

**CONSTITUTION  
AND  
BYLAWS**

OF THE

**AMERICAN POSTAL  
WORKERS UNION**

AFL-CIO



AS AMENDED AUGUST 27, 2010

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## TABLE OF CONTENTS

	<b>PAGE</b>
Preamble.....	iv
Officers' Oath of Office.....	v
Members' Bill of Rights .....	vi
 <b>ARTICLE</b>	
1 Name .....	1
2 Objectives.....	1
3 Membership .....	3
4 Jurisdiction .....	7
5 Conventions .....	7
6 Representation.....	9
7 General Officers .....	11
8 Department and Administrative Officers .....	13
9 Division Officers .....	17
10 Eligibility to Run and Hold National, State, or Local Office.....	23
11 Nominations .....	24
12 Election Process .....	31
13 National Executive Board, Executive Council, and Committees.....	34
14 Recall .....	38
15 Local and Membership Protection .....	38
16 Fiscal Year, Revenues, and Charters .....	46
17 Subordinate Bodies .....	51
18 Referendum.....	52
19 National and Local Officers' Benefits .....	53
20 Locals, Area Locals, State, and Regional Organizations .....	55
21 Succession of Officers and Vacancies .....	56
22 Amendments .....	56
23 Strike Sanction .....	57
Bylaws.....	59

## 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 American Postal Workers Union, AFL-CIO, hereinafter known as the APWU.

## ARTICLE 2

### *Objectives*

SEC.1. It shall be the objective of the APWU 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 APWU and their families.

SEC. 2. The APWU affirms its belief in a single union of all postal workers in non-supervisory levels. The APWU will make every effort to bring into being a single union of all postal workers by mergers with other postal unions, and initiating intensive all-out organizing campaigns reflecting the APWU philosophy.

SEC. 3. The APWU will vigorously oppose any labor unions outside the Postal Service moving into the Postal Service union field.

SEC. 4. The APWU will call on the American Federation of Labor-Congress of Industrial Organizations (AFL-CIO), and its President, to aid in the cause of merging all postal unions into one single union.

SEC. 5. The APWU will continue to organize the unorganized.

SEC. 6. 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 APWU.

SEC. 7. To educate our membership and the general public in the history of the Labor Movement and to develop and maintain an intelligent and dignified membership to vote and work for the election of candidates who favor the passage of improved legislation in the interest of all labor. To work for the repeal of laws which are unjust to labor and to the postal workers such as the denial of the right to strike and the denial of the right to support political candidates of their choice; and to educate all members in the area of economic, political and social justice.

SEC. 8. To engage in legislative, political education, civic, welfare and other activities which further, directly or indirectly, the joint interests of the membership of this Union in the improvement of general economic and social conditions in the United States of America.

SEC. 9. (a) To work as an autonomous union affiliated with the AFL-CIO, together with other national and international unions for the solidification of the entire Labor Movement.

(b) The National Executive Board may provide assistance, financial and otherwise, to labor and other organizations in the United States and other parts of the world having purposes and objectives similar or related to those sought by this Organization.

SEC. 10. The APWU is established as an industrial union, including in its membership postal workers of all divisions who are not classified as supervisors. Its top leadership shall consist of a President, Executive Vice President, and Secretary-Treasurer.

SEC. 11. (a) The American Postal Workers Union shall request and make every effort to secure a meeting with the

National Association of Letter Carriers, a minimum of once a year, for the sole purpose of discussing and moving in the direction of eventual merger.

(b) Also, the same type of meetings shall be conducted, a minimum of once every two (2) years, with the other postal unions (in the United States) that represent postal workers in non-supervisory levels.

SEC. 12. The APWU shall encourage the formation of state and area local / local retiree chapters of the APWU Retirees Department in every state and territory of the United States, in order that all APWU dues-paying retirees and their families shall have access to state and area local / local APWU Retirees Department chapters to continue to fight for those issues which affect APWU members, retirees, and their families.

### 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. Those accepted for membership shall pay full per capita tax plus whatever dues may be required by his/her local union. 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, ~~(except for members on the automatic rolls or receiving pay for an approved on-the-job-injury from the Department of Labor – Office of Worker's Compensation Programs),\*~~ military leave, pregnancy leave, lay-off, disciplinary suspension, lockout or strike. The national Union shall not charge the locals for per capita tax on these employees during the period, but shall through their own resources keep that member in good standing to protect his/her

health coverage and any other benefits contingent on that good standing.

