



## **American Postal Workers Union, AFL-FIO**

*Wilmington, DE / MTS Area Local  
P.O. Box 10005 Wilmington DE 19850  
Phone: (302)323-0211 Fax: (302) 544-6602*

# **Constitution and Bylaws of the Wilmington DE/MTS Area Local #152 Of the American Postal Workers Union, AFL-CIO**

**\*\*\*\*\*Amended April 5, 2017\*\*\*\*\***

## **Preamble**

We, who from diverse Divisions, believing that in unity there is strength, come together to establish this Constitution.

We believe that all postal workers and members of labor have the right to economic, political, and social justice; that they have the unalienable right to earn a living and to be justly paid for the services they perform, that all postal workers have the right to expect to have decent shelter, food, clothing, education, and to see that their children have the same. The investment of the workers' services gives them that right.

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

We also believe that all members have certain basic rights within our Union and for this Local and shall be secure in those rights.

### **Officers' Oath of Office**

I, (name), having been duly elected to office in the Wilmington, Delaware/Malcolm T. Smith Area 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 Wilmington, Delaware/Malcolm T. Smith Area Local.

I further pledge to perform the duties of my office to the best of my ability. I further pledge 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 Wilmington, Delaware/Malcolm T. Smith Area Local and the American Postal Workers Union, AFL-CIO.

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 participated 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 Wilmington, Delaware/Malcolm T. Smith Area Local of the American Postal Workers Union, AFL-CIO (APWU), hereinafter known as the Local.

## **Article 2**

### **Objectives**

Section 1. It shall be the objective of the Local to secure through collective bargaining and legislative effort a safe and healthy work environment, better working conditions and a better standard of living for the members of the Local and their families.

Section 2. The Local affirms its belief in a single Union for all postal workers in non-supervisory positions and will make every effort to unite all employees regardless of race, color, creed, sex, sexual orientation, nationality, handicap, political affiliation, age, or religion.

Section 3. The Local will work for the repeal of laws, which are unjust to labor and the postal worker, including the denial of the right to strike and the denial of the right to support political candidates of a member's choice. The Local will work to educate all members in the area of economic, political, and social justice. The Local will vigorously oppose and labor unions outside the Postal Service seeking to move into the Postal Service Union field.

## **Article 3**

## Membership

Section 1. Any non-supervisory employee, regardless of level or grade within the jurisdiction of the Local, is eligible for membership. Those accepted for membership shall pay the per capita tax of the American Postal Workers Union (APWU) and the rate of Eleven Dollars and Twenty-Six Cents (\$11.26) [effective November 16, 2002, the rate will increase to Eleven Dollars and Fifty-Six Cents (\$11.56)] per member, per pay period of the Local. Both the National and Local dues will automatically increase consistent with Article 16 of the APWU National Convention and Bylaws. A member's good standing status with the Local shall not be affected by reason of the fact that his/her paycheck for the 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, or disciplinary suspension, lockout or strike.

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

Section 3. Honorary membership. The Local shall have power to confer honorary Local membership in the Local. Such member shall be known as Honorary Members. No Honorary Member shall be eligible to hold any office or be seated as a delegate at a convention, nor shall he/she have the right to vote. Any person's name that has been submitted by the September meeting will be posted for thirty (30) days, voted on at the November meeting, and if affirmed, will become Honorary member January 1<sup>st</sup>.

Section 4. Retention of Membership. The Local shall have the right to allow members of the organization who have resigned from the Postal Service, or who may have been promoted to positions exercising supervisory authority the right to maintain their membership without voice or vote.

Section 5. Members of this Local who retire from the Postal Service may maintain full membership with all rights of such membership by continuing to pay full per capita taxes to the APWU plus such dues as may be required by the Local.

Section 6. All members of the Local shall be in their respective Division.

Section 7. State Membership. The Local shall be a member of the Delaware State Branch (hereinafter called the State) of the American Postal Workers Union, AFL-CIO, and shall pay the per capita tax as established by the state on the amount of membership approved at a Local membership meeting.

Section 8. Personal Loans. The Wilmington DE/Malcolm T. Smith local will not engage in the practice of providing personal loans to any Member, whether it is an Executive Board Member or Member-at-Large. (*added 11-07-10*).

## **Jurisdiction**

Section 1. The jurisdiction of this Local includes all postal and mail handling operations, including but not limited to all work or operations directly or indirectly related to postal and mail handling operations whether performed by employees of the United States Postal Service or any other employer, and included any operations that transmit messages by electronic or other means in the geographical jurisdiction of the area of Wilmington, Delaware, as determined by the APWU.

## **Article 5**

### **Meetings**

Section 1. The regular meetings of this Local shall be held on the first Sunday of each month from 6:00 pm to 7:30 pm at a place designated by the Executive Board. The Executive Board can approve a change of the meeting date and location by a majority vote. *(amended 11/02/14)*

Section 2. In the event the first Sunday is part of a Holiday Weekend that would include Friday, Saturday, Sunday or Monday of that weekend, the regular meeting shall be on the following Sunday.

Section 3. A schedule of all regular meetings shall be published in the official organ of the Local and a notice posted on the Local's bulletin board no less than ten (10) members.

Section 4. A quorum for any regular or special meeting shall be ten (10) members.

