

MODEL CONSTITUTION

TABLE OF CONTENTS

	<u>PAGE</u>
Preamble.....	2
Officers' Oath of Office.....	3
Members' Bill of Rights	4

ARTICLE

	<u>PAGE</u>
1 Name	5
2 Objectives	5
3 Membership	5
4 Executive Board, Stewards and Committees.....	6
5 Duties of Officers	7
6 Meetings / Quorum	9
7 Elections	10
8 Revenues / Fiscal Year.....	14
9 Budget	14
10 Membership Protection	15
11 Amendments and Constitution Conflicts	15
Bylaws	16

ARTICLE 5, SECTIONS 1.E & I; 2.F; & 3.J - SALARIES FOR OFFICERS – When developing or amending your Constitution and Bylaws, you are to decide if the position will receive a salary.

ARTICLE 8, SECTION 2 – You are to set the amount for the Local's dues.

Duties of Officers and number of membership meetings may be adjusted to meet your requirements.

PREAMBLE

We, the postal workers of America, in order to form a more perfect union establish this Constitution.

We, who come from the diverse crafts and divisions, believe that in unity there is strength.

We believe that all members of labor have the right to economic, political and social justice.

That all men and women have the inherent right to earn a living and to be justly paid for the services they perform.

That all workers have the right to expect to have decent shelter, food and clothing.

That they have the right to see that their children have the best education. The investment of the worker's lifeblood in giving service gives him that right.

We further believe that all men and women are created equal with the right to determine their own destiny and to participate in the forces and events that affect them.

We believe that all workers have the right, regardless of race, color, creed, sex, sexual orientation, nationality, handicap, political affiliation, age, or religion to hold their heads high and to have respect for themselves as individuals.

We believe, therefore, that in the spirit of the Declaration of Independence and the U. S. Constitution, all men and women are free and have the right to come together to promote the common cause of all.

We also believe that all members have certain basic rights within our Union and shall be secure in those rights. In order to give life to the Preamble to this Constitution, and to the Constitution itself, the Members' Bill of Rights has been established.

OFFICERS' OATH OF OFFICE

I, _____ (name) _____, having been duly elected to office in the _____ (state) _____ (local) _____ of the American Postal Workers Union, AFL-CIO, do solemnly pledge to uphold the Constitution and Bylaws of the American Postal Workers Union, AFL-CIO and of the _____ (state) _____ (local) _____.

I further pledge to perform the duties of my office to the best of my ability. I promise that at the conclusion of my term of office, I will turn over to my successor all books, papers, records, and documents that are the property of the APWU _____ (state) _____ (local) _____.

And I further pledge that once I no longer hold an office with the American Postal Workers Union and am no longer a bargaining unit employee, I will never testify in support of the United States Postal Service in any United States Postal Service arbitration or administrative hearing about internal Union discussions and/or decisions that are made by the Union or Union leaders in regard to the American Postal Workers Union's contractual positions and/or American Postal Workers Union's internal policies.

I further subscribe and affirm that if I resign or enter into an EAS position, whether detailed or permanent within one year of resignation or completion of term of office, I will subject myself to full reimbursement to the American Postal Workers Union for any and all training I received during the preceding year whether National, State, or Local.

Last but not least, I promise to purchase only union made articles, whenever available. Failure to perform any of the above will mark me as an individual devoid of honor and destitute of integrity.

MEMBERS' BILL OF RIGHTS

1. Every member has the right to be respected as a human being.
2. Every member has the right to be respected as a brother or sister of this Union.
3. Every member has the right to freedom of speech and the right to be heard.
4. Every member has the right to the freedom to listen.
5. Every member has the right to the freedom of the press.
6. Every member has the right to participate in the activities of this Union.
7. Members shall not be denied the right to seek any office or the right to vote in this Union because of race, color, creed, sex, sexual orientation, nationality, handicap, political affiliation, age or religion.
8. Every member has the right to support the candidate of his/her choice and to participate in that right with others.
9. Every member has the right to a fair trial, to be represented by an individual of his or her choice and to proper appeal procedures.
10. Every member has the right to be secure in his or her basic rights without fear of political, economic, physical or psychological intimidation.

Article 1

Name

The name of this organization shall be the **(NAME OF LOCAL)** Local of the American Postal Workers Union, AFL-CIO (APWU), hereinafter known as “the Local”.

Article 2

Objectives

SEC. 1. The objectives of the Local shall be to continue to organize the unorganized for their mutual benefit and for the improvement of their working conditions.

