
Rockland County Central Labor Council

Constitution

As Amended, January 9, 1992

PREAMBLE

The establishment of this Central Body as a subordinate unit of the American Federation of Labor and Congress of Industrial Organizations is an expression of the desire of the unions in this community to participate fully in the achievement of the objectives of the parent Federation as it seeks to fulfill the hopes and aspirations of the working people of all America.

We seek the fulfillment of these hopes and aspirations through democratic processes within the framework of our constitutional government and consistent with our institutions and traditions.

At the collective bargaining table, in the community, in the exercise of the rights and responsibilities of citizenship, we shall responsibly serve the interests of all the American people. We pledge ourselves to the more effective organization of working men and women; to the security to them of full recognition and enjoyment of the rights to which they are justly entitled; to the achievement of ever higher standards of living and working conditions; to the attainment of security for all the people; to the enjoyment of the leisure which their skills make possible; and to the strengthening and extension of our way of life and the fundamental freedoms which are the basis of our democratic society.

We shall combat resolutely the forces which seek to undermine the democratic institutions of our nation and to enslave the human soul. We shall strive always to win full respect for the dignity of the human individual whom our unions serve.

With Divine guidance, grateful for the fine traditions of our past, confident of meeting the challenges of the future, we proclaim this constitution.

ARTICLE I: NAME AND AFFILIATION

This organization shall be known as the Rockland County Central Labor Council (Union) AFL-CIO, hereinafter referred to as the Central Body. It shall at all times maintain affiliation with the American Federation of Labor and Congress of Industrial Organizations in accordance with the laws of that organization. As a chartered organization of the AFL-CIO this Central Body shall conform its activities on State matters to the policies of the State Central Body, and on national affairs to the policies of the AFL-CIO.

ARTICLE II: OBJECTS

The objects of this Central Body shall be to promote, through appropriate activities in the geographical area covered by the charter of the Central Body, the principles of the American Federation of Labor and Congress of Industrial Organizations, including the following:

- a. To assist in furthering the appropriate objects and policies of the AFL-CIO, or of organizations affiliated with the AFL-CIO (provided such objects or policies are not inconsistent with the objects or policies of the AFL-CIO);
- b. To serve as a means of exchanging information among affiliated bodies on matters of common interest;
- c. To provide aid, cooperation and assistance to affiliated local unions and other affiliated bodies in their common and individual endeavors;
- d. To propose, support and promote legislation favorable to and to oppose legislation detrimental to the interest of workers and organized labor;
- e. To encourage workers to register and vote, to exercise their full rights and responsibilities of citizenship, and to perform their rightful part in the political life of the local, state and national communities;
- f. To engage in such other activities as are consistent with the objects and principles set forth in the Constitution of the AFL-CIO and the policies of the AFL-CIO;
- g. To unite working men and women in the Counties regardless of race, creed, color or national origin.

ARTICLE III: COMPOSITION AND DELEGATES

Section 1. This Central Body shall be composed exclusively of such of the following organizations within the geographical limits covered by the Central Body's

charter as shall conform to this constitution and the rules and regulations adopted pursuant thereto:

- a. Local unions of national and international unions and organizing committees affiliated with the AFL-CIO, and local unions chartered directly by the AFL-CIO;
- b. Local councils chartered by the trade and industrial departments of the AFL-CIO;
- c. Joint Boards, District Councils and similar subordinate organizations which are duly chartered by an affiliate of the AFL-CIO.

Section 2. Affiliated local unions in good standing shall be entitled to representation based on per capita tax paid according to the following schedule:

50 members or less	2 Delegates
51-100 members	3 Delegates
101-200 members	4 Delegates
201-400 members	5 Delegates
401-700 members	6 Delegates
701-1100 members	7 Delegates

One additional delegate for each additional 500 members or any fraction thereof above 1100.

Section 3. Affiliated subordinate bodies other than local unions, as defined in Section 1 of this Article, shall be entitled to one delegate and one vote each.

Section 4. No person shall be eligible to serve as a delegate unless he/she is a member of a local union affiliated with this Central Body or unless he/she is a National or International Union representative regularly servicing such an affiliated union. No person shall be eligible to serve as a delegate who holds a salaried position, or any other position of administrative or executive authority, in a union or any subordinate branch of a union which has been suspended or expelled from the AFL-CIO.