Section 5. Executive Board meetings precede the regularly scheduled monthly membership meeting one hour before the membership meeting. The Executive Board can approve a change of the meeting date and location by a majority vote. *(amended 11/02/14)*

Section 6. The President can call a special meeting as he/she deems necessary or a special meeting can be called by the membership upon receipt by the Local of a petition with forty (40) members' signatures, along with an agenda. A notice of any special meetings shall be posted on all Local bulletin board as soon as possible, but no later than forty-eight (48) hours from receiving the written request. The President will determine the date and time of all special meetings. The special meeting must be held within 7 days upon receipt of the properly signed petition, which must include members' names printed and signed along with their employee ID and the issues before the membership at the special meeting. *(amended 04/06/16)*

Section 7. The Secretary-Treasurer shall be the custodian of a register book in which each member and guest in attendance at any regular or special meeting will sign his/her name. This document shall be maintained as a permanent record of this Local. The Sergeant-at-Arms shall initial the bottom of each page of the register at the conclusion of each union meeting.

Section 8. No criticism, reflection, argument, or debate, touching on any member's race, color, creed, sex, sexual orientation, nationality, handicap, political affiliation, age, or religion shall be allowed at any meetings of the Local.

Section 9. No discussion may begin until a motion has duly been made and seconded. All motions or amended motions must be in writing, signed and dated by the maker of the motion or amended motion, if requested by the Secretary-Treasurer.

Section 10. No member may speak on the same issue more than once until all wishing to speak have had an opportunity to do so. No member may be recognized to speak on the same issue more than once until others wishing to speak have had the opportunity to do so, and not if the membership has shut off debate.

Section 11. Members entitled to vote on a motion must be present in person and not by proxy.

Section 12. There shall be no regular meetings held in the months of July, August and December.

Section 13. The order of business may be transposed at any time by a two-thirds (2/3) vote of the members assembled in a general membership meeting.

Section 14. Meetings are for dues paying members only, no family or friends on the meeting floor, family or friends must be seated at a separate table away from the membership. Guests must be approved in advance by the Executive Board.(amended 04/06/16)

## **Article 6**

### **Fiscal Year**

Section 1. The fiscal year of the Local shall begin January 1 and end December 31.

## **Article 7**

### **Official Organ**

Section 1. The official organ of the Local shall be the Malcolm T. Smith News (MTS News).

Section 2. Executive Board Members are required to submit a written article to the Editor and to the President on the first day of February, May, August and November in order to receive any LWOP or salary payments for the next quarter.

Section 3. The Editor shall publish by the 20<sup>th</sup> day February, May, August and November an issue of the Malcolm T. Smith News (MTS News). The issue will be mailed to all dues paying members via the United States Postal Service **and or posted on the Wilmington DE webpage.**  
**www.apwuwilmingtonde.com.**(amended 04/06/16, **04/05/17**)

## **Article 8**



## Elected and Appointed Officers

### Elected Officers

Section 1. The elected Officers of the Local shall be: President, Executive Vice President, Secretary-Treasurer, Director of Clerk Division, Director of Maintenance Division, Director of Motor Vehicle Division, Industrial Relations Director, Legislative Director, and one trustee from each Division (Clerk, Maintenance and Motor Vehicle Service).

### Executive Board

Section 2. The Executive Board shall consist of the eight elected officers (the Trustees do not serve on the Executive Board) and shall meet one hour before the general membership meeting. A quorum for all meetings of the Executive Board shall be a simple majority of the total members of the Executive Board. In the event of a tie vote at any Executive Board meeting, the President shall cast the deciding vote.  
*(amended 11/02/14)*

Section 3. The members of the Executive Board shall, by virtue of their office, be delegates to the State and National Conventions. However, if the local does not have four (4) months' worth of operating funds in checking/savings the Executive Board shall be limited to 8 automatic delegates in the order listed in Section one of the Article. *(amended 11/02/14,04/06/16)*

Section 4. An individual may hold only one (1) Executive Board office at any time.

Section 5. The general appointed officer positions can be appointed separately or combined with another elected or appointed office at the discretion of the President, subject to the approval of the Executive Board. However, no person holding a combination of an elected and appointed position can receive more than on (1) salary, with the exception of the Executive Board. The general appointed officers are:

Parliamentarian

Sergeant-at-Arms

Health Plan Director

Editor of *The Malcolm T. Smith News*

Section 6. The Local President has the authority to remove an appointed officer subject to the approval of the Executive Board.*(amended 04/06/16)*

Section 7. Any member who voluntarily, after August 31, 1984, holds, accepts or applies for any managerial or supervisory position, EAS position or the PASS program for any other supervisory program, for any period of time, whether one (1) day or a fraction thereof, either detailed, acting or probationary, or permanently after being elected or appointed to any office, shall immediately vacate any office held by that member in the national, local, area local, district council, state or regional organization, any department of the APWU, the Postal Association or any subordinate body of the APWU which receives financial support or uses the name American Postal Workers Union. They shall not be eligible to hold office for a period as long as employee continues to serve in such position of one (1) year after they shall vacate the position with the exception of complying with Article 10, Section 2 (b) of the National Constitution and Bylaws.