SEC. 2. To unite within one organization, regardless of race, color, creed, sex, sexual orientation, nationality, handicap, political affiliation, age, or religion, all employees under the jurisdiction of the Local.

SEC. 3. To engage in legislative, political education, civic, welfare and other activities which further, directly or indirectly, the joint interests of the membership of the Local in the improvement of general economic and social conditions in the United States of America.

SEC. 4. To work as an autonomous union affiliated with the AFL-CIO at the state and local level, and the Central Labor Council.

Article 3

Membership

SEC. 1. Any non-supervisory employee, regardless of level or grade, within the jurisdictional claim of the APWU is eligible for membership. A member’s good standing status shall not be affected by reason of the fact that his/her paycheck for the payroll period in which his/her dues deductions are made is insufficient to permit such dues deductions, by reason of illness, injury, pregnancy leave, lay-off, disciplinary suspension, lockout or strike.

SEC. 2. No person eligible under the above provisions shall be denied membership because of race, color, creed, sex, sexual orientation, nationality, handicap, political affiliation, age, or religion.

SEC. 3. An application for membership must be accompanied preferably by a completed dues withholding form, or by being a cash-paying member for at least the balance of the calendar quarter.

SEC. 4. Members of the Local who retire from employment in an APWU bargaining unit may maintain full membership with all rights of such membership by continuing to pay full per capita taxes to the APWU plus whatever local dues may be required by the Local. They shall receive a ballot from the division they last served while on active duty.

SEC. 5. Any non-bargaining unit employee may become an Associate Member of the APWU by paying the annual fee of Thirty-Five Dollars (\$35.00) directly to the APWU National Union. He/she shall then be eligible to have the APWU Health Plan and any other special programs offered by the APWU or the Local.

Article 4

Executive Board, Stewards and Committees

SEC. 1. The Local's Executive Board shall consist of the following elected positions: President, Executive Vice President, and Secretary-Treasurer.

SEC. 2. The Executive Board shall be elected for a period of two (2) years. Their term shall begin on the second Sunday after the ballots are counted.

SEC. 3. In the event of illness, death or resignation of the President, the Executive Vice President shall assume the responsibilities of the President, until such vacancy is filled by regular election. The Executive Vice President position shall then be filled by appointment by the President, subject to a majority approval of the Local's Executive Board, until such vacancy is filled by regular election.

SEC. 4. FILLING VACANCIES. Vacant elected or appointed positions shall be filled in the following manner:

- A. Elected Officers: The President shall fill all vacancies, subject to a majority approval of the Local's Executive Board, until such vacancy is filled by regular election.
- B. All Stewards will be appointed and certified by the President.
- C. Committees: The President shall fill the vacancy.

SEC. 4. STEWARD(S) – All Stewards will be appointed by the President, upon approval of the majority vote of the Executive Board.

SEC. 5. No elected or appointed officer shall receive Leave Without Pay (LWOP), unless authorized by an official vote at a membership meeting.

Article 5

Duties of Officers

SEC. 1. PRESIDENT. The duties and responsibilities of the President shall include, but not be limited to:

- A. Preside at all meetings of the Local;
- B. Sign contracts and other documents authorized by the Local;
- C. Serve as a member of the Labor-Management Committee, the Local Memorandum of Understanding Committee, and other Local committees;
- D. Sign all orders drawn by the Secretary-Treasurer and countersign all checks;
- E. Serve as the Chief Steward. The salary for the Chief Steward position shall be **??? Dollars (\$???) per month** ;
- F. Administer work of the Local;
- G. Serve as an Automatic Delegate to National and State Conventions; and
- H. Give direction to all elected and appointed officers and members, who shall work under his/her supervision.
- I. His/her salary shall be **??? Dollars (\$???) per month.**

SEC. 2. EXECUTIVE VICE PRESIDENT. The duties and responsibilities of the Executive Vice President shall include, but not be limited to:

- A. Assist the President in handling the Local's business;
- B. Perform the duties of the President in case of his/her absence or inability to attend to the duties of his/her office;
- C. Countersign checks, in the absence of the President;
- D. Serve as a Steward, or Chief Steward in the absence of the President; and
- E. Perform such duties as assigned by the President.
- F. His/her salary shall be **??? Dollars (\$???) per month.**

SEC. 3. SECRETARY-TREASURER. The duties and responsibilities of the Secretary-Treasurer shall include, but not be limited to:

- A. Serve as the custodian of the funds of the Local;

