognition of the importance of Asian Pacific Americans within the work force and within the Labor Movement, this organization is established by the AFLCIO as a membership organization for Trade Unionists who are united around the goal of promoting the needs of Asian Pacific American Workers. This organization is committed to develop a comprehensive strategy to organize Asian Pacific Americans into Unions, and to promote the participation and leadership of Asian Pacific Americans within the Labor Movement. This organization is further dedicated to strengthening International Labor Solidarity, especially with Labor Unions of Asia and the Pacific.

The primary aims and objectives of this organization, which shall be known as the Asian Pacific American Labor Alliance, AFL-CIO shall be to:

- Educate Asian Pacific American Workers and their communities about Labor Unions and the principles of Trade Unionism, as well as to provide a vehicle for the particular concerns of Asian Pacific American Workers.
- Promote, support and assist the organizing of Asian Pacific American Workers into Unions.
- Promote political education and voter registration programs among the Asian Pacific American Workers.
- Promote the training, empowerment and leadership of Asian Pacific Americans within the Labor Movement and the Asian Pacific American Communities.
- Defend and advocate for the civil and human rights of Asian Pacific Americans, immigrants and all other people of color.
- Develop ties with International Labor Organizations, especially with Labor Unions in Asia and the Pacific, and seek steps to promote world peace.

ARTICLE I. NAME

SECTION 1. The name of the Organization shall be the ASIAN PACIFIC AMERICAN LABOR ALLIANCE, AFL-CIO, (hereinafter referred to as "APALA").

ARTICLE II. HEADQUARTERS

SECTION 1. The National Headquarters will be located in Washington D.C. at a site to be determined by the National Executive Board. Membership records and official papers of APALA shall be located at the National Headquarters.

SECTION 2. The National Executive Board shall have the authority to establish regional offices.

ARTICLE III. MEMBERSHIP

SECTION 1. MEMBERSHIP

- A. Membership in APALA shall be open to any person who 1) is a member in good standing with a Union and who believes in the principles and policies of the Trade Union Movement, 2) retired in good standing from a Union and who believes in the principles and policies of the Trade Union Movement, 3) or is a person who believes in the principles and policies of the Trade Union Movement. All members must be willing to abide by the Constitution and Statement of Purpose of this Organization. A Member must meet the membership criteria at the time of application for membership. No person shall be denied membership on the basis of language, race, creed, color, national origin, age, gender, political beliefs, religion, physical disability, sexual orientation, caste status, or perceived caste status.
- B. Only Members in good standing with APALA shall be eligible to participate in business meetings or to serve in any of its elected or appointed positions. APALA Members in good standing with a Union, or any Union Members who have retired, are eligible to run for any of the National Executive Officers.
- C. Applicants for APALA membership must show proof of current Union membership or retiree status in order to be eligible.
- D. Membership in APALA is a prerequisite for joining a Chapter. Chapter membership is open only to persons living or working in the area specified on the Chapter Charter, or whose Local Union address is within the area specified on the Chapter Charter.
- E. No person may simultaneously be a Member of more than one (1) Chapter.
- F. Where no Chapter exists, membership shall be At-Large.

- G. When a Member of APALA belongs to more than one (1) Union, a single Union must be designated for membership.
- H. Any Member two (2) months or more delinquent in dues shall no longer be a Member in good standing.
- I. All Members shall abide by this Constitution and other rules as may be adopted by the National Executive Board.
- J. Members may be held accountable for failure to comply with the Constitution and/or such rules as are adopted by the National Executive Board or their Chapter with the approval of the National Executive Board and/or are found guilty of charges in an Article XI investigation. Any discipline shall reflect degree of harm and responsibility taken and may go up to and include permanent revocation of membership. Disciplinary actions shall be taken by the Chapter to which a Member belongs or by the National Executive Board in the case of At-Large Members or members who have been found guilty of charges in an Article XI investigation.

A Member may appeal a disciplinary action taken by a Chapter to the National Executive Board within ninety (90) days after the action is taken. In the event a chapter declines to seek accountability or concludes that no discipline is warranted, an aggrieved member may request an Ad-hoc Committee to review the decision of the chapter. To this end, the NEB shall constitute an ad-hoc committee composed of one member from each local Chapter selected by their respective Chapter members to process these appeals. The ad-hoc committee, with approval from the NEB, shall draft the process of appeal and the process of adopting disciplinary guidelines that ensures fairness and due process. The decision of the National Executive Board may be appealed to the next Convention.

