

CONSTITUTIONAL AMENDMENT 30

Legal Action to Enforce Articles XX and XXI of the AFL-CIO Constitution

Article XX of the AFL-CIO Constitution provides that it is the sole means for resolving jurisdictional disputes that are covered by Article XX. No union is currently permitted to resort to court or other legal proceedings to resolve Article XX disputes.

Article XXI, which addresses organizing competition between affiliated unions, currently contains no similar provision.

The proposed amendment would maintain the general prohibition against legal action to determine disputes covered by Article XX and would extend this prohibition to disputes covered by Article XXI. The amendment would allow an affiliated union, with the written permission of the AFL-CIO President, to take legal action against another affiliate that has been found by the Executive Council noncompliance subcommittee to be in noncompliance and that has failed to come into compliance as directed by the President. Affiliates could pursue the existing remedies under Article XX and XXI of the Constitution, seek permission of the AFL-CIO President to take legal action or both.

The amendment would also allow an affiliated union to bring legal action to enforce an award or remedy noncompliance against a union that has withdrawn from or been suspended by the AFL-CIO. Such legal action would not require the preapproval of the AFL-CIO President.

Therefore, the Executive Council proposes the following amendments to Articles XX and XXI:

Amend Article XX, Section 20, of the AFL-CIO Constitution to read as follows:

The provisions of this Article with respect to the settlement and determination of disputes of the nature described in this Article shall constitute the sole and exclusive method for settlement and determination of such dispute, and the provisions of this Article with respect to the enforcement of such settlements and determinations shall constitute the sole and exclusive method for such enforcement. No affiliate shall resort to court or other legal proceedings to settle or determine any disputes of the nature described in this Article or to enforce any settlement or determination reached under this Article, **except that an affiliate, upon written authorization by the President, may take legal action to remedy noncompliance against an affiliate that has been found to be in noncompliance by the subcommittee and that has failed to come into compliance as directed by the President. An affiliate may also take legal action to enforce a determination or remedy noncompliance against a former affiliate that has withdrawn or been suspended from the Federation.**

Amend Article XXI by adding a new section as follows:

The provisions of this Article with respect to the settlement and determination of disputes of the nature described in this Article shall constitute the sole and exclusive method for settlement and determination of such dispute, and the provisions of this Article with respect to the enforcement of such settlements and determinations shall constitute the sole and exclusive method for such enforcement. No affiliate shall resort to court or other legal proceedings to settle or determine any disputes of the nature described in this Article or

to enforce any settlement or determination reached under this Article, except that an affiliate, upon written authorization by the President, may take legal action to remedy noncompliance against an affiliate that has been found to be in non-compliance by the subcommittee and that has failed to come into compliance as directed by the President. An affiliate may also take legal action to enforce an award or remedy non-compliance against a former affiliate that has withdrawn or been suspended from the Federation.