Section 8. LWOP Compensation

- (a) Officers, Chief Stewards and Stewards conducting Local business shall be compensated for LWOP at the amount earned, which shall be no less than that provided by the US Postal Service. Compensation of LWOP for local business will be by advanced written approval of the local President. There will not be night differential or Sunday premium paid. *(amended 4/1/15)*
- (b) There will be no reimbursement for loss of thrift savings plan contributions or any other contributions outside of approval LWOP. LWOP will only be paid on an officer or steward's regularly scheduled postal workday, and only if LWOP is used. *(amended 11/06/16)*
- (c) The President can receive up to forty (40) hours per month of LWOP, hours in excess of forty (40) per month must be approved, in advance, by the Executive Board. During Local negotiations of the memorandum of Understanding the President can take LWOP as he/she deems necessary.
- (d) All elected and appointed officers are required to provide a written report at each membership meeting that will become part of the permanent record. No LWOP use will be allowed for a period of thirty (30) days should an officer fail to present a written report at a membership meeting. The Executive Board may excuse the fact that a written report was not provided by an officer by majority vote.
- (e) Executive Board members and stewards will be paid at their hourly USPS rate while attending training. If LWOP must be taken to attend said training, the LWOP will be reimbursed by the Local. Hourly rate without any premiums attached, just base salary. *(amended 4/1/15)*
- (f) Officers, Chief Stewards and Stewards shall be reimbursed for up to 24 hours of USPS annual leave and sick leave lost after 80 hour blocks of lost time which has been approved per the local constitution and bylaws while working on behalf of the Wilmington DE MTS Local 152 *(amended 11/06/16)*

#### Section 9. General Compensation

- (a) General compensation will only be paid to non-salaried members who work outside of his/her Postal Service assigned work hours.
- (b) General Compensation will be paid at the rate of Fifteen Dollars (\$15.00) per hour. *(amended 11/17/10)*
- (c) The Local President has the authority to issue, up to sixteen (16) hours of General Compensation for a member.
- (d) The Executive Board must approve, in advance, additional use of general compensation hours in excess of sixteen (16) hours per week. Executive Board approval may be obtained through a roll call vote. Any hours over sixteen (16) must be approved by the membership, in advance.

Section 10. No lost time shall be paid to salaried or non-salaried officers, chief stewards, stewards or committee members for attending membership or training meetings. However, if said membership meeting is during a salaried or non-salaried officers, chief stewards, or stewards regularly scheduled tour that member will be allowed to take Three (3) hours of reimbursed LWOP. Executive board members will be entitled to one (1) additional hour of LWOP to attend the Executive Board meeting prior to the regular general membership meeting. *(amended 11/12/14)*

Section 11. Mileage and Per diem. Mileage, when approved, will be paid at the current rate offered by the Internal Revenue Service (IRS). Per diem, when approved, will be paid at the GSA (General Service Administration) rate.

Section 12. The President is required to provide a written report, providing the names of all individuals paid LWOP or General Compensation time, the date(s) of assignment(s) and what the assignment detailed.

## **Article 9**

### **Duties of Elected Officers**

#### Section 1. President

- (a) The office of the President of this Local shall not be a full-time position.
- (b) It shall be the duty of the President to preside at all regular business meetings and all committee meetings, with the exception of the Election Committee and Trustees meetings.
- (c) He/she shall countersign checks drawn on the Local treasury.
- (d) He/she, together with the Secretary-Treasurer, shall sign all written contracts and other official documents.
- (e) He/she shall be the chief negotiator of the Local Negotiations Committee and shall be the spokesperson at all Labor-management meetings of this Local.
- (f) He/she shall submit a report of his/her official act(s) at regular meetings.
- (g) He/she shall be responsible for appointing all appointed positions that is subject to the approval of the Executive Board, unless otherwise specified.
- (h) He/she shall sign all vouchers authorizing LWOP for union business.
- (i) The Local President shall be paid a salary of Twelve Thousand Dollars (\$12,000.00) per year, to be paid quarterly.(amended 04/06/16)
- (j) The President shall not use more than forty (40) hours per month LWOP unless approved by the Executive Board except during local negotiations of the memorandum of Understanding during that time the President may use LWOP as he/she deems necessary.
- (k) The salary of the President does not include expenses incurred for official business.
- (l) The salary of the President does not include expenses incurred for official business, however all expense items, with the exception of travel, that exceed Five Hundred Dollars (\$500.00) per item must be approved in advance by the Executive Board. Any expense item over One Thousand Dollars (\$1,000.00) must be approved by the membership.

#### Section 2. Executive Vice President

- (a) The Executive Vice President shall perform the duties of the office of the President in the absence or unavailability of the President.
- (b) In the event of the death or resignation of the President, the Executive Vice President shall replace him/her until the next general election.
- (c) He/she shall be a member of the Local Negotiations Committee.
- (d) He/she shall, under the direction of the President, assist in handling Local business, shall be the Chief of Stewards for the division in which he/she is from.
- (e) He/she shall in the absence of the President, be authorized to countersign checks and sign vouchers.
- (f) He/she shall perform such other duties as the President may reasonable require of him/her.
- (g) He/she shall handle Step 2's for the Stations and Branches, and Plants.
- (h) He/she shall be included in Labor-Management meetings.

- (i) The Executive Vice President shall conduct quarterly meetings with the Directors and Stewards of each Division, which may be held in conjunction with Executive Board or membership meetings. These meetings are also to be coordinated in conjunction with the Local President's schedule. A written and oral report will be given at the following membership meeting.
- (j) He/she shall be paid a salary of Five Thousand Dollars (\$5,000.00) per year to be paid quarterly. He/she shall receive the salary of the President when performing the duties of the President for more than seven (7) consecutive days.
- (k) He/she shall not use more than twelve (12) hours of LWOP per month, unless authorized by the Executive Board in advance.