Section 5. No delegate shall be seated except upon presentation of a proper credential from an affiliated organization in good standing, which credential shall be examined and attested to by the Credentials Committee as to the eligibility of the delegate and the standing of the organization sending the delegate. The report of the Credentials Committee shall not be made until the Committee shall have had adequate opportunity to examine the credential and to ascertain its validity, but in no case shall the report be delayed beyond the meeting following the meeting at which the credential was first presented.

Section 6. Upon acceptance of the delegate's credential, the presiding officer shall administer the following obligation: "I, (name of delegate), do solemnly pledge my honor that I will obey the rules and regulations of this Central Body and, to the best of

my ability, perform all the duties I may be called on to discharge as a delegate thereto. I also pledge that I will patronize only union labels, shop cards and service buttons when they are available and that I will qualify myself to vote in all local, state and federal elections."

ARTICLE IV: VOTING

Section 1. Except on roll call votes, each delegate shall be entitled to one vote. Voting shall be by voice or division of the house (show of hands or standing vote) unless a roll call vote is properly demanded by the required number of delegates as provided for in Section 2 of this Article. No delegate shall be permitted to cast the proxy of another delegate and no delegate shall be allowed to represent more than one organization.

Section 2. A roll call vote shall be held on any pending question, including election of officers, upon demand of thirty percent (30%) or more of the delegates present.

Section 3. On roll call votes each local union shall be entitled to a number of votes equal to the average membership of the local union as determined according to the provisions of Section 4 of this Article.

Section 4. The average membership of a local union shall be determined on the basis of per capita tax payments for the first twelve (12) of the immediately preceding thirteen (13) months. The average membership of a local union affiliated for less than this twelve (12) month period shall be computed from the month of affiliation, and shall be determined by dividing the total per capita tax paid for all months affiliated by twelve (12).

Section 5. The votes of a local union shall be divided equally among all its accredited delegates present and each delegate shall be entitled to cast only his assigned number of votes, except that to facilitate the calling of the roll one (1) delegate may be designated to cast all the votes of the delegates representing his local union, provided that if any delegates shall challenge the correctness of the votes so cast the individual delegates of that local union shall be polled.

Section 6. The Secretary-Treasurer shall maintain, on a basis, the official roll of delegates, showing the average membership of each local union as established under the provisions of Article IV, Section 3.

ARTICLE V: MEETINGS

Section 1. Regular meetings of the Central Body shall be held on the first Thursday of each month at 4:00pm at such place as the Central Body shall from time to

time determine. Due notice shall be given all affiliated organizations and/or delegates of any change of meeting place.

Section 2. Special meetings for consideration of specified matters shall be held when ordered by a regular meeting of the Central Body or by vote of the Executive Board. Written notice of the special meeting shall be given to all affiliated organizations and/or to each delegate at least five (5) days in advance of the meeting. The matter, or matters, for consideration of the special meeting shall be stated in the notice and no other business shall be transacted.

Section 3. It shall require at least six (6) affiliated organizations and authorized delegates to constitute a quorum for the transaction of business.

ARTICLE VI: OFFICERS AND ELECTIONS

Section 1.

- a. The officers of the Central Body shall consist of a President, Recording Secretary, Secretary-Treasurer, two (2) Vice Presidents, three (3) Trustees and a Sargeant-at-Arms, who together shall constitute the Executive Board of the Central Body.
- b. No person shall be eligible to serve as an officer, member of the Executive Board or of any committee of the Central Body or as a delegate from, or as a representative, agent or employee of this Central Body who is a member of the communist party, any fascist organization, or other totalitarian movement, or who consistently pursues policies and activities directed toward the achievement of the program or the purposes of the communist party, any fascist organization or other totalitarian movement, or who holds a salaried position or any other position of administrative or executive authority in a union, or any subordinate branch of a union, which has been suspended or expelled from the AFL-CIO.

Section 2. Any member in good standing with an affiliated local union, except as prohibited in Section 1(b) of this Article, shall be eligible to hold office in this Central Body. An officer who is not an accredited delegate from an affiliated organization shall have voice, but no vote.

Section 3. The term of office shall be four (4) years and each officer shall hold office until his/her successor has been elected and installed.

Section 4. Not more than one (1) delegate from the same local union, nor more than three (3) delegates from different locals of the same National or International Union, shall be eligible to hold office at the same time.

