

OVERVIEW OBSERVATIONS FOR IUE-CWA LOCAL UNIONS WHEN ADOPTING OR AMENDING LOCAL BYLAWS

These model Local Union Bylaws are based on the sample provided by CWA in the Uniform Operating Procedure Manual and also found on the CWA website.

These suggested bylaws may be used as a guide for newly organized Locals who are required to draft a set of bylaws, as well as Locals amending their existing constitution or bylaws. Note that CWA utilizes the term "bylaws" for the Local's governing document, rather than constitution. In CWA the latter term applies to the International's controlling document. IUE-CWA Locals may continue to use the term Local Union Constitution or switch to adopt the term bylaws.

There are a number of major areas that IUE-CWA Locals need to examine in amending their constitution/bylaws to conform to the CWA Constitution. First, elections for Local Union officers are mandated to occur between the months of September to December. (CWA Constitution Article XV Section 3(a)) Local union officer terms, and therefore elections, are three years, with the next cycle occurring in 2014. This required IUE-CWA Locals, during the transition period, to modify their existing election cycle on a one-time basis to place the Local on the CWA cycle. In addition to the constitutional requirement to conduct elections on the CWA election cycle, this election cycle permits any newly elected officers to participate in the CWA new officers training, provided at the beginning of the year following the election year. Any Locals not having elections scheduled on the CWA election cycle should contact the IUE-CWA Legal Department for assistance.

Second, CWA requires that every Local have at least a President, Vice President and Secretary-Treasurer or a Secretary and Treasurer. No member may hold more than one such office at the same time. (CWA Constitution Article XV Section 3(b)) Unlike in IUE, CWA requires that the election of these required officers must be by a majority (as opposed to a plurality) vote of the members voting. (CWA Constitution Article XV Section 3(e)) Plurality election of all other officers is permitted, and Locals should determine whether or not they desire to utilize the plurality option. Plurality elections make runoff elections less likely (in a plurality election the only way a runoff would be necessary is if the top two candidates are tied) thus reducing potential costly runoff elections.

Another area that is different under the CWA is that retirees are eligible to maintain active membership by paying 1.3 percent of their pension as membership dues, if they elect to do so upon retirement. As active members they are eligible to attend meetings, vote in elections (not on contracts) and run for union office, with the exception of those offices that require a presence in the plant for all members, such as president and stewards. Thus, Locals may want to define issues of continuous good standing and other eligibility criteria that were not required to be explicitly stated when only employed members could hold membership. Again, if there are questions contact the Legal Department.

The following Articles in the Model Bylaws also require particular attention.

Article VI, Section 1

The 1990 CWA Convention established minimum dues of 2¼ hours' pay per month, based on a forty-hour week (this translates into 1.3% of base pay). This Section is written to eventually eliminate any dollars and cents reference to dues. Any Local utilizing the suggested percentage language is not obligated to amend their bylaws as the actual dues amount changes.

A Local may increase its dues structure above the minimum dues; however, the International Secretary-Treasurer, as well as the Division President, must be advised of any change in the Local's dues structure. The Labor-Management Reporting and Disclosure Act of 1959 requires any dues increase above the minimum set by the delegates to Convention to be approved by a secret ballot vote of the membership after proper notice.

Article XII

The Labor-Management Reporting and Disclosure Act and the CWA Constitution require that all Local officers who handle union funds be bonded in an amount at least equal to ten percent of the Local's assets. The Division Rules provide that the officers handling union funds shall be bonded in an amount covering no less than one-half of the liquid assets of the Local as shown by its previous annual audit.

It is the Local's obligation to secure proper bond coverage, either through CWA or an insurance broker. In this connection, see Uniform Operating Procedures Manual (UOPM) Section 5.1 and 5.2 for details about the CWA bonding process.

Article XIII, Section B

If due notice of membership meeting is given at least seven days prior to the meeting, the language in Section B of the Article may read: "The number constituting a quorum for Local meetings shall be those present."

Article XIV, Section 1

The second paragraph of this Section is worded so that members have the right to make nominations from the floor.

Article XIV, Section 4(c)

Insert the date the newly elected officers are to assume office.