### Section 3. Secretary Treasurer

- (a) The Secretary Treasurer shall receive all monies and shall keep a correct amount of all financial transactions at his local.
- (b) He/she shall, together with the President or the Executive Vice President, sign all checks drawn on the treasury of this Local and shall in the absence or unavailability of the President disburse all monies by check countersigned by the President or Executive Vice President.
- (c) He/she shall keep a systematic book of accounts and shall be ready to submit the same for examination whenever directed by the President. Trustees may request a meeting with the President and Secretary Treasurer by appointment in writing. This appointment must be coordinated and agreed to in advance. *(amended 4/1/15)*
- (d) He/she shall pay all necessary bills, including but not limited to, taxes, rent, utilities, insurance, all other lease agreement needs and normal business operating expenses.
- (e) He/She shall file all Department of Labor and tax report in a timely fashion.
- (f) He/she shall keep a record of all active, retired and inactive members and shall notify them when they are three months in arrears of payment of dues and assessments.
- (g) He/she shall be a member of the Finance Committee.
- (h) He/she shall be responsible for keeping all financial records of the local.
- (i) He/she is jointly responsible with the President for all contracts for the Local.
- (j) He/she shall work in conjunction with a hired accountant to file timely tax reports and to insure a continuous satisfactory financial standing.
- (k) He/she shall not reimburse any individual without authorization of the President and/or his/her designee. The Secretary Treasurer shall keep a record of all contracts and financial records are to be reviewed by the Trustees.
- (l) The Secretary Treasurer shall keep a record of all proceedings of this Local.
- (m) He/she shall present the minutes at the following: Executive Board and membership meetings.
- (n) He/she shall be the custodian of all records in charge of all official documents or other records of this Local not specifically assigned to other officers. All permanent records shall be kept in a fireproof box.
- (o) He/she shall send monthly membership meeting notices to all Stations, Branches, Garages, Annexes, and be responsible for the Blood Bank business of this Local.
- (p) He/she shall perform such other duties as the President may reasonable require.
- (q) He/she shall be paid a salary of Five Thousand Dollars (\$5,000.00) per year, to be paid quarterly.
- (r) He/she shall be authorized to use no more than sixteen (16) hours per month of LWOP for official Secretary Treasurer duties over and above any other language written in this Constitution and Bylaws, unless authorized by the Executive Board. The Executive Board can

approve, in advance, up to eight (8) additional LWOP hours per month. The membership must approve all requests over the twenty-four (24) hours for LWOP per month, in advance.

- (s) Use of LWOP is only reimbursable if a written monthly financial report is given at each membership meeting.

#### Section 4. Director of Clerk Division

- (a) The Director of Clerk Division shall be responsible for attending meetings and processing Step 1's and Step 2's in that Division and will have the option to delegate the Step 2 designee.
- (b) He/she shall be on the Labor-Management and Local Negotiations Committees.
- (c) He/she shall have quarterly meetings with the Executive Vice President, Stewards, and Chief Stewards of his/her Division. He/she shall submit a written report at the following membership meeting that will become a part of the minutes of the Local.
- (d) Other stewards and officers will process grievances in this Division as assigned by the President.
- (e) He/she shall be paid a salary of Two Thousand Dollars (\$2,000.00) per year, to be paid quarterly.
- (f) Clerk Craft Director may take 16 hours of Local reimbursed LWOP per quarter. (*added 11/02/14*)

#### Section 5. Director of Maintenance Division

- (a) The Director of Maintenance Division shall be responsible for attending meetings and processing Step 1's and Step 2's Maintenance grievances.
- (b) He/she shall be on the Labor-Management and Local Negotiations Committees.
- (c) He/She shall have quarterly meetings with the Executive Vice President and stewards of his/her Division. He/she shall submit a written report at the following membership meeting that will become part of the minutes of the Local.
- (d) Other Stewards and officers will process grievances in this Division as assigned by the President.
- (e) He/she shall be paid a salary of One Thousand Five Hundred Dollars(\$1,500.00) per year, to be paid quarterly. (*amended 04/06/16*)
- (f) Maintenance Craft Director may take 16 hours of Local reimbursed LWOP per quarter. (*amended 11/02/14*)

#### Section 6. Director of Motor Vehicle Service Division

- (a) The Director of Motor Vehicle Service Division shall attend meetings and process grievances in that Division.
- (b) He/she shall be on the Labor-Management and Local Negotiations Committees.
- (c) He/she shall have quarterly meetings with the Executive Vice President and stewards of his/her Division. He/she shall submit a written report at the following membership meeting that will become part of the minutes of the Local.
- (d) Other stewards and officers will process grievances in this Division as assigned by the President.
- (e) He/she shall be paid a salary of One Thousand Five Hundred Dollars (\$1,500.00) per year, to be paid quarterly. (*amended 11/02/14*)
- (f) MVS Director may take 16 hours of Local reimbursed LWOP per quarter. (*amended 11/02/14*)

Section 7. Industrial Relations Director

- (a) The Industrial Relations Director shall be charged with the mechanization, health and safety for all Divisions of this Local.
- (b) He/she shall be responsible for all grievances concerned with Safety and Health and shall be responsible with the Office of Worker's Compensation Program (OWCP).
- (c) He/she shall be on the Labor-Management and Local Negotiations Committees.
- (d) He/she shall be paid a salary of Seven Hundred Dollars (\$750.00) per year, to be paid quarterly. (amended 04/06/16)

Section 8. Legislative Director

- (a) The Legislative Director shall be charged with the responsibility of lobbying on all Legislative issues of interest to labor, the local and the community.
- (b) The Legislative Director shall give a report at all regularly scheduled Local meetings or current issues of interest.
- (c) He/she shall keep the membership both informed and involved with Legislative issues.
- (d) Legislative Committee. The Legislative Director shall provide a recommendation of the two members to the President for appointment to serve on the Legislative Committee, who shall work under the Legislative Director.
- (e) He/she shall be paid a salary of Seven Hundred Fifty (\$750.00) per year, to be paid quarterly.