ARTICLE IV. CONVENTION

SECTION 1. The Convention shall be the highest governing body of APALA. Except as otherwise provided in this Constitution or in the Convention or Election Rules, its decisions shall be by a majority vote.

SECTION 2. A Convention shall be held during the months of May, June, July, August, September or October in odd numbered years at such time, date and place as shall be determined by the National Executive Board based upon the recommendations of the Convention Committee. The Convention Committee shall endeavor to develop a schedule of future Conventions with emphasis on rotating the sites from one geographic location to another geographic location.

SECTION 3. The Secretary shall issue a Convention Call at least ninety (90) days prior to the opening of the Convention to all Members of APALA in good standing, to all AFL CIO Departments, State and Local Central Bodies, affiliated International and National

Unions, and other interested Organizations.

SECTION 4. REPRESENTATION

- A. All National Executive Board Members shall automatically be Delegates to the Convention and each shall have one (1) vote at the Convention.
- B. Each Chapter shall be entitled to be represented by one (1) Delegate for each five (5) Regular Chapter Members.
- C. Each International or National Union shall be entitled to be represented by one (1) Delegate for each ten thousand (10,000) Members of the Union. Every International or National Union, irrespective of membership size, shall be entitled to a minimum of two (2) Delegates. Each International or National Union shall select its Delegates and Alternates in the manner determined by such Union.
- D. A Union and a Chapter may elect or select Alternate Delegates to the Convention not to exceed the number of Delegates to which the Union or Chapter is entitled.
- E. Chapter Delegates and Alternates shall be elected no later than thirty (30) days prior to a scheduled Convention. Union Delegates and Alternates shall be selected no later than thirty (30) days prior to a scheduled Convention.
- F. Only Members in good standing of APALA may be elected or selected as Delegates or Alternates.
- G. In the event that any Union or Chapter Delegate is disqualified or unable to participate in the Convention, the Delegate's place shall be taken by an Alternate elected or selected by the Union or the Chapter.

SECTION 5.

- A. The President shall appoint a Credentials Committee, Nomination Committee, Election Committee, Resolutions Committee, Sergeant- At-Arms Committee, Constitution Committee, Rules Committee, Public Relations Committee, Convention Committee and such other Committees as shall be necessary for orderly conduct of the Convention business, and shall designate one Member of each Committee as the Committee Chairperson. The appointments shall be approved by the National Executive Board at a meeting prior to the Convention.
- B. Each Committee shall meet at least once prior to the opening of the Convention and shall make a report on business conducted by the Committee to the Convention.
- C. The Convention shall not be constituted for business until after the Credentials Committee shall have examined and reported on the credentials of all the Delegates present at the scheduled opening of the Convention. Appeals to the final report of the Credentials Committee may be made to the Convention Body.

- D. The Convention Rules shall be drafted by the Rules Committee and shall be approved by the National Executive Board prior to the Convention. The second order of business for the Convention shall be to adopt the Convention Rules. Until the new Convention Rules are adopted by the full Convention, the Convention shall be governed by the rules adopted by the immediately previous Convention.
- E. Resolutions to be considered at the Convention must be postmarked or emailed to the President sixty (60) days in advance of the Convention's opening date. All Resolutions must be sponsored by a Delegate. Resolutions postmarked after that date may be considered with the approval of the Convention. Copies of all Resolutions received in a timely manner shall be provided to all Delegates. The Resolutions Committee shall have the authority to consolidate like Resolutions on the same subject.
- F. The Elections Committee shall supervise the conduct of all elections and shall draft Elections Rules to be adopted by the full Convention. All Election Rules shall be approved by the National Executive Board at least sixty (60) days prior to the Convention and shall be adopted by the Convention.
- G. The Nomination Committee shall be charged with nominating Candidates for election pursuant to Article VIII SECTION 1. D.

SECTION 6. One fourth (1/4) of the Delegates seated at any Convention shall constitute a quorum for the conduct of business.

SECTION 7. Questions may be decided by a division or a show of hands but a roll call may be demanded by thirty percent (30%) of the Delegates present. Upon such a roll call vote, each Delegate shall be entitled to cast one (1) vote. Delegates from the same International or National Union or Chapter may designate one Delegate to cast all of their votes for them.