Section 5. The election shall be held at the first regular meeting in the month of October. Nominations shall be opened at the meeting(s) in the preceding month and

may be reopened at any time prior to the election by a majority vote. The election shall not be postponed except for absence of a quorum or by order of the AFL-CIO. A postponed election shall be held at the first succeeding regular meeting with due notice being given all affiliated organizations, or as may be directed by the AFL-CIO which ordered the postponement.

Section 6. Installation of officers shall be held at the conclusion of the election, except that an officer-elect who is unavoidably absent shall be installed at the earliest possible meeting following the election, or he/she may be given the obligation at a meeting of the Executive Board.

Section 7.

- a. The election for uncontested officers may be by acclamation. The election for contested officers shall be held by [voice vote, show of hands or standing vote unless] a roll call vote [is demanded by the requisite number of delegates]. It shall require a majority to elect. The three (3) candidates for Trustee receiving the greatest number of votes shall be declared elected, subject to the restriction in Section 4 of this Article, provided, each has received a majority of the votes cast.
- b. In cases where no candidate for particular office receives a majority on the first vote all but the two (2) candidates for that office receiving the greatest number of votes shall be eliminated and a second vote shall be taken; except that in case a second vote is required for election of Trustees, the candidates receiving the fewest votes shall be eliminated so as to leave two (2) candidates for each unfilled Trustee's position.
- c. In the event an election results in a violation of Section 4 of this Article the person involved who is elected to the office with highest rank shall be declared elected and another election shall be held for the other office or offices affected. For purposes of this subsection the rank of the offices shall be determined by the order named in Section 1 of this Article. In case the violation involves candidates for Trustee the rank among the Trustees shall be determined by the number of votes received.
- d. Run-off elections under subsection (b) or subsection (c) or which are made necessary by a tie vote may be deferred until the next regular meeting by majority vote of the Central Body.

Section 8. Election by roll call vote shall be held in accordance with the provisions of rule 10(b) of the AFL-CIO rules governing local Central Bodies, issued September 21, 1965, or as the rule may subsequently be amended.

Section 9. In the event of a vacancy in any office the position shall be filled by the Executive Board and the approval of the membership following the vacancy.

Section 10. Before entering upon his duties each officer-elect shall assume the following obligation: "I, (give name), do hereby promise to faithfully perform all the duties of the office to which I have been elected to the best of my ability and to uphold the constitution of this Central Body and of the AFL-CIO. I further promise to deliver all property in my possession belonging to this Central Body to my successor in office and to surrender such property to the President of the AFL-CIO upon his official demand."

ARTICLE VII: DUTIES OF OFFICERS

Section 1. The President shall be the presiding officer of all meetings of the Central Body and of the Executive Board. He/she shall countersign all orders for the payment of funds of the Central Body. He/she shall exercise general supervision over the affairs and activities of the Central Body and shall perform such other duties as usually appertain to the offices and as may be ordered by the Central Body or the Executive Board. He/she shall have power to interpret this Constitution, subject to ratification of the Central Body. He/she shall be ex-officio a member of all committees. The President may appoint an assistant to the President. The assistant must be a delegate to the Council but not necessarily an officer of the Council.

Section 2. The Secretary-Treasurer shall receive and disburse all funds of this Central Body upon proper authorization. He/she shall maintain adequate financial records showing the standing of all affiliated organizations and the source and disposition of all funds in his care. He/she shall handle the funds and keep the financial records in a manner which will meet the applicable requirements of the Code of Ethical Practices concerning accounting and financial controls as approved by the Executive Council of the AFL-CIO and as may be required by the Secretary-Treasurer of the AFL-CIO under the rules governing local Central Bodies.

- a. The Secretary-Treasurer shall submit to the Central Body a monthly financial statement of all funds in his/her keeping, showing the accounts in such detail as the Executive Board of the Central Body may require, and shall submit his/her books for audit on request of the Executive Board, but at least annually.

Section 3.

- a. The Recording Secretary shall keep a correct record of the proceedings of the Central Body in a book provided for that purpose a complete roll book of affiliated organizations in alphabetical order; with names and addresses of all delegates accepted by the Central Body; to keep an accurate record of attendance of all delegates in a book provided for that purpose; to send out notice cards as per Sections 3 and 4, Article V; to receive and read all letters, communications, bills at Central Body meetings, and answer same when so directed by the body to sign warrants of disbursements, and submit to Secretary-Treasurer; to call meetings of the Executive Board when authorized by the President, and perform such other duties as may pertain to his office.