Article XXI

It is good practice to assist tracking the history of the Local's bylaws to reflect the initial adoption date. When bylaws are subsequently revised, the initial adoption date is still shown, as well as the adoption dates of the revised bylaws. If it is not possible to track the past changes, it is still preferable to document the changes going forward.

Example:

These Bylaws Adopted February 1, 1977

Revised Bylaws Adopted April 2, 1981

Revised Bylaws Adopted May 1, 1989

SUGGESTIONS FOR USE WHEN ADOPTING OR AMENDING LOCAL BYLAWS

ARTICLE I - NAME

This Local shall be known as Local (number), Communications Workers of America.

ARTICLE II - JURISDICTION

Jurisdiction of this Local shall be the jurisdiction assigned by the Union and appearing on the face of the Local Charter.

ARTICLE III - OBJECTS

The objects of Local (number) shall be to represent and serve the workers within its jurisdiction in accordance with the Bylaws and Rules of the Local and the Constitution and policies of the Union.

ARTICLE IV - LOCAL STRUCTURE

The structure of the Local shall consist of the following:

1. Membership
2. Executive Board

(Note: Any officer sitting on the Executive Board is deemed to be an "officer" under the Reporting and Disclosure Act of 1959 and must be elected as set out below.)

3. Officers
4. Committees

ARTICLE V - MEMBERSHIP

Section 1 - Eligibility

Any person eligible for membership in the Communications Workers of America, as defined in Article V of its Constitution, shall be eligible for membership in this Local, if performing work within the Local's assigned jurisdiction. Any such member who retires may maintain membership by the continued payment of dues from the time of retirement.

Section 2 - Application

Membership in the Local shall be obtained after payment of the Local initiation fee of (amount) and upon the approval of any membership committee authorized to accept or reject membership on behalf of the Local, subject to the right of the Local to overrule the decision of a membership committee.

(Note: Article V, Section 2(b) of the CWA Constitution provides that a Local may not establish an initiation fee of less than \$2.00 or more than \$5.00 without approval of the CWA Executive Board.)

Any initiation fee established at the time of the merger with CWA maybe carried forward without such approval. Any increase in initiation fee must have reasonable notice to the membership and be voted on by secret ballot vote, the same as a dues increase, see below.)

Section 3 - Transfers

The transfer of membership from this Local to the jurisdiction of another Local or from another Local to the jurisdiction of this Local shall be made in accordance with Article V of the Union Constitution.

ARTICLE VI - LOCAL DUES AND ASSESSMENTS

Section 1 - Local Dues

- A. Each member of the Local shall pay minimum membership dues of two and one-quarter hours pay per month, in accordance with convention action.
- B. Membership dues which exceed in amount the minimum membership dues may be authorized by a majority of those voting on the question, in accordance with the Local bylaws.
- C. Membership dues may be changed only by a majority of those voting on the question by secret ballot referendum, or by a majority secret ballot vote in a meeting where a quorum is present, if the question has been advertised on bulletin boards at least seven (7) days in advance of the meeting or by notice mailed postage prepaid to each member at least seven (7) days in advance of the meeting.

(Note: The Reporting and Disclosure Act of 1959 requires reasonable notice be given of the intention to vote on the question of a dues increase. Seven (7) days is suggested as being the minimum time to meet this requirement.)

Section 2 - Local Special Assessments

The membership of this Local may levy a special assessment only in the same manner as provided for changing Local dues. However, any special assessments levied shall be in compliance with Article VI, Section 3 of the Union Constitution.

ARTICLE VII - GOVERNING AUTHORITY

Section 1 - Membership

The affairs of this Local shall be governed by its membership in accordance with the Constitution and policies of the Union in the following manner:

- (a) Through action taken in membership meetings or by referendum of the membership.
- (b) Through actions and decisions of the Executive Board between membership meetings.
- (c) Through actions and decisions of the Local Officers between meetings of the Executive Board.

(Note: List here the actions that an officer is permitted to take on his or her own initiative when the Executive Board cannot be convened.)

ARTICLE VIII - LOCAL MEETINGS

Regular meetings of this Local shall be held at such time and place as the members may determine by vote. Special meetings may be called by a majority vote of the Local Executive Board, or by a petition signed by (number of) members. Upon receipt of a proper petition, the Local officers shall call a special meeting only for the purpose set forth in the petition to be held within ten (10) days.