SECTION 8. Convention proceedings shall be conducted in a democratic and orderly manner. Where the Convention Rules is silent on a point of parliamentary procedure, the procedure shall be governed by the Revised Robert's Rules of Order.

ARTICLE V. NATIONAL EXECUTIVE BOARD

SECTION 1. The National Executive Board shall be the highest policy-making body of APALA except when the Convention is in session. It shall have all powers vested in the Convention, except the power to amend this Constitution and the power to contravene policies adopted by the Convention. It shall have the authority to charter Chapters, and to make binding interpretations of this Constitution. The rulings and decisions of the National Executive Board shall remain in full force and effect unless reversed by the Convention. The immediate Past President of APALA, the National Executive Director, and permanent national staff shall be non-voting Ex-Officio Members of the

National Executive Board.

SECTION 2. The National Executive Board shall be limited to forty-five (45) positions including the President, the First Executive Vice-President, the Second Executive Vice President, the Secretary, the Treasurer, thirty-six (36) Vice-Presidents, one (1) national staff Vice-President, and two (2) to be selected in accordance with Article VIII. Section 1. C2. The National Executive Director and immediate Past President are excluded from the limit since they are Ex-Officio Members of the National Executive Board.

SECTION 3. The National Executive Board shall be chosen as follows:

- A. The President of the AFL-CIO shall directly appoint two (2) Members to the National Executive Board and in consultation with the Executive Council, shall designate those International or National Unions who shall appoint fourteen (14) additional Members to the National Executive Board. All AFL-CIO and International or National Union appointments to the National Executive Board shall be made no later than ninety (90) days prior to the date of the Convention at which National Executive Officers shall be elected.
- B. The APALA National Executive Board shall designate International or National unions who shall appoint five (5) additional members to the National Executive Board, no later than the ninety (90) days prior to the date of the Convention at which National Executive Officers shall be elected. The term of office for those appointed in 2006 shall last until the next convention. Starting in 2007, the term of office shall follow Article IX. Term of Office, SECTION 1.
- C. Each Chapter of APALA shall be entitled to representation by a Vice President(s) on the National Executive Board to be determined as follows:
 - 1. Chapter representation on the National Executive Board shall be based on Chapter membership. A Chapter having five percent (5%) of the national membership figures shall be entitled to one (1) Vice President on the National Executive Board.

A Chapter having ten percent (10%) of the national membership figures shall be entitled to two (2) Vice-Presidents on the National Executive Board.

A Chapter having twenty percent (20%) of the national membership figures shall be entitled to three (3) Vice-Presidents on the National Executive Board.
 - 2. The national membership figures to be utilized in determining Chapter Representatives on the National Executive Board of APALA shall be the actual membership one hundred twenty (120) days preceding the Convention.

3. The membership figures to be used to determine a Chapter's representation on the National Executive Board shall be the actual number of Members submitted by the Chapter to the National Executive Director of APALA one hundred twenty (120) days preceding the scheduled Convention, based on the records of the National Office of APALA.
- D. Chapter Representatives shall be elected in a democratic manner by the members of his or her Chapter no later than ninety (90) days prior to the Convention.
- E. (i) Only Members in good standing of a Chapter may be elected to represent the Chapter on the National Executive Board.

(ii) Chapters can have up to no more than 25% of their voting delegates be from among non-union members. Chapters can vote on a percentage between 0-25% of voting delegates to be non-union members.
- F. In the event that the Nineteen (19) positions on the National Executive Board are not filled by Chapter Representatives, any vacant positions shall be filled by the procedure set forth in Article VIII, SECTION one (1).

SECTION 4. The National Executive Board shall meet at least two (2) times a year. In-person or virtual meetings will be held at the call of the President or upon written petition by a majority of the National Executive Board Members to the President. The newly elected National Executive Board shall meet immediately following the Convention.

SECTION 5. With the exception of a meeting immediately following the conclusion of a Convention, thirty (30) days' notice of the time, date and place of the National Executive Board Meeting shall be provided to all National Executive Board Members by the Secretary. For meetings to be held via video conferencing, a minimum of ten (10) days' notice of time and date of the National Executive Board meeting shall be provided to all National Executive Board Members by the Secretary. In the event of an emergency, the Secretary may call a National Executive Board meeting to be held via video conferencing with less than ten (10) days' notice if the Executive Committee concurs that an emergency meeting is warranted.