Section 4.

- a. The First Vice President shall perform the duties of the President in his/her absence or incapacity and shall assist the President when requested.
- b. The Second Vice President shall perform the duties of the First Vice President and/or the President in his/her absence or incapacity and shall assist the President when requested.

Section 5. The Trustees shall be the custodians of the physical properties of the Central Body and shall prepare and maintain an inventory of all such properties showing the date of purchase, the cost and estimated current value. They shall examine the records of the Secretary-Treasurer quarterly and shall report to the Central Body on the condition of these records.

Section 6. The Sargeant-at-Arms duty shall be to attend the door before sessions open during the meetings. He/she shall refuse admittance to other than delegates, representatives of the AFL-CIO and other dignitaries such as City, State or National Government Officials, unless so authorized by the President or by vote of the body. He/she shall perform such other duties as the Labor Council shall direct.

ARTICLE VIII: EXECUTIVE BOARD

Section 1. The Executive Board shall be composed of all the officers enumerated in Article VI, Section 1.

Section 2. The Executive Board shall be the governing body of the Central Body between meetings and it is authorized and empowered to take such action and render such decisions as may be necessary to carry out fully the decisions and instructions of the Central Body and as may be necessary and appropriate to safeguard and promote the best interests of the Central Body and its affiliated unions.

Section 3. The Executive Board shall meet regularly at least once each month at such time and place as it may determine and it shall meet on call of the President when a special meeting is necessary.

Section 4. The Executive Board shall have the power to make an appointment to any office not otherwise provided for in this Constitution until the next regular election has been held.

Section 5. A quorum for transaction of the business of the Executive Board shall consist of a majority of its members.

ARTICLE IX: CHARGES AND HEARINGS

Section 1. Any affiliated organization by vote of its membership, or any officer of or delegate to the Central Body shall have the right to file charges

- a. against any delegate to the Central Body for having engaged in conduct or a course of activity hostile or contrary to the best interests of this Central Body or contrary to its constitution, or
- b. against any officer of the Central Body for violating the constitution or rules of the AFL-CIO or the constitution of this Central Body, or
- c. against any organization affiliated with the Central Body for having engaged in conduct or a course of activity hostile or contrary to the best interests of the Central Body or contrary to this constitution.

Section 2. All charges shall be in writing, specifying the particular act or acts charged; shall be signed by the charging party or by its officers, if an affiliated organization; and shall be filed with the President or the Secretary-Treasurer of the Central Body, or with any other officer of the Central Body, if both the President and the Secretary-Treasurer are charged.

Section 3. Upon receipt of the charges properly filed the officer receiving the charges shall present them to the Executive Board at its next meeting and the Executive Board shall determine by majority vote whether or not the charges merit a hearing.

Section 4. The Executive Board may take appropriate disciplinary action, including the suspension or expulsion of any delegate or affiliated organization, and the suspension or removal of any officer found guilty of the charges by a two-thirds vote, following a hearing, of which the accused shall have been notified and furnished with a copy of the charges not less than thirty days in advance of the hearing. Both the accused and the charging party shall be accorded full opportunity to be heard and present evidence.

Section 5. The decision of the Executive Board under Section 3 or Section 4 shall be reported to the next meeting of the Central Body. Such decision shall be final and binding unless appealed as hereinafter provided.

Section 6. The decision of the Executive Board may be appealed to the Central Body by either party. Notice of such appeal shall be filed in writing with the President or the Secretary-Treasurer within ten (10) days of the Executive Board's report to the Central Body. The appeal shall be heard expeditiously and at a regular meeting of the Central Body, at which time the charging party, the defendant and the Executive Board, through its selected spokesman, in that order, shall be allowed ten (10) minutes each to present statements of the case, following which the delegates shall vote on the question of sustaining the decision of the Executive Board. It shall require a majority vote to sustain the decision.

Section 7. The final decision of the Central Body may be appealed to the AFL-CIO as provided in the rules of the AFL-CIO governing Local Central Bodies. The decision of the Central Body shall remain in effect during appeal unless reversed, modified or temporarily stayed by the AFL-CIO.