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. HONORARY MEMBERSHIP. Any person whose name has been submitted to the National Secretary-Treasurer at least thirty (30) days prior to the national convention may be elected to honorary membership by a majority vote of the national convention.

Local unions shall have power to confer honorary local membership in their respective unions. Such members shall be known as honorary members. No honorary member shall be eligible to hold national office or be seated as a delegate at a convention, nor shall he or she have the right to vote.

SEC. 4. (a) RETENTION OF MEMBERSHIP. Local unions shall be granted the right to allow members of their organization who have resigned from employment in an APWU bargaining unit, or who may have been promoted to positions exercising supervisory authority, the right to maintain their membership without voice or vote. Members who held supervisory positions and were members of the National Postal Transport Association on July 1961 may continue to retain membership with the right to vote.

(b) No national, regional, state or local officer in the APWU can be removed from his or her office for duly authorized Union activities other than through the procedures spelled out in the National Constitution.

(c) Members of this Union 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 their local union. He/she shall retain the same right to vote in all matters that he/she had immediately before he/she retired from service.

**APWU retirees who relocate their primary residence to a new geographical area outside the jurisdiction of the local area of their membership after their retirement and remain in the new area for more than one year, may transfer their union membership to the local/area local of their new residence after providing proof of residency to the local/area local they wish to join. Such transfers must be in accordance with the gaining local's constitution and by-laws. The new local will receive their dues.**

Retirees, whose APWU full dues/per capita payments have lapsed, due to extenuating circumstances, may appeal for reinstatement to the APWU National Secretary-Treasurer, providing supporting documentation and accompanied by written verification by the local president and secretary-treasurer. The APWU Retirees Department Director shall review retiree appeals for full dues membership reinstatement, report a recommendation to the APWU National Secretary-Treasurer who shall present the appeal, findings, and recommendation to the National Executive Board for a final determination.

(d) As an alternative, such retirees shall have an option to choose to maintain full National membership with the National APWU only, by paying full National per capita taxes to the APWU plus Thirty-Six Dollars (\$36.00) to the APWU Retirees Department, and shall be accorded full voting rights in National Officers Election in accordance with existing provisions of the Constitution.

(e) All retirees who desire to become members of the APWU Retirees Department shall pay Thirty-Six Dollars (\$36.00) per year per capita tax to the National Union. One dollar (\$1.00) per month shall be passed on to existing local and state retiree chapters where they now exist or may be organized in the future. Where there are no retiree chapters in existence, the

One Dollar (\$1) shall be retained by the Retiree Department in an organizing fund, to be disbursed solely for organizing activities by the Retiree Department. Such retirees shall elect the Retirees Department Director and five (5) delegates to the national convention. The Retirees Department Director and each Retiree National Convention Delegate will have a voice and one (1) vote at the national convention. The five (5) Retiree National Convention Delegates shall be paid necessary expenses to attend the national convention.

SEC. 5. Federal-Classified, EAS, Mail Handler, Carrier, Rural Carrier **and tribal or tribal organization** employees may be accepted as Associate Members for Health Plan participation only. They shall pay Thirty-Five Dollars (\$35.00) per annum for this privilege, Five Dollars (\$5.00) of which shall go to the local in the area where the Federal-Classified, EAS, Mail Handler, Carrier, Rural Carrier **or tribal or tribal organization** employee is employed.\*

SEC. 6. MEMBERS-AT-LARGE. Any employee eligible for membership in the APWU, AFL-CIO, may become a member-at-large (MAL), provided that no such membership be granted in any installation where an APWU local exists.

SEC. 7. All members of the APWU shall be in their respective division.

SEC. 8. OFFICIAL ORGAN. The official organ of this organization shall be published through the headquarters of the APWU at Washington, D.C. Membership in this organization shall include subscription to the official organ. The subscription price of the official organ of this organization to non-members shall be determined by the Executive Board.

SEC. 9. PROHIBITED. 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 APWU.

## ARTICLE 4

### *Jurisdiction*

SEC. 1. The jurisdiction of the APWU 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 U.S. Postal Service or any other employer, and including any operations that transmit message by electronic or other means, and including personnel in headquarters, regional offices and technical support operations.