- B. Deposit all monies received by the Local;
- C. Pay all expenses as approved by the President or Executive Board, or by action of a general regular or special membership meeting;
- D. Provide a financial report at each Executive Board and regular general membership meeting;
- E. Prepare, notify and post notices relating to all meetings;
- F. Take and maintain in a permanent file the minutes of all Executive Board, and General or Special Membership Meetings, and keep a record of all members attending such meetings;
- G. Maintain and update the Local's membership list, and send the appropriate correspondence to members relating to their good standing membership.
- H. Assist with correspondence and ordering supplies; and
- I. Perform such duties as assigned by the President.
- J. His/her salary shall be **??? Dollars (\$???) per month.**

SEC. 4. STEWARDS. The duties and responsibilities of the Steward shall include, but not be limited to:

- A. Present and adjust grievances at the Step 1 level;
- B. Submit grievance information to the President for any grievance submitted to management; and
- C. Perform such other duties as prescribed by the President.

SEC. 5. DELEGATE(S) TO STATE AND NATIONAL CONVENTIONS. Delegates for the Local will be as follows:

- A. The President shall serve as an Automatic Delegate to State and National Conventions of the APWU. The President shall receive per diem at the GSA rate and be reimbursed for transportation (train, airplane, or mileage, whichever is more economical) and for hotel costs with the appropriate receipts.
- B. At the July regular general membership meeting of the odd year, the members present and voting shall determine the number of elected delegates to send to the State or National Convention.

Article 6

Meetings / Quorum

SEC. 1. The Local's Executive Board will meet prior to a scheduled regular membership meeting. It will take two (2) members of the Executive Board for a quorum. The Executive Board shall act as the governing body of the Local between meetings.

SEC. 2. The Local shall hold regular general membership meetings during the months of January, March, May, July, September and November on the second or third Sunday of that month, starting at 1:00 pm. If there is a need to change the meeting date or time due to conflicts, such as attending a State or National Convention, the membership shall determine by vote at the prior meeting on whether to change the regular meeting date or time.

SEC. 3. Three (3) members attending the regular general membership meeting shall constitute a quorum.

SEC. 4. The meeting notice on a regular general membership meeting is to be posted on all APWU bulletin boards for a period of at least seven (7) calendar days. For the Nominations Meeting, the notice must be posted for at least fifteen (15) calendar days on all APWU bulletin boards.

SEC. 5. Special general membership meetings may be called in the following manner:

- A. By the President,
- B. By the unanimous decision of the Local's Executive Board, or
- C. By written petition to the President that is signed by at least six (6) members of the Local.

SEC. 6. All members who signed the petition for a special general membership meeting must be present in order for the meeting to open for business.

SEC. 7. Notice shall be posted on all bulletin boards of the Local at least one (1) week in advance of all regular general membership meetings, and shall outline the agenda for the meeting.

SEC. 8. For special membership meetings, the notice shall be posted on all bulletin boards of the Local as soon as possible. The notice should state the business to be transacted, and only such business may be acted upon at the special meeting.

SEC. 9. Meetings shall be cancelled unless a quorum is reached within twenty (20) minutes of the starting time, with the exception of the Nominations Meeting where no quorum is required.

Article 7

Elections

SEC. 1. Nominations for Officers of the Local and/or Delegates to the APWU Convention or the State Organization of the APWU shall be held during the General Membership Meeting in September of each odd-numbered year. Notice that nominations will be held at the September Meeting must be posted on all official APWU bulletin boards for a minimum of fifteen (15) days, or mailed to each member's home in the form of an election notice.

SEC. 2. Eligibility for Office and to Vote. To qualify as a candidate for office or as a delegate to the National and/or State Convention, and to vote in the election, the following applies:

- A. The individual must be a member in good standing as of July 15 of the election year.
- B. The member must follow the language of Article 10, Section 2(b) of the APWU National Constitution and Bylaws which reads:

“Any employee eligible to be a member of the American Postal Workers Union who voluntarily holds a managerial, supervisory or EAS position with responsibility for issuing or recommending discipline, or applying or interpreting the National Agreement for the equivalent of a two week period in a year shall be ineligible to hold office at any level of the American Postal Workers Union (APWU) or to be a delegate to any convention held by the APWU or any subordinate body of the APWU, so long as the employee continues to serve in such position and for a period of one (1) year from the time the employee vacates such position.

Any member who has submitted an application to a managerial, supervisory, or EAS position with responsibility for issuing or recommending discipline or for applying or interpreting the National Agreement shall withdraw such application prior to acceptance of nomination for any office in the APWU.”

SEC. 3. The President shall appoint three (3) members in good standing in his/her Local, not otherwise nominated for office and willing to serve on the Election Committee, by July 1st of the election year.