Section 9. Trustees

- (a) There shall be three (3) Trustees, on from each Division (Clerk, Maintenance, Motor vehicle). The trustees shall select their Chairperson. If there is a trustee vacancy, the President will appoint the successor regardless of craft, after soliciting the craft from which the vacancy occurred. (amended 4/01/15)
- (b) The Trustees shall be responsible for auditing the financial records of the Local and for auditing the property of the Local three times per year, which will occur in the months of April, August and December. Audit will be coordinated in advance through the President. The audits must be completed within the tri-annual format to be in compliance. (amended 4/01/15,04/06/16)
- (c) The Trustees shall report their findings to both the executive Board and to the membership in writing at the next regularly scheduled meeting. Trustees unable to fulfill their duties and participate in two consecutive audits will forfeit their position. (amended 4/01/15)
- (d) They shall receive eight (8) hours of LWOP for each audit.
- (e) Each Trustee shall be paid Three Hundred Dollars (\$300.00) per year with One Hundred Dollars (\$100.00) being paid after each regularly scheduled audit's findings have been reported to the Executive Board and Membership. Each Trustees will be paid for all LWOP hours needed to administer any additional audit or to attend any other meetings for Trustee related Union Business. (amended 11/02/15,04/06/16)

## Section 10. Duties of Officers

- (a) In the event that the President is absent or unavailable to perform the duties of office, the succession of officers in charge shall be as follows:
  - i. Vice President
  - ii. Secretary Treasurer
  - iii. Director of Clerk Craft
  - iv. Director of maintenance
  - v. Director of Motor Vehicle (*amended 11/01/10*)
- (b) Any Executive Board Member that fails to perform his/her duties, or is unable to perform the duties of his/her office for more than 45 days of the quarter shall not receive a salary for that quarter. (*amended 11/07/10*)

## **Article 10**

### **Duties of the Appointed Officers**

#### Section 1. Editor

- (a) The Editor shall publish the official organ of this Local.
- (b) He/she shall perform such other duties as the President may reasonably require of him/her.
- (c) The President with the Consent of the Executive Board, shall appoint him/her.
- (d) The Editor shall prepare four (4) issues of the Malcolm T. Smith News (MTS News) by the twentieth (20) day of February, May, August and November.
- (e) The Editor shall be paid a salary of Three Hundred Dollars (\$300.00) per year, payable within two (2) weeks after the paper has been mailed to each member.
- (f) He/she shall receive a total of eight (8) hours LWOP to prepare the paper for publication and to mail to the members.

#### Section 2. Parliamentarian

- (a) The President shall appoint one (1) Local member to serve as the Parliamentarian, if deemed necessary.
- (b) The Parliamentarian shall interpret the rules and procedures for conducting membership meetings.
- (c) He/she shall be furnished with a copy of Robert's Rules of Order, the Constitution and the Bylaws for the American Postal Workers Union, the State APWU, the local and the other bodies with whom this Local is or may be affiliated.

- (d) The Parliamentarian shall receive Fifty Dollars (\$50.00) for each membership meeting that he/she attends in this capacity.
- (e) If this job is combined with another salaried position, the salary shall be the higher of the two, not both.

### Section 3. Chief Stewards and Stewards

- (a) The Division Directors shall submit their written recommendations for Chief Steward and/or Stewards to the President for consideration for appointment. The president shall appoint all Division Chief Stewards and Stewards with the approval of the Division Directors with the Exception of the Executive Vice President. *(amended 4/01/15)*
- (b) Chief Stewards and Stewards shall receive their dues reimbursed, equal to the amount of dues actually paid. To be paid on a quarterly basis. All Chief Stewards and Stewards will be paid Fifty Dollars (\$50.00) per month as long as they attend at least **7 out of 9** scheduled Union Meetings. **Chief Stewards and Stewards are only allowed 2 excused meetings by the President out of the 9 scheduled Union meetings.** If a meeting is cancelled for any reason, it will count as an attended meeting and all Stewards will receive their Fifty Dollar (\$50.00) payment. Payment will be paid in November of each year after the November meeting. *(amended 4/01/15, 04/06/16, 04/05/17)*

### Section 4. Sergeant at Arms

- (a) The President shall appoint one (1) Local member to serve as the Sergeant at Arms, if deemed necessary.
- (b) He/she shall have each member sign the official Attendance Book at each membership or special meeting.
- (c) He/she shall conduct head count, as necessary, during the course of the meeting.
- (d) He/she shall preserve order under the direction of the President at each meeting.
- (e) He/she shall receive Fifty Dollars (\$50.00) for each membership or Special meeting that he/she attends in this capacity.

## **Article 11**

### **Election Procedures**

The Trustee and Election Committee shall develop rules for 2002 election of officers. For any election after the 2002 election of officers, the following rules shall apply.

### **Election Committee**

#### Section 1. Membership for the Election Committee

- (a) There shall be five (5) members of the Local's Election Committee. The President, Executive Vice President and each of the three (3) Division Directors shall appoint one (1) person to serve on this Committee.
- (b) The selection shall be made in May of the election year. No member of the election committee shall be a candidate for election while serving on such committee.
- (c) The Election committee shall elect their Chairperson.



- (d) The Election Committee shall be reimbursed for all LWOP hours used during the election process and for any expenses incurred as a result of this process as approved by the Budget and by the President. Each committee member shall be paid (\$50) after the results of the officer's election are posted. (Amended 04/06/16)

Section 2. The Election Committee shall meet and establish rules consistent with Title IV of the Labor-Management and Disclosure Act of 1959, as amended (LMRDA), and consistent with the Local's and the APWU National Constitutions and Bylaws prior to the June membership meeting of the election year.