SECTION 6. A quorum of fifty percent (50%) plus one (1) shall be required for official meetings of the National Executive Board.

SECTION 7. All meetings of the National Executive Board and its Committees shall be conducted pursuant to the requirements of the Constitution. Where the Constitution is silent on a point of parliamentary procedure, the procedure shall be governed by the Revised Robert's Rules of Order.

SECTION 8. Meetings of the National Executive Board shall be opened to all Members of APALA as observers, provided however, that the National Executive Board may meet

in Executive Session when deemed necessary.

SECTION 9. The First National Executive Board shall serve as non-voting Ex-Officio Members of the National Executive Board until the 1995 Convention.

ARTICLE VI. NATIONAL EXECUTIVE OFFICERS

SECTION 1. The National Executive Officers shall be the President, the First Executive Vice-President, the Second Executive Vice-President, the Secretary, and the Treasurer.

SECTION 2. All Candidates for National Executive Office shall be members of APALA for at least sixty (60) days prior to nomination.

SECTION 3. The election of National Executive Officers shall be conducted pursuant to Article VIII and such supplementary rules as may be proposed by the Elections Committee and adopted by the Convention.

ARTICLE VII. DUTIES OF OFFICERS

SECTION 1.

- A. The President shall preside at all meetings, including the National Executive Board Meetings and the Convention; he or she shall be an Ex-Officio Member of all Committees except the Nomination and Election Committees and shall perform such other duties as may be prescribed in this Constitution or assigned to him or her by the Convention or the National Executive Board.
- B. The President shall, working with the Officers, help coordinate the work of the Executive Director.
- C. The President shall, working with the Executive Director, help coordinate the work of the Officers and Committees.
- D. Within the guidelines of general policies adopted by the National Executive Board, the Officers shall hire and fix the salary of the National Executive Director subject to the provisions of any employment contract and the final approval of the National Executive Board. Dismissal of the National Executive Director is subject to the final approval of the National Executive Board.
- E. The Executive Director and Officers shall collaborate to hire, fix the salary and assign staff, subject to provisions of any collective bargaining agreements and/or any employment contracts and the final approval of the National Executive Board.

SECTION 2. The First Executive Vice-President shall assist the President and shall perform such duties as are assigned to him or her by the President and the National

Executive Board. In the event of the President's absence or incapacity, the First Executive Vice-President shall assume the duties of the President.

SECTION 3. The Second Executive Vice-President shall assist the President and shall perform such duties as are assigned to him or her by the President and the National Executive Board. In the event of the First Executive Vice-President's absence or incapacity, the Second Executive Vice-President shall assume the duties of the First Executive Vice-President. In the event of the Second Executive Vice-President's absence or incapacity, the President shall appoint one (1) National Executive board Member to assume the duties of the Second Executive Vice-President.

SECTION 4. The Secretary shall be responsible for keeping and making available accurate records of the proceedings of all meetings; shall be the keeper of all records of this Organization to be maintained at the National Headquarters. In the event of the Secretary's absence or incapacity, the President shall appoint one (1) National Executive Board Member to assume the duties of the secretary.

SECTION 5. The Treasurer shall be responsible for providing a detailed financial report to all meetings of the National Executive Board and the Convention; shall maintain an account in a bank designated by the National Executive Board; shall be the Chairperson of the Finance Committee and shall work with the President and the Executive Director in preparing an annual budget for consideration by the Finance Committee and the National Executive Board. In the event of the Treasurer's absence or incapacity, the President shall appoint one (1) National Executive Board Member to assume the duties of the Treasurer.

SECTION 6. The President, the First Executive Vice- President, the Second Executive Vice President, the Secretary and the Treasurer shall, among other duties, be responsible for regional coordination and development of APALA chapters and pre chapters, increasing membership in APALA, promoting APALA programs, encouraging APALA participation in AFL-CIO programs and active APALA membership participation in their local unions.

ARTICLE VIII. ELECTIONS

SECTION 1.