ARTICLE IX - LOCAL DELEGATES TO THE UNION CONVENTION

A. Delegates and alternate delegates to the Union Convention shall be elected by the membership voting by secret ballot conducted not less than thirty (30) days in advance of the Union Convention.

(Note: The secret ballot may be by referendum or at a membership meeting, whichever method may be desired by the Local. The same notice requirements (15 days) must be met in connection with the nomination and election of delegates as in the case of nominations and elections of Local officers.

Locals may provide in their bylaws for the election of certain officers as delegates simultaneously with the officer elections. In such case the notices of nominations and elections, and the ballot, should specify that the nomination and the vote cast is for the specific office and for the same person to be delegate to any convention held during his term of office -- See Addendum No. 1 for suggested language to be used in connection herewith. See UOPM Section 14 for further information concerning the election of convention delegates.)

B. In the event the Local elects more than one delegate to the Union Convention, the Local shall determine the convention votes assigned to each delegate in accordance with Article VIII of the Union Constitution.

C. It shall be the duty of the Secretary-Treasurer (or Secretary) of the Local to certify the Local delegates to the Union Convention to the Secretary-Treasurer of the Union within the time limits specified in Article VIII of the Union Constitution.

ARTICLE X - LOCAL COMMITTEES

A. The Local shall have the following regular committees:

1. Education Committee
2. Election Committee
3. Organizing Committee
4. Legislative-Political Committee
5. Membership Committee or Committees
6. Community Services Committee

7. Committee on Equity

8. Other Committees.

B. Members of all committees shall be appointed by a majority vote of the Local Executive Board, subject to the right of the Local membership to overrule such appointments.

C. Vacancies on committees shall be filled in the same manner as the original appointments.

D. Any member of any Local committee may be removed by majority vote of the Local Executive Board, subject to the right of the Local to overrule the action of the Executive Board. A committee member may be removed by action of the Local in a membership meeting.

(Note: The Local may, if it wishes, provide for the appointment of Committee members by the President with the approval of the Local Executive Board.)

E. Duties of Committees:

(Note: These are minimum duties. Your Local may wish to go into more detail.)

1. Membership Committee - The Membership Committee or Membership Committees shall accept or reject membership applications in accordance with the bylaws and rules of this Local and Article V of the CWA Constitution and policies of the Union.

2. Legislative-Political Committee -- The Legislative-Political Committee shall assist in developing and pursuing the program of the Union and the Local in the Legislative-Political field. It shall be responsible for the Local's program to register each qualified voter.

3. Organizing Committee - The Organizing Committee shall assist the Local officers and members in organizing all non-union employees within the Local's jurisdiction as well as unorganized workers in external units.

4. Election Committee - The Election Committee shall conduct all nominations and elections and referenda of this Local.

5. Education Committee - The Education Committee shall assist in developing the Local's education program and, with the Local officers, be responsible for effectuating the Union's and Local's educational programs.

6. Community Services - The Community Services Committee shall assist in developing all Community Services programs.

7. Committee on Equity - The Committee on Equity shall study and report to the Local on the ways and means of eliminating discrimination on the basis of sex, race or any other basis.

8. Other Committees - (add duties)

ARTICLE XI - ORDER OF BUSINESS

A. The order of business at a Local meeting shall be as follows:

1. Call to order
2. Roll Call (optional)
3. Reading and action on minutes of previous meeting
4. Report of officers and Executive Board
5. Report of committees
6. Unfinished business
7. New business
8. Adjournment

B. The order of business may be suspended by a two-thirds (2/3) vote of the members present.

ARTICLE XII - LOCAL OFFICERS, EXECUTIVE BOARD, STEWARDS AND THEIR DUTIES

Section 1 - Local Officers

A. The officers of the Local shall be:

1. President
2. Vice President
3. Secretary
4. Treasurer

(Note: The Local may desire to combine the offices of Secretary and Treasurer. Persons performing any of the executive functions of these offices cannot be appointed; they must be elected by secret ballot majority vote of the membership.)