ARTICLE X: PER CAPITA TAXES AND FEES

Section 1. Affiliated local unions shall pay a monthly per capita tax of 10 cents on all dues-paying members of the local union except that a local union whose members are regularly employed in the jurisdiction of another Local Central Body. A local union desiring to affiliate shall pay one (1) month's per capita tax at the time of affiliation. Per capita tax for succeeding months shall be due on the first of each year thereafter. Per capita tax in each case shall be based on the number of dues-paying members for the preceding year. If per capita tax for any year is not paid by the second month of the year, the local union shall be deemed in arrears. No local union shall pay less than \$120.00 per year per capita dues.

Section 2. Other Affiliated organizations (as defined in Article III, Section 1), shall pay an annual fee of \$50.00. Any such organization desiring to affiliate shall pay one year's fee at the time of affiliating. The annual fee for succeeding years shall be due on the first anniversary month each year thereafter and, if not paid by the first of the succeeding month after it is due, the organization shall be deemed in arrears.

Section 3. A local union or other organization which becomes two (2) months in arrears shall not be considered in good standing and shall not be entitled to voice or vote in meetings in this Central Body. It shall be so notified in writing by the Secretary-Treasurer.

Section 4. A local union or other organization which becomes four (4) months in arrears shall stand suspended from membership and shall be so notified in writing by the Secretary-Treasurer.

Section 5. A local union or other organization which has withdrawn from membership, may be reinstated by payment of all amounts due at the time of suspension or withdrawal and the current per capita tax or annual fee. However, the average membership of a reinstated local union for purposes of roll call voting shall be computed from the date of reinstatement as if it were a newly affiliated local union, unless the local union shall pay the back per capita tax for the full base period used to determine the average membership as heretofore defined.

Section 6. A local union paying per capita tax on less than its full, dues-paying membership shall be subject to suspension by the Executive Board under the procedures of Article IX of this Constitution. The Executive Board may require a local union to produce proof of membership where reason exists to believe such local union

is violating this provision. If the local union shall fail or refuse to produce such proof on request, the Executive Board may base its determination on such evidence as may be available.

Section 7. The Executive Board may exonerate any local union from payment of per capita tax for any month that in the opinion of the Executive Board good cause therefore exists, subject to ratification by the Central Body. Exonerated members shall be regarded, for purposes of this constitution, as paid up members for the period of exoneration, but the delegates representing such local shall not vote on the question of exoneration.

ARTICLE XI: FINANCIAL PRACTICES AND AUDITS

Section 1. All funds of this Central Body shall be placed on deposit in a national bank or other federally insured financial institution as designated by the Executive Board and shall be paid out only by check bearing the signatures of the President and the Secretary-Treasurer. No funds shall be expended unless authorized by the Central Body (or the Executive Board in case of emergency) and the expenditure is properly supported by a voucher showing the particular purpose of the expenditure and the source of the authority for making such expenditure. All invoices, receipts and other supporting documents shall be attached to the voucher, which shall be signed by the Secretary-Treasurer and countersigned by the President.

Section 2. The accounts and financial records of the Central Body, including all committees and subordinate agencies of the Central Body, shall be audited annually by a Certified Public Accountant selected by the Executive Board and shall cover the full calendar year. These audits shall be submitted to the Central Body and a copy sent to the AFL-CIO. The Executive Board may require more frequent audits or examination of the accounts and financial records of the Secretary-Treasurer in its discretion.

Section 3. Officers, delegates and other authorized persons shall be reimbursed for necessary and legitimate expenses, including actual loss of salary, which may be incurred in the performance of authorized activities for the Central Body. An itemized accounting of such expenses shall be submitted to the Executive Board.

Section 4. All officers and agents of this Central Body having a financial responsibility shall be covered by a fidelity bond in an amount to be determined by the Executive Board, or as may be required by the Secretary-Treasurer of the AFL-CIO. Should the amount of this bond exceed the amount of the bond regularly furnished without cost by the AFL-CIO the Central Body shall pay the additional cost of such bond.

ARTICLE XII: COMMITTEES

Section 1. The following standing committees of four (4) members each shall be appointed by the President with the advice and consent of the Executive Board: Credentials, Affiliation and Organization, Legislation, Community Services, Economic Opportunity, Union Labels, Education and Civil Rights.