- A. All Vice-President positions on the National Executive Board that are not filled by appointment or by an elected Chapter Representative, shall be filled by election by the Convention. Individuals elected to these positions shall be At Large Vice-Presidents.
- B. There shall be at all times at least one (1) At- Large Vice-President elected by the Convention to the National Executive Board. Every Member in good standing of APALA or its subordinate bodies for at least sixty (60) days shall be eligible to be elected as an At-Large Vice-President of the National Executive Board.

C. Nominations for At-Large Vice-President positions on the National Executive Board shall be made in the following manner:

1. A Nomination Committee composed of five (5) members shall be appointed by the President, with the approval of the National Executive Board, at least sixty (60) days prior to the Convention. No member of the Nomination Committee shall be a candidate for office.
2. The Nomination Committee shall identify unrepresented and/or underrepresented members or groups of the API landscape taking into account the ethnic, gender, union, age, geography, caste, color, disability, gender expression and identity, genetic information, national origin, race, religion, sex, sexual orientation, undocumented status, incarcerated status, veteran status, and other diversity factors of the membership of APALA by analyzing the composition of the incoming National Executive Board after elections at Convention.
3. After the swearing-in of the recently elected/appointed members of the National Executive Board, the Nomination Committee shall prepare its analysis pursuant to Article VIII, Section 1C2 of the National Executive Board. At the first NEB meeting after the analysis is prepared, nominations to fill the remaining two At-Large Vice President seats will be made by National Executive Board members. The Nomination Committee will assess whether the nominees are from an unrepresented or underrepresented group and confirm if the nominee meets the criteria. The National Executive Board will then vote to seat two At-Large Vice Presidents by majority vote.

The Young Leader Vice-President shall be elected from among the Young Leaders Council. Each chapter shall elect one (1) representative at its first membership meeting following convention to serve on the Young Leader Council. The Young Leader Council will convene within two months of Convention to elect the Young Leader Vice-President of the National Executive Board. The term of the Young Leader Vice-President shall end upon the election of a new Young Leader Council Vice-President.

4. Nominations for the At-Large Vice- President positions on the National Executive Board may also be made from the floor of the Convention by any Delegate and shall be seconded by a Delegate.

SECTION 2. The election of At-Large Vice-Presidents shall precede the election of National Executive Officers.

SECTION 3. At-Large Vice-Presidents shall be elected by plurality vote with the candidates receiving the highest number of votes being declared elected. In the event of a tie, a run-off election shall be conducted among the candidates whose tie votes prevented the election of all of the At-Large Vice-Presidents to be elected.

SECTION 4. Candidates for National Executive Office -- President, First Executive

Vice-President, Second Executive Vice-President, Secretary, and Treasurer must be members of the National Executive Board.

SECTION 5. Candidates for National Executive Office shall be nominated from the floor of the Convention by a Delegate and the nomination must be seconded by a Delegate.

SECTION 6. National Executive Officers shall be elected by a majority vote of fifty percent (50%) plus one (1) of the Delegates voting. If no candidate receives the necessary majority, a run-off election shall be conducted between the two (2) candidates with the highest number of votes.

SECTION 7. If only one (1) candidate is nominated for a particular office, that candidate shall be declared elected.

SECTION 8. All elected National Executive Officers shall be elected by secret written ballot with each Delegate to the Convention casting one (1) vote. No proxy voting shall be allowed.

SECTION 9. The Election Committee of the Convention shall certify the results of each election. All elected Officers shall take office as soon as their election is certified. No member of the Election Committee shall be a candidate for office.

SECTION 10. No funds or official publications of APALA or its subordinate bodies may be used to support or advocate the election of a candidate for APALA Office.

SECTION 11. In order to be eligible to vote for National Executive Board and National Executive Officers a Delegate must register his or her credentials with the Credentials Committee no later than 5:00 p.m. the day before the election.

ARTICLE IX. TERM OF OFFICE

SECTION 1. All National Executive Board Members and National Executive Officers shall serve a term of two (2) years, and shall continue to serve until their successors are officially installed at the next convention.

ARTICLE X. VACANCIES

SECTION 1. In the event of a vacancy in the office of President, the First Executive Vice-President shall perform the duties of the vacant office until a successor is elected for the period of the unexpired term.

SECTION 2. In the event of a vacancy in the office of First Executive Vice-President, the Second Executive Vice-President shall perform the duties of the vacant office until a successor is elected for the period of the unexpired term.