B. The duties of Local officers shall be as follows:

1. The Local President shall:
 - a. Be responsible for the conduct of all Local business;
 - b. Preside at Local Membership, Local Executive Board and Local Officers meetings;
 - c. Prosecute grievances and appeal them to higher levels of the Union when not satisfactorily settled;
 - d. Supervise and be ex-officio member of all Local committees;

- e. Approve all bills to be paid, and countersign all checks drawn on the Local treasury; and
 - f. Perform such other additional duties as may be assigned by the Local, the Local Executive Board or required by the policies or Constitution of the Union.
2. The Local Vice President shall:
- a. Work under the direction of the Local President; and
 - b. Perform such other additional duties as may be assigned by the Local, the Local Executive Board or the Local President.
3. The Local Secretary shall:
- a. Maintain a record of the Local membership;
 - b. Record and maintain the minutes of all meetings of the Local, the Local Executive Board or Local officers;
 - c. Furnish the District Vice President and the International Secretary-Treasurer with copies of any changes in these bylaws within ten (10) days after such changes are adopted;
 - d. Certify the Local delegates to the Union Convention to the International Secretary-Treasurer within the time limits specified in Article VIII of the Union Constitution; and
 - e. Perform such other additional duties as may be assigned by the Local, the Local Executive Board or the Local President.
4. The Local Treasurer shall:
- a. Be custodian of all assets of the Local;
 - b. Report to each membership meeting on the financial status of the Local;
 - c. Be bonded, as must any other person who handles Local funds or other property in accordance with the Union Constitution or any state or federal law;
 - d. Cause the payment of all bills approved by the Local President;
 - e. Cause the proper filing of all reports or filings required by federal, state or local law; and
 - f. Perform such other additional duties as may be assigned by the Local, the Local Executive Board or the Local President.

(Note: If the Local combines the offices of Secretary and Treasurer, it should also combine the duties of those offices or assign them as determined between the three top officers.)

Section 2 - Local Stewards

- A. The Local shall have as many Stewards as permitted under its contracts.

(Note: If the Local so desires, it may provide for the election of Stewards. If Stewards are members of the Local Executive Board, then they cannot be appointed -- they must then be elected by secret ballot in the same manner as Local officers.)

- B. The duties of Local Stewards shall be as follows:

(Note: The Local Steward structure and the duties of Stewards may vary between Locals. A Local should, however, set forth the general duties of Stewards in this section. For example, a Local could provide as follows:

1. The Stewards shall:

- a. Work under the direction of the Local President (or Chief Steward); and
- b. Perform such other additional duties as may be assigned by the Local, the Local Executive Board or the Local President (or Chief Steward).

Section 3 - Local Executive Board

- A. The duties of the Local Executive Board shall be as follows:

1. The Local Executive Board shall:

- a. Be responsible for making decisions and taking action on behalf of the Local membership between Local meetings on all matters concerning the good and welfare of the members;
- b. Meet as necessary. The Local President shall call a meeting of the Executive Board whenever requested by a majority of the Board members to do so.
- c. Cause an annual budget to be prepared and presented to the membership; and
- d. Be responsible for the operation of strike action procedures as outlined in the Union Constitution.
- e. Actions and decisions of the Executive Board shall be subject to approval by the membership.
- f. A majority of the Executive Board shall constitute a quorum.

ARTICLE XIII - CONDUCT OF MEETINGS, OTHER LOCAL BUSINESS AND QUORUM

- A. Membership meetings and any other business of this Local shall be conducted under these bylaws and rules of the Local and in conformity with the Union Constitution. On questions where the Local bylaws, the Local rules or the Union Constitution do not clearly apply, Robert's Rules of Order shall govern.
- B. The number constituting a quorum for Local meetings shall be (number or percentage of membership or "those present") .

(Note: The 1959 CWA Convention adopted Resolution No. 29, thereby interpreting Article XXIII, Section 5, and Article XIII, Section 8(1) of the CWA Constitution to mean that any number of members present at a local membership meeting shall constitute a quorum, provided due notice of the meeting has been given the membership of the Local. "Due notice" shall mean notice given at least seven (7) days prior to the meeting. Where "due notice" is not provided for in the Local bylaws, a specific number of members, or a specific percentage of its membership, must be provided for in the Local bylaws as a quorum.)

- C. A majority of the officers or of the Executive Board or a majority of the members of a committee shall constitute a quorum for those bodies.

ARTICLE XIV - NOMINATION AND ELECTION OF LOCAL OFFICERS AND MEMBERS OF THE LOCAL EXECUTIVE BOARD

Section 1 - Nominations

Local officers and members of the Executive Board shall be nominated in the month of each election year.

