



*As adopted by the Credentials Committee on July 23, 2013*

# **CREDENTIALS RULES**

## **Introduction**

These rules are adopted by the Executive Council to govern the Credentials Committee's work. The Credentials Committee is authorized to make such interpretations and adopt such additional rules as the Committee deems necessary in carrying out its work.

The AFL-CIO has moved to a paperless credentialing system, in order to increase accuracy, reduce paper and conserve resources. The AFL-CIO has eliminated the printing and mailing of credentials forms and has introduced an online system for the designation and certification of Convention delegates. In light of this paperless credentialing system, references to "credentials" in these rules refer to the process of designating and certifying the eligibility of delegates by their organization.

1. By September 6, 2013, the AFL-CIO Secretary-Treasurer shall prepare for the Credentials Committee the following:
  - (a) A certified list of each of the AFL-CIO's affiliated national and international unions not in arrears for two months or more in its per capita tax payments or assessments to the AFL-CIO (that is, current in payments through May 2013) and of each such union's Convention delegate and Convention vote entitlement under Article IV §§ 4(a) and 9 of the Constitution;
  - (b) A certified list of each of the directly affiliated local unions (DALUs, including Direct Local Affiliates and Directly Affiliated NEA Locals (DANLs)) not in arrears for two months or more in its per capita tax payments and of each such union's Convention vote entitlement under Article IV § 9;
  - (c) For each such national and international union and each such DALU, a certified list of the delegates whose names have been designated and certified by the union by August 19, 2013, or, in the case of unions holding conventions after August 9, 2013, whose names have been designated and certified by the union as of the date the list is prepared;

- (d) For each national and international union, a certified list of the unions that have certified that their delegation generally reflects the racial and gender diversity of its membership as required under Article IV § 4(a), together with the basis for the certification and aggregate information about the race and gender of the union's delegation;
- (e) A certified list of each trade and industrial department, state, area and local central body that has designated and certified the name of its delegate(s) by August 19, 2013, or, in the case of organizations holding conventions after August 9, 2013, for whom its delegate(s) has been designated and certified as of the date the list is prepared. Such list shall identify the credentialed delegate for each such department or central body;
- (f) A certified list of all national and international unions, DALUs, trade and industrial departments, and state, area and local central bodies whose designation or certification of one or more delegates is not on its face either in proper form or properly signed or that were not received by the AFL-CIO within the time stated in Article IV § 12, with a notation as to each deficiency that is the basis of the listing; and
- (g) A certified list of all AFL-CIO affiliates that, as of the date the list is prepared, are two or more months in arrears in per capita tax or assessments and would not be entitled to recognition or representation at the Convention under Article IV § 7.

2. The Secretary-Treasurer shall prepare for the Credentials Committee supplemental lists reflecting the receipt of additional information on credentialed delegates and affiliate per capita tax payments.

3. The Credentials Committee shall prepare a report to be submitted to the Convention that shall list:

- (a) Each national and international union, DALU, trade and industrial department, and state, area and local central body that is entitled to recognition and representation under Article IV and that has designated its delegates and submitted the requisite certification to the Secretary-Treasurer within the time provided for in Article IV § 12;
- (b) The number of votes that each national and international union and each DALU on the list is entitled to cast; and
- (c) The names of all delegates whose credentials have been approved by the Committee.

4. In preparing its report, the Credentials Committee shall proceed as follows:

- (a) The entitlement to recognition and representation at the Convention, and the vote entitlement of each national and international union and DALU, and the entitlement to recognition and representation of trade and industrial departments and state, area and local central bodies, shall be as stated in the Secretary-Treasurer's certified list unless the Committee finds that the Secretary-Treasurer has made an error.
- (b) All credentials certified by the Secretary-Treasurer to have been received in a timely fashion but not to be proper on their face as to designation or certification shall be examined by the Committee to determine their validity and, if valid, such credentials shall be accepted by the Committee.
- (c) Credentials received after August 19, 2013, shall be determined to be invalid except in the case of (i) national and international unions, trade and industrial departments and state central bodies holding a convention within 30 days of the Convention, and (ii) affiliates that the Committee determines should be excused for good cause for the failure to meet the applicable return date.
- (d) In the event that the Committee determines not to accept a regular delegate's credentials for a reason other than timeliness of receipt, or is advised by a credentialed regular delegate who

has not yet registered that the delegate will not register, the Committee, after consultation with the chair of the delegate's delegation, shall list a properly registered alternate delegate in the delegate's place.

5. To be seated at the Convention, a credentialed delegate or authorized designee must register in person at the registration desk maintained by the AFL-CIO. Delegates may register beginning on Friday, September 6, 2013, and continuing throughout the Convention. To register, a credentialed delegate or authorized designee shall be required to present photo identification. The registrant then shall receive a regular delegate's or guest badge. No individual whose credentials have been rejected by the Credentials Committee shall be entitled to register.

6. Beginning at 3 p.m. on Saturday, September 7, 2013, at the AFL-CIO Convention Offices, the Credentials Committee shall maintain, update as necessary and make available for inspection by any registered delegate a list of each affiliate's voting strength, a list of all delegates whose credentials the Committee has approved, and a list of all individuals whose credentials the Committee has rejected.

7. The Credentials Committee's report to the opening of the Convention shall list the credentialed delegates whose credentials the Committee has approved, the individuals whose credentials it has rejected, and the Committee's decision on any challenges to a union's compliance with the diversity requirement in Article IV § 4(a). This report, as approved or modified by the Convention, shall be available to the Convention chair.