SECTION 3. In the event of a vacancy in the office of the Second Executive Vice President, the President shall appoint one (1) National Executive Board Member to perform the duties of the vacant office until a successor is elected for the period of the unexpired term.

SECTION 4. In the event of a vacancy in the office of Secretary, the President shall appoint one (1) National Executive Board Member to perform the duties of the vacant office until a successor is elected for the period of the unexpired term.

SECTION 5. In the event of a vacancy in the office of the Treasurer, the President shall appoint one (1) National Executive Board Member to perform the duties of the vacant office until a successor is elected for the unexpired term.

SECTION 6. It shall be the duty of the presiding National Executive Officer to issue within ten (10) days of a vacancy in any National Executive Officer or National Executive Board position, a notice of said vacancy to all Members of the National Executive Board. The National Executive Board, at its next regularly scheduled board meeting, or a special board meeting called by the National Executive Board, shall, except as provided in SECTION seven (7), elect a National Executive Board Member to fill said vacancy by a majority vote for the remainder of the unexpired term.

SECTION 7.

- A. In the event of a vacancy in the office of an appointed Vice-President, the President of the AFL-CIO, or where applicable, the International or National Union which made the original appointment, shall have the power to fill the vacancy.
- B. In the event of a vacancy in the office of an elected Vice-President who is a Chapter Representative on the National Executive Board, the Chapter which originally elected said Vice-President shall have the power to fill the vacancy.

ARTICLE XI. REMOVAL FROM OFFICE

SECTION 1. Three (3) consecutive absences to properly called meetings of the National Executive Board without proper and justifiable cause shall constitute grounds for removal from office upon a three-fourths (3/4) majority vote of the National Executive Board.

SECTION 2. Any member of APALA shall have the right to file charges against a National Executive Officer or Member of the National Executive Board for reasons of malfeasance or maladministration, including but not limited to:

- willfully violating the APALA Constitution;
- willfully disobeying a lawful decision or order of the APALA Convention or of the National Executive Board between Conventions;
- misappropriating money or property of APALA;

- willfully violating the APALA Standard of Conduct by acting in a discriminatory or harassing manner with regard to APALA members or employees;
- other offenses of an equally serious nature that bring APALA into disrepute or seriously compromise APALA's interests.

- A. Such charges must be made in writing, signed and sworn by the accuser and filed with a National Executive Officer within ninety (90) days of the last alleged offense. There is no statute of limitation for prior offenses, but they must be relevant to the charges. Charges shall contain an allegation of the facts constituting the offense(s) and the approximate date or dates the offense(s) is alleged to have occurred and appropriate supporting evidence (emails, texts, etc).
- B. Once notified, the National Executive Officer shall notify the other National Executive Officers within twenty-four (24) hours to review the charges. The Officers will then have ten (10) days to discuss the charges with the accuser to see if mediation would be accepted. If the accuser opts for this route, the National Executive Officers will work with the accuser and the accused to determine a process and timeline that is mutually agreed upon by all parties. Should mediation fail, the process outlined in Section C should be followed.
- C. Should the accuser choose to bypass mediation and submit the charges as a formal Article XI charge (or in cases where mediation fails), the National Executive Officers will formally advise the National Executive Board in writing within ten (10) days of the receipt of such charges and provide a copy of the charges to each Member of the National Executive Board.

SECTION 3. At the next meeting of the National Executive Board scheduled upon at least 14 days' written notice, the National Executive Board shall review such charges. Following this review, the National Executive Board shall, by majority vote of the Members present and voting, either: dismiss said charges based on a finding of untimely or insufficient evidence or cause; or impanel an Investigating Committee as stipulated in Section 4 below to further investigate said charges. The Executive Officer(s) or Executive Board Member so charged shall not be eligible to vote on the issues of dismissal or empanelment, nor to serve on the Investigating Committee.

SECTION 4. The Investigative Committee shall be composed of five (5) National Executive Board Members, with preference to members with no direct interaction with the charges that have been submitted, and chosen by a majority vote of the National Executive Board. Members of the Investigative Committee may recuse themselves as needed for portions of the investigation. Depending on the nature of the charges, the Board may choose to impanel a third or independent party as the Investigative Committee, subject to a two-thirds majority of the National Executive Board.

SECTION 5.