- A. The Chairperson will be selected by the members of the Election Committee.

SEC. 4. It shall be the duty of the Election Committee to take charge of the Election and provide a sufficient number of ballots. They shall be responsible for the safekeeping of all envelopes and Official Membership Lists encompassing said election.

SEC. 5. Nomination Process. Nominations will occur at the September regular membership meeting. A member may take one of the following actions to become a candidate for only one (1) elected position:

- A. Provide a self-nominating letter to the Election Committee, to be received by the Friday before the Nominations Meeting, to the address designated by the Election Committee.
- B. Choose to have another member bring the self-nominating letter to present at the Nominations Meeting. This letter must be presented to the Chair at the time of nominations for that particular race, and before closing of nominations for that specific position.
- C. All members present at the Nominations Meeting may nominate a member of their choice, or self-nominate, during the time of nominations for a specific position.
- D. All candidates must submit a letter of acceptance, or verbally accept at the Nominations Meeting. After nominations have closed, any candidate who has not submitted a letter of acceptance or verbally have accepted, must submit this written letter to the Election Committee within five (5) days of the closing of the Nominations Committee at the address specified for the Election Committee.

SEC. 6. Ballot Preparation

- A. In the event that only one (1) eligible candidate is nominated for an office, the Election Committee shall cast one (1) ballot for each nominee whereupon that candidate shall be declared duly elected to the respective position. Only contested positions will be placed on the ballot.
- B. The name of the candidates for the respective offices shall appear as determined by drawing by lot. The ballot shall be printed with the same size and style of type.
- C. There shall appear on the face of the ballot such instructions as are necessary to insure an understanding of the manner in which it may be properly marked to be recorded as a valid vote.
- D. There shall be a ballot mailed to each voting member, unless at the July regular membership meeting, the members present and voting decide to conduct the election at a poll location.

SEC. 7. The Election Committee shall be provided with a complete list of members in good standing as of July 15 of the election year, by the Secretary-Treasurer.

SEC. 8. The election of the officers and delegates to conventions of the APWU shall be conducted by referendum mail, unless at the July regular membership meeting, the members present and voting decide to conduct the election at a poll location. *(If the membership passes a resolution that they will hold the election at a poll location, the Election Committee has the authority to develop rules in lieu of A – H of this Section, consistent with that process.)*

- A. The envelope containing the ballots sent to the member must have a “return address requiring return within five (5) days, if undeliverable”, to the Post Office Box of the Election Committee.
- B. Every effort shall be made by the Election Committee immediately to discover the correct address for such returned ballots and to re-mail same so that the member will have a chance to vote.
- C. Returned ballots, that cannot be re-mailed, shall be retained by the Election Committee as proof that a ballot was mailed to the member and shall be duly noted in the Official Election Report that the Election Committee was unable to obtain a better mailing address for these members.
- D. The ballot shall be mailed at least twenty (20) days in advance of the final date of when the ballots are to be returned to the designated post office box, provided that the election is being done by referendum vote.
- E. Each active member in good standing, as determined in Sections 2 and 6 of this Article, shall be sent a ballot, also a stamped returning envelope with a SECRET BALLOT smaller, sealable, plain envelope for containing the marked ballot(s).
- F. Each member voting shall place the official ballot(s) inside the SECRET BALLOT envelope and seal it, making no markings or signature thereon. He/she shall then place the SECRET BALLOT envelope inside the mailing envelope and seal it. In the upper left corner of the returning envelope, there shall be two (2) lines provided, one for the voting member’s printed name and one for the official signature of the member voting. The addresses used for mailing the ballots to members will be those used in mailing the official correspondences of the Local.
- G. The ballot must show the time and date that all ballots must be in the Post Office Box designated by the Election Committee to receive the ballots. At the close of the election, the Election Committee shall obtain, in writing, from the Post Office on the number of ballot envelopes received by them. This certification shall become a part of the election records.
- H. The counting and recording of the number of Official Ballots returned shall be done as follows.
 - (1) Each returned ballot envelope shall be first checked off the list of membership, provided in Section 6.

- (2) No Ballot envelope shall be checked-off and counted if the Election Committee cannot identify the voting member.
- (3) All ballot envelopes checked off shall be opened and the SECRET BALLOT smaller envelope containing the ballot(s) placed in a separate container for opening.
- (4) The Election Committee shall be duly entrusted in making certain that no individual Committee Member shall know how any individual voted.
- (5) Upon completion of the preceding instructions, envelopes containing the ballots may then be opened and votes duly recorded by the Election Committee. No ballot shall be counted for an individual if more than one checkmark appears after individual names.