Section 3. The Election Committee shall be responsible for the conduct of the Local election and shall decide all controversies arising out of the election processes.

Section 4. The Chairperson of the Election Committee shall rent two (2) lockboxes at the main Post Office, one lockbox for undeliverables and one lockbox for voting ballots.

Section 5. At the June membership meeting of the election year, the membership can vote, if they desire, to hire an outside balloting association.

### **Appeal Procedures**

Section 6. Any member who feels aggrieved in connection with the conduct of the Local election shall file his/her grievance with the Local Election Committee within seventy-two (72) hours after his/her grievance arises. (For the purpose of this Article, the term "election" shall include nominating procedures.) Appeals from decision of the Local Election Committee shall be, in writing, to the National Election Appeals Committee (NEAC) of the American Postal Workers Union, and sent to the attention of the APWU Secretary-Treasurer, 1300 L Street, NW, Washington, DC 20005; 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 Local Election Committee.

### **Eligibility for Office and Voting**

Section 7. In order to be eligible to vote or to be a candidate, an individual must have signed and 1187 at least four (4) months prior to the nomination date.

#### **Section 8. Eligibility and Office**

- (a) To be eligible for nomination, the candidate must be a member in good standing.
- (b) No member holding office in any other organization representing Employees for the purposes of collective bargaining or in administrative proceedings can be elected or appointed as an officer of this Local, nor can he/she be seated as a delegate to the National or State Convention.
- (c) 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 APWW.

Section 9. The Secretary-Treasurer of the Local shall furnish the Chairperson of the Election Committee with a list of the Local's members eligible to seek office and to vote.

### **Nomination Process**

Section 10. The elected officers of the Local shall be elected by secret ballot by plurality vote and shall consist of President, Executive Vice President, Secretary-Treasurer, Director of Clerk Division, Director of Maintenance Division, Director of Motor Vehicle Division, Industrial Relations Director, Legislative Director and one (1) Trustee from each Division (Maintenance, Motor Vehicle Services and Clerk).

Section 11. **September Nomination Meeting:** The nomination of candidates to fill offices of this Local may be made by any candidate from the floor at the September meeting. Any member accepting nomination to office will have six (6) days to accept such nomination in writing after the nomination meeting. This does not preclude candidates from verbally declining or accepting at the nomination meeting. A self-nominating letter may be submitted to the Local Secretary-Treasurer by the deadline designated by the Election Committee and to the location stated.

Section 12. The Division Directors shall each be elected by the memberships of their respective Divisions.

### **Ballot Preparation**

Section 13. The Election Committee Chairperson, after certifying the Constitutional qualifications of each candidate, shall publish a special notice, providing the names of all candidates for Local office. In the event that only one (1) eligible candidate is nominated for an office, the Local Secretary-Treasurer shall cast one (1) ballot for each nominee whereupon the Election Committee shall declare the nominee(s) duly elected to the respective position.

Section 14. The Election Committee shall prepare the necessary ballot items for the contested positions that include the ballot, the ballot instructions, a secret ballot envelope, and a return envelope with first class postage. The Election Committee shall prepare the General Offices ballot and one for each Division with contested positions.

Section 15. The name of the incumbent shall be placed on all ballots. All other candidates shall be listed alphabetically.

### **Voting by Members**

Section 16. On or before October 11, the Election Committee shall mail ballots to all Local members in good standing. Ballots must be out for a minimum of fifteen (15) days.

Section 17. Write-in votes shall not be valid, counted or considered, and no member shall vote by proxy or absentee ballot. No member shall have more than one (1) vote.

### **Tallying Returned Ballots**

Section 18. The deadline for returning ballots to the designated lockbox shall be 12:00 Noon on a date specified by the Election Committee.

Section 19. The Election Committee shall proceed, after picking up the returned voted ballots, to a designated location and tally the results.

Section 20. The candidate receiving the most votes shall be declared elected. The Election Committee shall post the Official Election Results on all official Local bulletin boards in all offices.

Section 21. If there is a tie after tallying the results, the Election Committee will automatically recount any tie votes. If a tie remains, that position will be rerun by referendum within fourteen (14) days of the second count.

### **Term of Office**

Section 22. The elected Officers of this Local shall serve a three (3) year term. The effective date of the new term of office will be November 1<sup>st</sup> of the election year.

### **Special Elections**

Section 23. In the event of the death of a nominee for any office, the Executive Board shall be empowered, in its own discretion, to take such action consistent with Federal laws as it deems necessary, including but not limited to, the holding of new nominations and election for the affected office(s).

Section 24. In the event there is a need for a special election, this election shall be held within sixty (60) days from the date of the vacancy, and shall follow the election process as outlined in Article 11 above.

### **Succession of Officers and Vacancies**

Section 25. In the event of death, resignation or removal of the President, the Executive Vice President shall fill all vacancies of elected offices, subject to a majority approval of the Local Executive Board.

## **Article 12**

### **Committees**

The following Committees shall be Standing Committees of the Local. Unless otherwise stipulated, the President shall appoint the Committee Chairpersons.

Section 1. **Budget Committee.** The Budget Committee shall consist of the entire Executive Board and two (2) rank and file members, as appointed by the President. The Budget Committee shall meet in September of each year to prepare a Budget for the following year. Their proposed Budget is to be presented to the membership for consideration for adoption at the January membership meeting. On an election year, the Budget Committee shall meet in November to prepare a Budget for the following year. Their proposed Budget is to be presented to the membership for consideration for adoption at the January membership meeting.