- A. Upon a vote to impanel an Investigating Committee, the National Executive Board shall take a separate vote to determine whether, in order to safeguard the

interests of APALA, its officers, members or staff, the Officer(s) or National Executive Board Member(s) who is/are the subject of the inquiry shall be relieved of their duties as an officer and/or National Executive Board member, subject to the decision of the Board, until such time as the National Executive Board has reviewed and acted upon the findings of the Investigating Committee. The Executive Officer(s) or Executive Board Members so charged may not participate in that vote.

- B. Once impaneled, the Investigating Committee shall determine their rules and process and submit them to the Board within fourteen (14) days. The rules must be approved by a majority vote of the Board within ten (10) days of submission from the Committee.
- C. The Investigating Committee is bound to gather and consider evidence, and, without bias or prejudice, make factual findings and tentative conclusions regarding whether malfeasance or maladministration has been proven. The Investigating committee will determine the timeliness of alleged offenses and may choose to dismiss some, or all, as it pertains to relevance to the Article XI charges.
- D. The Investigating Committee may not consider any evidence unless it is offered at a hearing or investigative interview(s) at which the accused shall have been notified and been given a reasonable opportunity to be present. Those accused shall be given every reasonable opportunity to be heard, to testify, to present witnesses and evidence in their defense, and to cross-examine or pose questions of witnesses. All witness testimony shall be under oath. The accused may be assisted by a Counsel or Representative of their choosing. The accused may waive any or all of the rights set forth in this subsection.
- E. Once its investigation is complete, the Investigating Committee shall serve its written report on the National Executive Board, and the National Executive Board shall immediately serve the report on the accused. Upon a minimum of fourteen (14) days' written notice, the National Executive Board shall convene to consider the report. The accused shall be given the same minimum fourteen (14) days' written notice to give them a reasonable opportunity to be present at such a meeting. Both the charges and the report of the Investigating Committee shall be considered at such meeting, and the accused shall be permitted a reasonable opportunity to argue their case before it is put to a vote of the National Executive Board. Said vote shall be taken at the same meeting at which the Investigating Committee report is considered.
- F. Upon the conclusion of the consideration of the Investigating Committee report, a secret ballot vote shall be conducted among the National Executive Board Members present to determine the guilt or innocence of those charged on each such charge. The accused or charging party may not be present during the deliberations or vote.
- G. A two-thirds (2/3) majority vote of those voting shall be necessary to convict.

SECTION 6.

- A. If any of the charges are sustained, or if the accused pleads guilty, a vote shall then be taken as to the appropriate penalty, if any. The accused or charging party may not be present during the deliberations or vote.
- B. A simple reprimand may be imposed by majority vote.
- C. A three-fourth (3/4) majority vote of the National Executive Board voting thereon is necessary to disqualify an Executive Board Member found guilty from holding office for the remainder of their elected term and/or to invoke suspension or expulsion from the National Executive Board for such elected term and/or to revoke their membership.

SECTION 7. Any action of the National Executive Board taken under SECTIONS 5 AND 6 may be appealed to the Convention in writing to the presiding Officer at least sixty (60) days in advance of the Convention. However, the penalties imposed by the National Executive Board shall remain in full force and effect pending the outcome of any such appeal.

ARTICLE XII. STANDING COMMITTEES

SECTION 1. The purpose of the Standing Committees is for the National Executive Board to participate in the program, organizational development, and oversight of the organization. The NEB has the ability to create, consolidate, rename, and remove committees as needed.

SECTION 2. The Chairperson of each Standing Committee shall be appointed by the President from among the Members of the National Executive Board, except that the Finance Committee shall be chaired by the Treasurer. Members of the Committee are appointed by the President subject to the approval of the National Executive Board.

SECTION 3. The President may appoint Ad Hoc Committees as may be deemed necessary.

ARTICLE XIII. CHAPTERS

SECTION 1. The National Executive Board shall be empowered to grant Charters to Chapters which have met the criteria described in this Constitution. Provisional Charters may be issued by the President and the National Executive Director between National Executive Board meetings.

SECTION 2. Pre-Chapters applying for APALA Charters must fulfill and maintain the following requirements:

- A. The Pre-Chapter must consist of a minimum of ten (10) APALA Members in good standing who live or work within the geographic area described in the

application and who represent no less than three (3) International or National Unions or whose Local Union address is within the area specified on the Charter application.