(Note: The Reporting and Disclosure Act of 1959 requires, in connection with nominations, reasonable notice of the office to be filled, and the time, place and proper form of submitting nominations. Such notice must be given in a manner reasonably calculated to inform all members in good standing and in sufficient time to permit such members in good standing to nominate the candidates of their choice. It is recommended that fifteen (15) days be used to meet the time requirements for such notice.

Locals may provide for Nominations to be made: (1) at a membership meeting, (2) by a nominating committee, with the right of members to also nominate from the floor or (3) by petition.

Article XV of the Union Constitution requires Local nominations be conducted during the months of September, October, November and December of each election year. The election cycle is every 3 years, the next local union election year is 2014 and every three years thereafter.

For more detailed information concerning Local elections, please refer to the Local Elections Manual in UOPM Section 4.

Section 2 - Elections

Elections of Local officers and Executive Board members shall be by secret ballot of the membership in the month of of each election year.

(Note: The Reporting and Disclosure Act of 1959 requires, in connection with elections, notice of the election be mailed to each member's last known home address not less than fifteen (15) days prior to the election. Such notice must specify the time and place of the election and the offices to be filled. Use of the IUE-CWA Newspaper will satisfy the legal requirement for mailed notice, if it is received timely. Locals using this form of mailed notice are responsible to assure that the schedule to mail the Newspaper will be timely. This schedule is set every year in advance and Locals intending to use this method must contact IUE-CWA sufficiently in advance to insure inclusion of the information in the printing.)

Elections may be conducted by either of the following methods: (a) ballot conducted by U.S. Mail or (b) balloting by use of established polling places and ballot boxes. If Local elections are conducted by mail ballot referendum, the election notice may be mailed along with the ballot so long as they are mailed not less than fifteen (15) days prior to the date and time set for the return of the ballots.

Article XV of the Union Constitution requires Local elections be conducted during the months of September, October, November and December of each election year.)

Section 3 - Local Election Committee

- A. The nomination and election of Local officers, members of the Executive Board and delegates to the CWA Convention shall be conducted under the supervision of the Election Committee. This committee shall have the authority and responsibility to see that nominations and elections are conducted in accordance with federal law, the Union Constitution and these bylaws, with reasonable opportunity for each member to nominate and vote for the candidate of his/her choice.
- B. The Election Committee shall also conduct any referenda submitted to the membership.
- C. A member shall not be permitted to serve on the Election Committee if he/she is a candidate for any office of the Local or delegate to the CWA Convention.
- D. All questions concerning the conduct and challenges of elections shall be determined by the Election Committee, subject to the right of appeal to the governing body and membership of the Local in accordance with Article XV of the CWA Constitution.

Section 4 - General Provisions

- A. Only members of the Local in good standing shall be eligible to vote.
- B. The nominee in any election receiving the majority of the votes cast shall be declared elected. If no one nominee has a majority on the first ballot, the vote shall be taken again and the two nominees having the greatest number of votes on the first ballot shall be nominees on the second ballot.

(Note: Article XV, Section 4(d) of the CWA Constitution requires a Local President, Vice President, Secretary, Treasurer or Secretary-Treasurer to be elected by majority vote. Locals may provide in their bylaws for the election of all other positions by plurality vote.)

C. The term of office shall be for three (3) years.

D. The officers shall take office on (date) .

Section 5 - Vacancies

A vacancy in the office of Local President shall be permanently filled by the Vice President. Vacancies in other offices shall be filled by appointment of the governing body of the Local, subject to approval of the appointment by the Local membership within sixty (60) days.

(Note: The above provision is one way a Local may fill a vacancy in the Office of President. Article XV, Section 3(d) of the CWA Constitution also allows a vacancy in the office of President, as well as other offices, to be filled by appointment by the executive board, subject to approval of the membership within sixty (60) days. The Local may also provide for special elections to fill vacancies in some or all offices.)

ARTICLE XV - STRIKES

The calling, conduct and termination of strikes affecting this Local shall at all times be carried out in compliance with the rules prescribed by the Union and Article XVIII of its Constitution.