SEC. 9. Ballots shall be counted by the Election Committee prior to the regular General Membership Meeting. The Election Committee shall make an Official Election Report at the regular November meeting.

- A. If a recount is requested, where the vote is within two (2) votes, the Election Committee shall proceed with such recount immediately.
- B. If the vote difference is more than two (2) votes, the decision to recount is up to the Election Committee.
- C. All election records, including all ballots, must be preserved for a period of one (1) year after all appeals have been exhausted, with the exception of the list of who was elected with the count. For the purpose of determining who should move up, this document is to be kept until the next election.

SEC. 10. A plurality shall elect to office. In case of a tie vote, the candidates tied shall cast lots for the election.

SEC. 11. No member nominated for an elective office shall be a candidate for more than one (1) office for which he/she is nominated.

SEC. 12. Nominations in the Local shall be made in September, elections in November and installation of officers to be effective January 2 of every even year.

SEC. 13. Any member who feels aggrieved in connection with the conduct of the Local's election shall file his/her grievance with the Election Committee within seventy-two (72) hours after his/her grievance arises in writing to the Local Election Committee, consistent with Article 12, Section 8 of the APWU National Constitution and Bylaws which reads in part:

“Appeals from the decision of the election committee shall be to the National Election Appeals Committee described in Section 9 of this Article; shall be in writing; shall set forth all the relevant facts on which the appeal is based; and shall be filed with the National Election Appeals Committee within five (5) days from receipt of the decision of the affiliate’s election committee.” The NEAC address is c/o Secretary-Treasurer, APWU, 1300 L Street, NW, Washington, DC 20005.

Article 8

Revenues / Fiscal Year

SEC. 1. The fiscal year of the Local shall begin on January 1st and end on December 31st.

SEC. 2. The revenues of the Local shall be **??? Dollars and ??? Cents (\$???)**, plus the current national per capita tax. The dues shall be adjusted in accordance with Article 16, Section 2(a) of the APWU National Constitution and Bylaws.

SEC. 3. Dues for active members not on dues check-off are to be paid on a quarterly basis, to be received no later than the last day of each quarter, in the months of March, June, September and December.

Article 9

Budget

SEC. 1. The Executive Board shall establish a Budget for the coming year for approval at the January regular general membership meeting for approval.

Article 10

Membership Protection

SEC. 1. The Membership Protection provisions of this Constitution shall be governed by the provisions of Article 15 of the Constitution and Bylaws of the American Postal Workers Union, AFL-CIO.

Article 11

Amendments and Constitution Conflicts

SEC. 1. The Local's Executive Board shall have authority between meetings to amend this 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.

SEC. 2. Other amendments to this Constitution and Bylaws are to be handled in the following manner:

- A. A petition is to be submitted to the Secretary-Treasurer and must be signed by at least five (5) members in good standing. The petition must specify the present Article, Section and language, and the amending language.
- B. The first reading of the proposed constitutional amendment will be given by the Secretary-Treasurer at the next regular general membership meeting. This information will also be placed on that membership meeting's notice.
- C. The final reading and vote will occur at the following regular general membership meeting.
- D. A two-thirds (2/3) majority of those present and voting at that meeting shall be required to amend the Local's Constitution and Bylaws, except for amendments relating to increasing the dues which must be conducted by secret ballot.
- E. APPROVED OR DISAPPROVED AMENDMENTS. The issue of amending, either an approved or disapproved amendment to the Local's Constitution or Bylaws, may not be raised for a period of one (1) year from the date adopted or rejected.

BYLAWS

Article 1

Order of Business

SEC. 1. The following shall be the Order of Business, which may be modified by the President, or other presiding officer, as necessitated by the circumstances of the meeting:

- A. Call to Order
- B. Roll Call of Officers
- C. Recording Names of Members Present
- D. Reports of Officers
 - (1) President
 - (2) Executive Vice President
 - (3) Secretary-Treasurer – Previous Minutes and Treasurer's Report
- E. Committee Reports
- F. Communications and Announcements
- G. Unfinished Business
- H. New Business
- I. Set Date and Time for Next Meeting
- J. Adjournment

SEC. 2. The Order of Business may be transposed at any time by a majority vote of the members present at the meeting.

Article 2

Rules of Order

SEC. 1. In the absence of other authority, the deliberations of this Local shall be governed by Robert's Rules of Order.

Article 3

Amendments

SEC. 1. Amendments to these Bylaws may be made in the same manner as prescribed for Amendments to the Constitution.