8. At the opening of the morning session of each subsequent day of the Convention, the Credentials Committee shall issue a supplemental report adding any delegates whose credentials the Committee has approved, deleting any delegate who, during the same time period, has provided proper notification to the Committee that the delegate will be unable to attend further sessions of the Convention; and listing any individuals whose credentials the Committee has rejected. Each supplemental report, as approved or modified by the Convention, shall be available to the Convention chair.

9. Except where specified otherwise, any reference in these rules to "delegate" includes both regular and alternate delegates.

10. Rules Pertaining to Diversity Requirement for National and International Unions.

- (a) Pursuant to Article IV § 4(a), each national and international union shall be required to certify, on a form provided by the Secretary-Treasurer, that its delegation generally reflects the racial and gender diversity of its membership and the basis for the certification. This requirement applies to the union's regular delegates; alternate delegates do not count toward satisfying the diversity requirement, although unions are strongly encouraged to ensure diversity among their alternate delegates as well.
- (b) The Secretary-Treasurer will provide to the Credentials Committee a list of unions that have submitted this certification, information about the basis for the certification, and aggregate data about the race and gender of the union's delegation. The list will be available for inspection beginning September 3, 2013, by any individual who has been designated and certified as a regular delegate. The list will be available from the Secretary-Treasurer beginning

on September 3, and beginning on September 6, the list will be available at the AFL-CIO Convention Offices in Los Angeles.

- (c) Only regular delegates, or the Credentials Committee itself, may challenge a national or international union's compliance with Article IV § 4(a). Any delegate who wishes to make such a challenge is strongly encouraged to bring the challenge to the Credentials Committee prior to its meeting on Saturday, September 7, 2013, so that the Committee may consider the challenge prior to the convening of the Convention. Such challenges should be submitted no later than 5 p.m. on Friday, September 6, 2013. Challenges shall be addressed to the Credentials Committee and shall be delivered to the AFL-CIO Convention offices (or, if made prior to September 6, 2013, to the Credentials Committee c/o the Secretary-Treasurer, AFL-CIO, 815 16th St., N.W., Washington, DC 20006). Delegates also will be able to raise challenges at the beginning of the first day's Convention proceedings, which shall be referred to the Committee for its review and determination. Challenges must be in writing, and must include the basis for the challenge and supporting information. Any delegate making a challenge must include his or her contact information, including email address and cell phone number, so that the Credentials Committee can contact the delegate concerning the challenge. Delegates challenging a union's compliance with Article IV § 4(a) may attend the Credentials Committee meeting at which the challenge is discussed, subject to space availability and such other reasonable rules as may be established by the Committee.
- (d) The Committee will review any challenges, discuss them with the union involved and make a determination as to whether the challenge should be upheld. If a union is found in noncompliance, the Committee may advise the union to adjust its delegation in order to be in compliance and be seated at the Convention. If a union does not make the necessary adjustments, the Committee may determine that the union is in noncompliance and may not be seated at the Convention with its delegation as presently constituted. The Committee shall include its determination in its report to the Convention. Any union found to be in noncompliance and that the Credentials Committee determines should not be seated shall be allowed an opportunity to challenge the Credentials Committee's report with respect to the union's compliance, and to address the Convention, if the union so requests, but the union will not be allowed to vote on its own challenge.
- (e) In making its determinations, the Committee will be guided by the following factors:
  - i. First, the 2005 convention was unequivocal in stating that diversity was a major goal for future conventions, so this requirement must be taken seriously and given meaning;
  - ii. Second, the AFL-CIO convention is the federation's highest governing body, and inclusion is the goal. It is the AFL-CIO's policy that union delegations be representative of their respective membership and that unions be represented and fully participate in the Convention;
  - iii. Third, this diversity requirement still is relatively new. The Credentials Committee should determine whether a union used its best efforts to meet the diversity requirement;
  - iv. The constitutional language does not require mathematical precision or strict proportionality—it says that delegations must “generally reflect” the membership of the union—so there is some flexibility in the application of the requirement.
  - v. Finally, the diversity requirement applies to a union's existing membership. No union is required to recruit new members in order to satisfy the diversity requirement.
- (f) Any national or international union may request a preliminary review by the Credentials Committee on whether the union's proposed delegation complies with Article IV § 4(a). The preliminary review is advisory only, because an affiliate's compliance still is subject to challenge

by a delegate, as outlined above, and the Credentials Committee's determination and report still is subject to the approval of the Convention as a whole. Requests for a preliminary review should be made by sending a letter to the Credentials Committee, c/o Secretary-Treasurer, AFL-CIO, 815 16th St., N.W., Washington, DC 20006, or faxed to 202-637-5323. Requests must be received no later than close of business on Monday, August 12, 2013, in order for the Committee to review and respond to the request prior to the August 19, 2013, deadline for unions designating and certifying its credentialed delegates.

11. Rules Pertaining to Delegates for State, Area and Local Central Bodies. Each delegate representing a state, area or local central body must be a member in good standing of a union affiliated with the national AFL-CIO or a union properly affiliated with the state, area or local central body in accordance with the Solidarity Charter program established by the AFL-CIO Executive Council. State, area and local central bodies that are sending both a regular and alternate delegate must ensure that at least one of these delegates is a woman or person of color. This information will be provided to the Credentials Committee. If a state, area or local central body is not in compliance with this diversity requirement, the Credentials Committee will disallow that organization's delegates unless the organization modifies its delegation to come into compliance.