

# Local Constitutions

# Constitution and Bylaws

- Your local/state constitution needs to be in compliance with the federal and state laws, and with the National Constitution and Bylaws.
- The local constitution can be amended by the executive board rather than through the regular amendment procedures to bring it in compliance.

# Constitution: Art. 3

## Membership

- A member in good standing is a non-supervisory, dues paying member.
- Retired member who continues to pay full per capita taxes to the APWU, plus whatever local dues may be required by their local union, retain all the rights of full membership.

# New language adopted at the August 2008 APWU National Convention

“A member’s good standing status shall not be affected by reason of the fact that his/her paycheck for the payroll period is which his/her dues deductions are made is insufficient to permit such dues deduction by reason of illness, injury, **(except for members on the automatic rolls or receiving pay for an approved on-the-job injury from the Department of Labor-Office of Worker’s Compensation Programs)** military leave, pregnancy leave, layoff, disciplinary suspension, lockout ,or strike.”

# Constitution: Art. 10

## Eligibility to Run and Hold National, State, or Local Office

- Art. 10. Sec. 1 (a) Eligibility for Office. To be eligible for nomination, the candidate must be a member in good standing.

# Constitution: Art. 10, Sec. 2 (b)

## Eligibility to Run For and Hold National, State, or Local Office

- Anyone who has held a managerial position with the responsibility of issuing or recommending discipline or applying or interpreting the CBA for a two-week period in a year is ineligible to hold office or be a delegate to a convention.
- This holds for a period of one year from the time the employee vacates such a position.

# Constitution: Art. 10, Sec. 2 (b)

## Eligibility to Run For and Hold National, State, or Local Office

- Anyone who has applied for a management position must withdraw the application prior to acceptance of nomination for any office.

# Constitution: Art. 10, Sec. 2 (c)

## Eligibility to Run For and Hold National, State, or Local Office

- Anyone who applies for a management job or is detailed to a management job after being elected or appointed to office, shall immediately vacate that office.

# Constitution: Art. 10, Sec. 2 (c)

## Eligibility to Run For and Hold National, State, or Local Office

(New language adopted at the August 2008 APWU National Convention)

- “Any officer or former officer that has had a bond invoked and been found guilty pursuant to the APWU National Constitution, be prohibited from ever running or holding any office at any level of the APWU where a bond is required.”

# Constitution: Art. 12, Sec. 8

## Election Process

- You are required to establish a local election committee, no member of which shall be a candidate for election.
- The election committee is responsible for the conduct of local elections and shall decide all controversies arising out of the election process.

# Constitution: Art. 12 Sec. 8

## Election Process

- Any member who feels aggrieved has 72 hours to file an appeal from the time they became aware of the violation.
- Appeals of the local election committee's (LEC) decision shall be in writing and shall be filed within 5 days of the receipt of the decision of the LEC.

# Constitution: Art. 12, Sec. 11

## Election Process - pg 31

- Officers, declared elected through applicable procedures...shall assume and hold office pending final determination, under the appeals procedures provided in this Article.

# Constitution: Art. 14

## Recall

- There shall be no recall provision in this constitution and bylaws, or in the constitution or bylaws of any APWU subordinate body,. Removal of officers is governed by Article 15.

# Constitution: Art. 15

## Local and Membership Protection

- Any officer or member can be subjected to charges under Article 15 for violating the National or Local/State Constitution.

Art. 15 procedures can be expensive and can require significant resources of a local. They should be only considered after all other attempts to resolve constitutional issues or alleged misconduct have been exhausted.

# Constitution: Art. 15, Sec. 3 (c)

## Local and Membership Protection

- Art. 15, Sec. 3 (c) This language explains how the charges must be filed.
- Art. 15, Sec. 3 (f) Contains timeframe and procedures for filing charges.
- Charges must be filed within 120 days of becoming aware.

# Constitution: Art. 16, Sec. 4

## Fiscal Year, Revenues, and Charters

# Constitution: Art. 16, Sec. 4

## Fiscal Year, Revenues, and Charters

- (a)
- (b)

# Constitution: Art. 20

- All locals and area locals must be members of the state organization.
- Dues rate as set in the state constitution.
- Charges may be filed for non-compliance.

# ELEMENTS OF YOUR LOCAL CONSTITUTION

# Every Local Constitution Should Have

- Table of Contents
- Preamble
- Officer's Oath of Office
- Member's Bill of Rights
- Name
- Objectives

# Membership

- Who can be a member
- Non discrimination clause
- Accepting application for membership
- Different types of membership
- How will you handle delinquent dues?
- Retiree as full dues paying members
- How and when payment of dues will affect “good standing?”