ARTICLE XVI - CHARGES, TRIAL AND APPEALS

Section 1 - Charges

Members of this Local may be fined, suspended and/or expelled, in the manner provided in these bylaws, for any of the acts enumerated in Article XIX of the Union Constitution.

Section 2 - Trials

Any accused member, including officers, of this Local shall be tried under the provisions of Article XX of the Union Constitution.

Section 3 - Appeals

A member or officer of this Local, upon being found guilty by a Local Trial Court, may appeal as provided in Article XX of the Union Constitution.

Section 4 - Local Trial Court

A Trial Court of this Local shall be composed of (number of) persons, who are members of this Local and not parties to the proceedings, and who shall be selected by the governing body of the Local.

(Note: There should be not less than three nor more than seven persons on the Trial Court.)

ARTICLE XVII - RECALL OF LOCAL OFFICERS

Any elected officer or executive board member of this Local may be recalled in accordance with the provisions of Articles XXI, Section 2, and XXII, Section 8, of the Union Constitution.

ARTICLE XVIII - AMENDMENTS TO LOCAL BYLAWS

After adoption, these bylaws may be amended by either of the following methods:

- (a) Majority vote of the members present in the Local meeting, if the proposed amendment has been introduced at a previous membership meeting or has been advertised to the membership by use of the Local newsletter, Bulletin Boards or U.S. Mail, postage prepaid, at least seven (7) days in advance of the meeting; or
- (b) Referendum of the membership.

ARTICLE XIX - REFERENDUM OF THE LOCAL

- A. The Local Election Committee shall submit any question(s) to a referendum of the membership when directed to do so by the governing body of the Local or by action of a regular or special membership meeting.
- B. Questions submitted to referendum shall be determined by a majority vote of those voting on the question.

ARTICLE XX - FISCAL YEAR AND AUDIT

- A. The fiscal year of this Local shall be from _____ to and including _____.
- B. The financial records of this Local shall be audited at the end of each fiscal year. The results of such audit shall be made available for the inspection of any member of the Local and a copy thereof shall be sent to the Secretary Treasurer of the Union.
(Note: The audit may be performed by a Certified Public Accountant, or by a committee established by the Local or by the Trustees of the Local.)

ARTICLE XXI - OATH OF OFFICE

Each elected officer of the Local, after meeting all other qualifications, shall be duly installed upon taking the following oath:

"I, _____ (name) _____, hereby accept the office of _____ (name of office) _____ of Local _____ (number) _____, of the IUE-CWA and CWA, with full knowledge of the responsibilities and duties of such office.

"I promise to faithfully discharge my duties according to the bylaws and rules of the Local and the Constitution and policies of the Union.

"I further promise to give my successor in office all books and records in my possession. I shall at all times endeavor to serve my Local and the Union to the best of my ability."

ARTICLE XXIII - ADOPTION

These bylaws shall be adopted upon the approval of a majority of the members voting upon their adoption in the membership meeting called for that purpose or by referendum of the membership.

These Bylaws adopted _____.

Revised Bylaws Adopted _____.

Revised Bylaws Adopted _____.

(Note: Be certain to include date of adoption on all copies of your bylaws. As the bylaws are revised and reprinted the original adoption date should be shown, as well as all revision dates.)

ADDENDUM NO. 1

**REQUIREMENTS FOR THE LOCAL ELECTION COMMITTEE
WHEN A LOCAL PROVIDES IN ITS BYLAWS THAT THE
LOCAL PRESIDENT AND OTHER LOCAL OFFICERS SHALL BE A DELEGATE(S)
TO CWA CONVENTIONS HELD DURING THEIR TERM OF OFFICE.**

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NOTICE OF NOMINATIONS

It is required that this language be included in the notice of nominations:

"The nomination of a person for the office of President shall also constitute the nomination of the same person as a delegate to CWA Conventions and IUE-CWA Conferences held during the term of office for which the election is being conducted."

NOTICE OF ELECTION AND THE BALLOT

It is required that this language be included in the notice of election and on the ballot:

"A vote cast for a candidate for the office of President shall also constitute a vote for such candidate to serve as a delegate to CWA Conventions and IUE-CWA Conferences during the term of office for which the election is being conducted, in the event such candidate is elected to office."

(Note: If the Local wishes to include other officers as Convention delegates, these titles are to be listed after the President.)