Section 2. **Entertainment Committee.** There shall be an Entertainment Committee, which shall consist of volunteers from the membership, to plan an annual function, such as a picnic, Christmas party or Easter Egg Hunt, for the membership. The President shall appoint a Chairperson to serve on this Committee, subject to the approval of the Executive Board.

Section 3. **Deaf/Hard of Hearing Committee.** There shall be a Deaf/Hard of Hearing Committee. This Committee shall alert the membership on issues as they relate to the Deaf/Hard of Hearing membership. The Committee shall submit a recommendation for a member to serve as the Committee's Chairperson to the Local President. The Local President shall then consider the recommendation and appoint a Chairperson for this Committee, subject to the approval of the Executive Board.(amended 04/06/16)

Section 4. **POWER Committee.** The Local shall establish the POWER (Post Office Women for Equal Rights) Committee. The Committee's primary purpose is to educate the membership on issues pertinent to women, family, and work. The Committee shall submit a recommendation for a member to serve as the Committee's Chairperson to the Local President. The Local President shall then consider the recommendation and appoint a Chairperson for this Committee, subject to the approval of the Executive Board.(amended 04/06/16)

Section 5. **Legislative Committee.** The Legislative Committee will work under the direction of the Legislative Director. Refer to Article 9, Section 9 for constitutional language on this Committee.

Section 6. **Finance Committee.** There shall be a finance committee; the committee's primary purpose is to provide financial oversight for the organization. This will include monitoring adherence to the

budget and setting long-range financial goals along with strategies to achieve them. The committee shall report to the board and membership as needed. The president shall appoint a chairperson to serve on this committee, subject to the approval of the executive board.(amended 04/06/16)

Section 7. All committee appointments shall be concurrent with the term of the office of the President. The Local President has the authority to remove any appointed Committee members.

## **Article 13**

### **Charges**

Section 1. A charge(s) by a Local member(s) in good standing that a member(s) has violated the Local's Constitution or Bylaws or the APWU National Constitution or Bylaws must be specifically set forth in writing and signed by the member(s) making the charge(s). For each alleged offense, the charge shall state (1) who is being charged; (2) the exact nature of the alleged offense; (3) the period of time during which the offense allegedly took place; and (4) the constitutional provision allegedly violated. Attached to the charge(s) will be evidence; and/or, if there are witnesses, a signed statement from at least one (1) witness.

Section 2. Procedures

- (a) Charges must be submitted to the Secretary-Treasurer or Treasurer, or, if the Secretary-Treasurer is charged, then to the highest ranking officer not charged, of the Local.
- (b) All charges are to be submitted within one hundred twenty (120) days of the Time the charging party(ies) first become aware, or reasonably should have been aware, of the alleged offense(s).
- (c) Upon receipt of the charges, the Local Secretary-Treasurer, or highest ranking Officer not charged with whom such charges are filed, shall promptly transmit by Express Mail or Certified Mail, including a return receipt, a copy of the charges to the charged and charging parties at the last known address of each. Accompanying the charges shall be written notice of the time and place of the hearing, which shall be held not less than one (1) week after the date of mailing of the notice.
- (d) The Local Executive Board shall constitute a trial board. However, the Local Executive Board can reduce the trial board down to no fewer than two (2) members.

Section 3. The accused shall be accorded due process that would include a full and impartial hearing, with the right to appear personally and be represented by any member of this Union, but whether the accused shall be represented by an attorney in such a hearing shall be left to his/her own discretion.

Section 4. Any decision or disposition of charges by the Local Executive Board or separate Local trial board shall be reduced to writing and submitted as a report to the Local Secretary-Treasurer, including a synopsis of the testimony introduced at the hearing, together with the verdict "guilty" or not guilty" and the recommended disciplinary action, if any.

Section 5. Upon receiving the report, the Local Secretary-Treasurer shall read it at the next regular union meeting. In the event of the guilty verdict, the Secretary-Treasurer shall submit first the question of

sustaining the report as to guilt or innocence. If guilt is determined, then the question of accepting or rejecting the recommended disciplinary action is to be determined.

Section 6. However, if the recommended disciplinary action is expulsion, suspension without pay in excess of sixty (60) days or termination of an incumbent elected officer, an affirmative vote to expel from office or to terminate the membership of the officer cannot take effect unless confirmed by two-thirds (2/3) of those voting in a referendum on the recommended disciplinary action.

Section 7. The affected officer shall have ten (10) days to submit a reply to the report from the decision date of the vote taken by the Local members at a membership meeting. The report and the reply from the affected officer, if submitted, each of which shall contain no more than one thousand (\$1,000.00) words, and shall be sent out with each ballot.

Section 8. **Appeal Rights.** Any member, against whom disciplinary action has been taken or whose charges have been dismissed in whole or in part, shall have the right to appeal as follows:

- (a) From the disciplinary action of or dismissal of charges by the Local to the National Executive Board of the American Postal Workers Union, AFL-CIO.
- (b) From the disciplinary action of the National Executive Board to the APWU National Convention.
- (c) Appeals shall be taken within a reasonable time not to exceed thirty (30) days from the date that notice of disposition of the charges or disposition of any intermediated appeal is received; provided, however, that the appellate body may, in its discretion, extend such time for appeal if circumstances so warrant.
- (d) Appeals shall be, in writing, and shall state the basis of the appeal. The appellant shall be permitted to present such appeal in person before any appellate tribunal, provide, however, that in the case of an appeal to a national Convention, such personal appeal shall be limited to appearance before the Convention Committee established to deal with appeals unless such appeals committee or the convention itself determines to permit a personal appearance before the National Convention.
- (e) Individuals, or subordinate bodies against whom disciplinary action has been taken shall be obliged to exhaust all remedies provided for in this Article and in the Local or APWU National Constitutions and Bylaws before resorting to a court of law or other tribunal.