- B. The Charter application must be signed by at least ten (10) of the Members forming the Chapter and must include such Members' addresses and Union affiliations.
- C. A Pre-Chapter applying for a Charter must agree to adopt Chapter Bylaws in conformity with the National Constitution and policies of APALA and to submit such Bylaws for approval to the National Executive Director.

SECTION 3.

- A. Activities of Chapters must comport in full with the requirements of the Constitution, the Chapter Guidelines, and Policy decisions of APALA. Failure to comply with those requirements will subject the Chapter to discipline or revocation of the Charter by the National Executive Board, following investigation of the alleged failure to comply.
- B. Chapters must conduct their activities in accordance with their Chapter Bylaws.
- C. (i) Each Chapter shall seek to promote the goals of APALA. Chapter leadership should take into account and reflect the Ethnic, Gender, Union and General Diversity of the membership of APALA.

(ii) Union membership in the chapter shall not fall below 50% plus 1 to maintain chapter representation on the National Executive Board.
- D. Chapter meetings should be conducted in a democratic and orderly manner pursuant to the Revised Robert's Rules of Order.
- E. A report of the Chapter's finances shall be made to Chapter Members at each regular meeting.
- F. The Chapter Treasurer and Membership Chairperson shall forward to the National Headquarters all National membership fees and all membership applications within thirty (30) days of receipt by the Chapter.
- G. Chapters shall have no authority to contract, commit, or otherwise engage in any financial activity under the name of the National Organization. The National Organization is not responsible for any financial obligations incurred by a Chapter in its own name.
- H. All Chapters shall seek an association with the AFL-CIO Local Central Body in the jurisdiction in which the Local Chapter operates.

ARTICLE XIV. BUDGET AND REVENUES

SECTION 1. The annual membership fee of APALA shall be determined by the Convention based on the recommendation of the National Executive Board. Chapters may establish additional membership dues to be retained by the Chapters in order to finance Chapter programs and activities. The membership fee for retirees shall be one half (1/2) the regular membership fee, to be divided equally between National APALA and each chapter.

SECTION 2. An annual budget shall be prepared by the Executive Director, in consultation with the Treasurer, and the President. The budget shall be reviewed by the Finance Committee which shall present its budget recommendations to the National Executive Board. The National Executive Board must approve a final budget by a majority vote. Such approval shall constitute authority to spend according to the Budget.

SECTION 3. An annual audit shall be performed by an independent accounting firm, selected by the National Executive Board. A written report of this audit must be presented to the National Executive Board and/or the Convention.

SECTION 4. After the National Executive Board has adopted a budget, the Finance Committee shall meet for the purpose of developing a revenue plan to offset a portion or all of the budget. The recommendations of the Finance Committee shall be referred to the National Executive Board.

SECTION 5. Executive Officers with check signing authority shall be bonded.

ARTICLE XV. MISCELLANEOUS

SECTION 1. A copy of this Constitution shall be made available to all APALA Members upon request sent to the Chapter or the National Headquarters.

SECTION 2. This Constitution shall take effect immediately upon adoption by the Convention.

ARTICLE XVI. AMENDMENTS TO THE CONSTITUTION

SECTION 1. This Constitution may be amended only by the Convention.

SECTION 2. All Amendments to the Constitution must be proposed in writing to the President not less than sixty (60) days prior to the opening date to the Convention. Copies of all such proposed Amendments shall be provided to every Convention Delegate.

SECTION 3. A Constitutional Amendment must be adopted by a two-thirds (2/3) vote of the Delegates present and voting at the Convention.

SECTION 4. Amendments to the Constitution shall take effect immediately upon adoption by the Convention, unless otherwise specified in the Amendment.

ARTICLE XVII. OATH OF OFFICE

SECTION 1. Officers at every level shall take the following Oath of Office:

"I _____ do solemnly swear to uphold the Principles and Policies of the Asian Pacific American Labor Alliance, AFL-CIO as prescribed by our Statement of Purpose, our Constitution and the Labor Movement.

That I will carry out the duties and responsibilities of the office to which I have been elected to the best of my ability, and to always act in accordance with the Aims, Objectives and Policies of the Asian Pacific American Labor Alliance, AFL-CIO.

That I will turn over to my appropriate successor in office at the close of my official term all properties and assets of the Organization in my possession."

Last amended at the 2023 Convention