# Meetings

- General membership meetings, time, place, frequency.
- Special membership meetings
- Changing meeting date and notice requirement
- When is meeting cancelled
- Quorum

# Executive Board

- Composition (must be elected office)
- Succession
- Special meetings (how called)

# Executive Board Meeting

- When, where, what time
- Quorum
- Special meetings
- Open/closed to membership

# Stewards

- Stewards work under the direction of the President
- Stewards are appointed by whom/are elected by whom
- Duties of stewards
- How are stewards removed or disappointed?

# The Debate

## Should Stewards Be Elected or Appointed?

- Advantages of electing stewards
- Advantages of appointing stewards
- Should the executive board or craft directors be involved in the appointment of stewards?
- What about union democracy?
- Does an election give you the best steward?

# Duties of Officers

- Pay and pay adjustments
- Convention/conference delegate
- Work under the direction of the President
- Co-sign checks
- Salaries

# State and National Delegates

How Does the Local Determine the Paid Delegates for State and National Conventions

- Required representation
- Follow model of proportional representation
- Problems with 'undefined' representation

# The Debate

- Alternate delegates
- Should you have language that makes delegates accountable for attending meetings

# Filling Vacancies

- There should be language on how vacancies of elected officers will be filled.
- Elected/Appointed
- If Appointed, with approval of executive board and/or membership
- If elected, how the details of the election process

# Elections (Election Committee)

- Appoint/elect at least 3 months before nominating meeting
- How many committee members and are they representative?
- How is chairperson appointed/elected?
- Duties (make rules, prepare nomination/election notice)

# Elections (Nominations)

- When, where , and term of office
- Who is eligible to be nominated (Incorporate Article 10 of APWU National Constitution and other relevant articles, motions, and federal regulations)
- Posting notice or mailing notice to all members a least 15 days prior to nominating meeting
- Provide for mailed nominations
- How are nomination accepted and when?
- Write-in

# The Debate

- Should there be any requirement of being a member in good standing for any period of time for up to two years?
- Should there be any meeting requirements to run for office?

# Elections (Officers)

- Hand count/ballot company, or both
- Ballots (mailed, polling place, design)
- Voter eligibility (good standing requirements, last date of membership)
- When and where counted (ballots must be out 3-4 weeks)
- Plurality wins election
- Tie breaker
- Recount
- Uncontested offices
- When term of office begins

# Elections (Delegates)

- Separate election/With officer election
- If separate, when, where,
- Eligibility to run (no meeting requirements for state delegates who elect officers)
- Eligibility to nominate and vote
- Plurality wins election
- Tie breaker

# Elections (Appeals)

- Use language of Article 12 APWU National Constitution.

# Trustees

Local trustees do periodic reviews of the local finances to ensure compliance with DOL requirements and sound financial practices. They are also usually assigned to keep an inventory of the union fixed assets or property.

- How often will they audit local records?
- Are they elected or appointed?
- If elected, when, term of office, and how to fill vacancies.

# Lost Time/Salaries

- Your constitution should give specific authorization for the payment of lost time, which is considered a salary by the Department of Labor. Local officers will have to be able to show where was the authorization for paying lost time. That authority can be solely with the president, executive board, membership, or any combination of the three.

# Benefits

- Officers benefits must be spelled out in the local constitution
- Thrift savings
- Part-Time officers
- Sick leave
- Annual Leave
- Disability Insurance
- Other benefits,

# Budget

- There should be language in the local constitution to establish a yearly budget. The approval of the budget provides the same authorization to spend union funds as a motion, expenditures required by law or your constitution. The language should state when it will be presented and who will prepare it.

# Revenues

- The fiscal year of the local
- What is the local dues rate?
- How and when payment of dues will affect “good standing?”
- Dues for cash pay members can be paid monthly, quarter, semi-annually, etc.

# Recall of Officers

- Remove any language referencing the recall of officers. Refer to Article 14 of the APWU National Convention.

# Membership Protection

- Consider replacing any language you have with “Refer to Article 15 of the APWU National Constitution.”

# Amendments

- Two meeting notice on any proposed changes.
- Require that all members are notified of the meeting when the changes will be voted (by mail, newsletter, notices)
- Two-thirds (2/3) majority of those **present** and **voting** are required to amend, except for dues increases which must be approved by majority secret ballot.

# Amendments

- The amending of an approved or disapproved amendment may not be raised for a period of one (1) year from the date adopted or rejected.
- If more than three changes are submitted, should the local convene a local constitution committee?
- Should amendments require a petition signed by a certain number of members?

# Amendments

- The Local's Executive Board shall have authority between meetings to amend the local Constitution and Bylaws as necessary to remove any conflict between its provisions and those of any applicable federal or state law, or the APWU National Constitution and Bylaws.

# The Debate

- Should there be a limit placed on when amendments can be submitted. For instance amendments can only be submitted once or twice a year, or should amendments be accepted all year.