## **Article 14**

### **National and State Convention Delegates**

Section 1. In the January membership meeting, the membership shall determine the number of paid and unpaid delegates in each Division to attend the national and/or state conventions that would include the paid automatic delegates as specified under Article 8, Section 3 of this Constitution. All automatic delegates must be scheduled to attend the national and/or state conventions prior to electing additional paid delegates.

Section 2. An Election Committee will be appointed as specified in Article 11, Section 1 of this Constitution by the January membership meeting. The Election Committee shall prepare a notice of nomination posting that will be posted at least fifteen (15) days prior to the meeting and sent out by the Local Secretary-Treasurer to all offices of the Local.

Section 3. Nominations will take place at the February membership meeting of the year involved for either or both National and State Conventions. Nominees may indicate their acceptance of nomination verbally or in writing to the Election Committee Chairperson within six (6) days nominated. Self-nominations may be submitted by the specified date and time, or hand-delivered prior to the start of the membership meeting.

Section 4. The Election Committee shall prepare a posting, advising on the number of paid and unpaid delegates that the membership have agreed to send to either the national or state convention, the names of the automatic delegates by virtue of their office and the names of the nominees that will be placed in alphabetical order, by each division. This posting shall be sent out by the Local Secretary-Treasurer to all offices of the Local at least fifteen (15) days in advance of the March membership meeting.

Section 5. The Election Committee shall prepare a ballot with the names of all candidates for delegate, specifying if this is for national or state convention (or both). The Election Committee will conduct a secret ballot vote at the March membership meeting and shall tally the results during the meeting.

Section 6. The Election Committee shall prepare an official results posting that will be posted on all official bulletin boards and in all offices of the Local within five (5) days of tallying the results.

Section 7. Appeals on this election process will be in Accordance to Article 11, Section 6 of this Constitution.

Section 8. Members elected, who receive money for National and State conventions who do not attend the sessions or do not go, must reimburse the Local for all monies received within thirty (30) days of the conclusion of the applicable national or state convention.

## **Article 15**

### **Amendments**

Section 1. This Constitution may be amended only at the February meeting with voting at the April meeting and at the September meeting with voting at the November meeting. Proposed changes must be submitted to the Local President by January 15<sup>th</sup> and August 15<sup>th</sup>. Each proposed amendment change shall consist of the following five parts:

1. State the article, and/or section, and/or part, of constitution or bylaw you would like to change, add, or delete.
2. State article, and/or section, and/or part exactly as worded currently.
3. State your proposed constitution or bylaw change, addition or deletion.
4. Restate the article, and/or section, and/or part exactly as you want the change.
5. State rational of why your proposed change is of organizational significance.(amended 04/06/16)

Section 2. The first reading of the proposed changes will be read at the February meeting and/or September meeting, as outlined above.

Section 3. Upon completion of the reading, in the February and September meeting, the Local Secretary-Treasurer shall post for thirty (30) days a notice that includes the date, time and location for conducting a vote on the proposed constitutional change. The notice shall also include the present constitutional language and the proposed constitutional change.

Section 4. A vote shall be conducted at the next membership meeting. The President shall appoint two (2) rank and file members at this meeting to tally the results, as overseen by the Local Secretary-Treasurer.

Section 5. All Amendments to the Local's Constitution and Bylaws require two-thirds (2/3) of those present and voting for the adoption.

Section 6. The Local Executive Board shall have the authority to amend this Constitution and Bylaws as necessary to remove any conflict between its provisions and those of the Constitution and Bylaws of the American Postal Workers Union, AFL-CIO, any amendments adopted at the National conventions of the American Postal Workers Union or any of applicable federal or state law.

## **Article 16**

### **General Language**

Section 1: Union will allocate One Hundred Dollars (\$100.00) per general membership meeting for food and beverage. A vote will take place at each meeting to decide what food and beverage will be ordered for the next meeting by the members that are present. *(amended 4/01/15)*

Section 2: Any purchase of Capital Equipment(copiers, computers, office equipment etc.) by the local will always remain property of the local. If there is a need to loan union officers capital equipment to facilitate their duties immediately upon vacating their Union position for any reason all equipment lent to the officer will be returned. The Local's Secretary Treasurer, President or Executive Vice President will receive the equipment within 72 hours of the officer vacating their position. The loss or damage of the equipment is the responsibility of the officer and will reimburse the local for the original cost of the equipment. Any salary owed to the officer will be held by the Local until the equipment is returned. Officers are as listed in Article 8.(amended 04/06/16)



## **Bylaws**

### **Order of Business**

Section 1. The order of business at a regular or special meeting of this Local shall be:

- A. Meeting Called to Order
- B. Pledge of Allegiance
- C. Roll Call of Officers
- D. Reading of Minutes
- E. President's Report
- F. Secretary-Treasurer's Report
- G. Executive Board's Reports
- H. Reports of Officers and Committees
- I. Unfinished Business
- J. New Business
- K. Good and Welfare
- L. Adjournment

Section 2. The order of Business can be changed by two-thirds (2/3) vote of the Members present at the meeting.

Section 3. In the absence of other authority, the deliberations of this Local shall be governed by *Robert's Rules of Order*.