## ARTICLE 5

### *Conventions*

SEC. 1. (a) National conventions of this Union shall convene biennially in even-numbered years on any Monday in July or August, with the exception of the weeks of the 4th of July and last week of August.

(b) The National Executive Board shall be empowered to select the site of the national convention city and to alternate sites by geographical location. The National Executive Board shall also be empowered to select sites for multiple APWU National Conventions, not to be held in consecutive convention cycles, so that alternation of sites by geographical location is continued.

Any local union of the American Postal Workers Union desiring to host the national convention shall submit detailed plans to the National Executive Board not later than three (3) years prior to January 15th of the year it desires to host the national convention.

All conventions are to be conducted between the hours of 10 a.m. to 4 p.m. Monday through Friday.

(c) Local unions submitting invitations shall be required to meet the minimum criteria for housing and convention facilities as established by the National Executive Board.

SEC. 2. Arrangements for the administration and conduct of the national convention shall be under the supervision and authority of the National Executive Board of the APWU. The National Executive Board, at the request of the host local, shall have authority to change the dates and/or location of any national convention in the event of local or national emergency.

SEC. 3. A Screening Committee, including division representatives, shall be appointed to screen resolutions submitted with a view to eliminating repetitive resolutions and shall have authority to consolidate all resolutions containing the same basic subject matter.

SEC. 4. All division meetings in the year of the national convention will be held prior to the national convention. **At the discretion of the division directors, the division meeting may be reduced from two days to a single day.**

Division meetings held in the year between National Conventions shall conform to a regular format. Off-year division meetings shall be for a minimum of three (3) full days, dedicating specific time to training and allocating such time as to be determined by the Division Director to address business matters of the division, including discussion of and voting on resolutions. No division meeting shall be organized in such a way as to preclude an appropriate business session or sessions.

Resolutions shall be submitted, in writing, to the Division Director at least thirty (30) days in advance of the division (craft) conference.

The Division Director shall be responsible for announcing the agenda for each division meeting with sufficient advance notice. The Division Director shall cause a record of each

Division meeting to be distributed to attending locals after such meetings. He/she shall also submit to the Secretary-Treasurer for inclusion in the next national convention resolution book(s), such resolutions as may be adopted by the body of an off-year division meeting. Resolutions adopted by division meetings immediately prior to the national convention shall be promptly submitted to the Screening Committee to be brought forward in the national convention.

SEC. 5. The national convention magazine shall be the responsibility of the Secretary-Treasurer. In no instance shall there be any advertising in said magazine.

SEC. 6. No national officer shall have more than one (1) vote in convention and he/she shall not be permitted to vote by proxy for his/her local.

SEC. 7. All delegates in attendance at national, regional, or state conventions shall be required to wear clothing and other articles insofar as possible, bearing the union label.

SEC. 8. A Bulk Mail Center (BMC) conference shall be held annually. An additional BMC conference in the year of the national convention will be held prior to the national convention.

## ARTICLE 6

### *Representation*

SEC. 1. (a) Each local union and area local shall be entitled to representation in national conventions of one (1) delegate and one (1) vote for each twenty-five (25) members or fraction thereof.

(b) Each affiliate local shall be entitled to at least one (1) delegate vote.

(c) Each state organization shall be entitled to one (1) delegate and one (1) vote for each twenty-five (25) members or fraction thereof of the unrepresented members.

(d) Each regional organization which is organized in place of the state organization and where no state organizations exist shall be entitled to one (1) vote for each twenty-five (25) members or fraction thereof of the unrepresented members.

(e) All local, state and regional organizations in electing their delegates to the national convention must fulfill the requirements under applicable federal laws. National conventions credentials must be signed by the local president and/or the secretary, secretary-treasurer, or treasurer.

(f) The convention can, at its pleasure, give to visiting members-at-large (MAL) a vote provided not more than three (3) members-at-large attend the convention. If more than three (3) attend, the chairman of the Credentials Committee with the consent of the convention shall apportion one (1) vote to every three (3) members-at-large.

SEC. 2. (a) No local, state or regional union shall be represented by proxy.