Section 2. The members of the standing committees shall serve at the pleasure of the President.

Section 3. Special Committees may be established from time to time by the Central Body as needed and shall be appointed by the President unless otherwise directed by the Central Body.

Section 4. All Committees shall report regularly to the Central Body and any Committee which fails to function shall be dismissed and a new Committee appointed.

ARTICLE XIII: LEGISLATIVE AND POLITICAL ACTION

Section 1. The legislative activities of the Central Body shall be under the direction of [the President or the Secretary-Treasurer]. These activities shall conform to the policies of the state AFL-CIO on State matters and to the policies of the National AFL-CIO on national affairs, and to the policies adopted by the Central Body and the decisions of the Executive Board on local matters.

Section 2. The political activities of the Central Body shall be under the direction of the Central Body's Committee on Political Education, which is hereby constituted as the political arm of this Central Body. The Central Body's Committee on Political Education shall operate in conformity with the policies of the AFL-CIO and of the National and State COPEs.

Section 3. The Executive Board shall constitute the Central Body's Committee by properly approved By-Laws. The Central Body's Committee on Political Education shall have power to formulate By-Laws to govern COPE which shall be consistent with the policies of National COPE. Such By-Laws shall be subject to ratification by the Central Body.

ARTICLE XIV: RULES, PARLIAMENTARY AUTHORITY AND AMENDMENTS

Section 1. The procedures to be followed by this Central Body with respect to Boycotts, Unfair Lists, Strikes, Collective Bargaining and Publications issued or endorsed by this Central Body, and in all other matters, shall be in accord with the AFL-CIO Rules Governing Local Central Bodies.

Section 1a. It is strongly recommended that all local unions affiliated with this body when making arrangements for social functions, engage only such places where

union products and services are regularly provided. It is also recommended that when engaging labor the same shall be reported to their local unions.

Section 2. In case of conflict between the provisions of this Constitution or other laws or actions of this Central Body and the Constitution of the AFL-CIO or the Rules Governing Local Central Bodies issued by the Executive Council of the AFL-CIO, the latter shall prevail and appropriate steps shall be taken by the Executive Board to initiate such amendment to this constitution or to change or modify the laws or actions of this Central Body as necessary to bring them into conformity with the Constitution and Rules of the AFL-CIO.

Section 3. The parliamentary rules contained in Robert's Rules of Order, Revised, shall govern this Central Body in all cases to which they are applicable and in which they are not consistent with this Constitution, or such special rules of order as may be adopted by this Central Body.

Section 4. This Constitution may be amended by any regular meeting of this Central Body by two-thirds of the votes cast, provided the proposed amendment shall have been submitted in writing to the Recording Secretary at the preceding regular meeting and properly certified by an affiliated organization or by a delegate representing an affiliated organization. Amendments may also be proposed by the Executive Board. All proposed amendments shall be read in full at the meeting at which received and copies shall be made available on request to all delegates prior to final consideration. Amendments to this Constitution shall become effective when approved by the President of the AFL-CIO.

AMENDMENTS AND REPEALS

The following amendments were adopted at the January 9, 1992 meeting. The original text is below.

Article V, Section 1. *Regular meetings of the Central Body shall be held on the first Thursday of each month at 5:00pm at such place as the Central Body shall from time to time determine. Due notice shall be given all affiliated organizations and/or delegates of any change of meeting place.*

Article X, Section 1. *Affiliated local unions shall pay a monthly per capita tax of 3 cents on all dues-paying members of the local union except that a local union whose members are regularly employed in the jurisdiction of another Local Central Body. A local union desiring to affiliate shall pay one (1) month's per capita tax at the time of affiliation. Per capita tax for succeeding months shall be due on the first of each month thereafter. Per capita tax in each case shall be based on the number of dues-paying members for the preceding month. If per capita tax for any month is not paid by the first of the following month the local shall be deemed in arrears.*

Article X, Section 2. *Other Affiliated organizations (as defined in Article III, Section 1), shall pay an annual fee of \$15.00. Any such organization desiring to affiliate shall pay*

one year's fee at the time of affiliating. The annual fee for succeeding years shall be due on the first of the anniversary month each year thereafter and, if not paid by the first of the succeeding month after it is due, the organization shall be deemed in arrears.

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