SEC. 3. METHOD OF VOTING ON ROLL CALL. One (1) or more delegates shall cast the full numbers of votes to which his or her Local is entitled; the voting of delegates shall precede the roll call of national officers; but no delegate shall be seated with less than one (1) full vote, except members-at-large.

SEC. 4. Representation shall be based on the average amount of representation tax (per capita) paid monthly by each local during the preceding fiscal year, provided, however, that any local whose charter in the APWU has not been in existence for one (1) year is entitled to representation at the convention on the average of per capita tax paid monthly since its admission.

SEC. 5. Alternate delegates may be seated in the permanent absence of the regular delegates upon presentation of proper credentials. Alternate delegates shall not be seated in the temporary absence of the regular delegate.

SEC. 6. Each national officer holding an elective office shall have voice and one (1) vote and shall be a delegate to the national convention.

## ARTICLE 7

### *General Officers*

SEC. 1. (a) PRESIDENT. It shall be the duty of the President to preside at all conventions and at meetings of the National Executive Board and National Executive Council. He/she shall be a member of all committees. He/she shall appoint the necessary committees at each convention. He/she shall fill all vacancies from any cause whatsoever, subject to the approval by a majority of the members of the National Executive Board, until such vacancy is filled by regular election. He/she shall be empowered to appoint the necessary staff at national headquarters and throughout the organization to carry on the necessary programs of the Union such as industrial engineers, economists, financial technicians, industrial relations technicians, public relations personnel and national organizers. He/she shall submit to each convention a written report of his/her official acts during his/her term of office. He/she shall sign all orders drawn by the Secretary-Treasurer and countersign all checks. He/she shall be responsible for all work of the Union and all officers of the Union shall work under his/her supervision. He/she shall be the editor of the official organ of the Union. His/her salary shall be **One Hundred Forty-Nine Thousand Two Hundred and Nine Dollars and Fifty-Seven Cents (\$149,209.57)** per annum, plus necessary expenses.

(b) EXECUTIVE VICE PRESIDENT. The Executive Vice President shall perform the duties of the President in case of

his/her absence or inability to attend to the duties of his/her office. In the event of death or resignation of the President, the Executive Vice President shall replace him or her until the next called general election. He/she shall be a member of the National Negotiations Committee and he/she shall, under the direction of the President, assist in handling Union business. He/she shall, in the absence of the President, be authorized to sign checks. His/her salary shall be **One Hundred Thirty Thousand Eight Hundred Eighty-Seven Dollars and Thirty-One Cents (\$130,887.31)** per annum, plus necessary expenses.

(c) SECRETARY-TREASURER. The Secretary-Treasurer, under the supervision of the President, shall keep a record of all proceedings, and all other records of this Union. He/she shall be the custodian of the official seal and shall issue all charters. He/she shall supervise the recording of the membership of each local union, along with the name and address of each member-at-large. He/she shall see that a written report is submitted to the national convention, showing the number of locals and members and a written report of all his/her official acts during his/her term of office. The Secretary-Treasurer shall receive and deposit all monies from all local unions and members-at-large. He/she shall also be the official custodian of all monies of this Union. He/she shall disburse all monies by check countersigned by the President. He/she shall see that a written report is submitted to the national convention of all monies received and disbursed.

The Secretary-Treasurer shall submit the books of the organization to an attested public accountant at the close of each fiscal year and a report of the accounting shall be verified by the Finance Committee. Upon written request, the report of the accounting shall be sent to local presidents, along with the Secretary-Treasurer's analysis of the Union's financial position. He/she shall perform such other duties as the President may require of him or her.

The Secretary-Treasurer's salary shall be **One Hundred Thirty Thousand Eight Hundred Eighty-Seven Dollars and Thirty-One Cents (\$130,887.31)** per annum, plus necessary expenses.

## ARTICLE 8

### *Department and Administrative Officers*

SEC. 1. INDUSTRIAL RELATIONS DEPARTMENT. The Industrial Relations Director shall be charged with the responsibility for the labor-management, national negotiations, mechanization, health and safety for all divisions of the Union and the administration of the contract. His/her salary shall be **One Hundred Nineteen Thousand Nine Hundred Eighteen Dollars and Eighty-Four Cents (\$119,918.84)** per annum, plus necessary expenses.

SEC. 2. (a) LEGISLATIVE/POLITICAL DEPARTMENT. The Legislative/Political Director shall be charged with the responsibility of directing all activities of the Union with regard to legislation of interest to the members and their families. He/she shall develop publicity programs and be the editor of the weekly news bulletin and the associate editor of the official organ of the Union. He/she shall work in cooperation with the AFL-CIO and other national and international unions with regard to legislation. He/she shall assist the President in the distribution of COPA funds. His/her salary shall be **One Hundred Nineteen Thousand Nine Hundred Eighteen Dollars and Eighty-Four Cents (\$119,918.84)** per annum, plus necessary expenses.

(b) Assistant Legislative/Political Director shall assist the Legislative/Political Director in the development of legislative programs of the APWU. He/she shall assist the Legislative/Political Director with the weekly news publication and assist in the development of publicity programs of the APWU. He/she shall assist the President in the distribution of COPA funds.

His/her salary shall be **One Hundred Twelve Thousand Five Hundred Sixty-Two Dollars and Ninety-Two Cents (\$112,562.92)** per annum, plus necessary expenses.

SEC.3.ORGANIZATIONDEPARTMENT.TheOrganization Director shall direct and be responsible for maintaining and/or increasing the membership in this Union and direct the organization of the unorganized. He/she shall promote and encourage and advise membership committees in all phases of membership recruitment programs. Current brochures and material shall be prepared and maintained by him/her. The organizing material shall appeal to membership of all divisions under the jurisdiction of the APWU. His/her salary shall be **One Hundred Twelve Thousand Five Hundred Sixty-Two Dollars and Ninety-Two Cents (\$112,562.92)** per annum, plus necessary expenses.

SEC. 4. RESEARCH AND EDUCATION DEPARTMENT. The Research and Education Director shall be charged with the responsibility of conducting research and administering educational programs at the national, regional, state, area and local levels. Education shall be a mandatory part of the business of the APWU, particularly education in labor history, labor problems, grievance procedure, the objectives of the APWU and the problems of the APWU, its members and their families.

There shall be established educational areas throughout the fifteen (15) regions to which educational representatives shall be assigned. These educational representatives shall be appointed by the President to work under the direction of the Research and Education Director and such appointments shall be approved by the National Business Agent(s) in whose area they shall serve. His/her salary shall be **One Hundred Twelve Thousand Five Hundred Sixty-Two Dollars and Ninety-Two Cents (\$112,562.92)** per annum, plus necessary expenses.

SEC. 5. HEALTH PLAN DEPARTMENT. The APWU shall have a Health Plan Director. This officer shall serve on the Board of Directors for the APWU Health Plan and shall work under the direction of the President. His/her salary shall be **One Hundred Nineteen Thousand Nine Hundred Eighteen Dollars and Eighty-Four Cents (\$119,918.84)** per annum, plus necessary expenses. Such salary shall come from the premiums of the APWU Health Plan.

SEC. 6. (a) HUMAN RELATIONS DEPARTMENT. The Human Relations Director shall prepare and direct programs in the area of equal opportunity civic programs, community service programs, retirement programs and all other related programs. His/her salary shall be **One Hundred Twelve Thousand Five Hundred Sixty-Two Dollars and Ninety-Two Cents (\$112,562.92)** per annum, plus necessary expenses.

(b) The President shall appoint one (1) representative residing and working within each OWCP district to handle, on an “as-needed” basis, such claims as may arise. Such Representatives will be under the administrative control of their respective Regional Coordinators but will be credited to and against the staffing and budget of the Human Relations Department. Each Regional Coordinator may, if necessary, appoint, subject to approval of the President, one (1) representative to handle such EEO cases as may arise on an “as-needed” basis. These representatives will be under the administrative control of their respective Regional Coordinators but will be credited to and against the staffing and budget of the Human Relations Department. Such representatives will be reimbursed for expenses and lost time only.

SEC. 7. REGIONAL COORDINATORS. There shall be five (5) Regional Coordinators, to be elected from their respective regions. The Regional Coordinators shall operate under the direction of the President. The Regional Coordinators shall be members of the National Executive Board. Their salary shall be **One Hundred Thousand One Hundred Seventeen**

**Dollars and Twenty-Five Cents (\$100,117.25)** per annum, plus necessary expenses.

SEC. 8. CARIBBEAN AREA NATIONAL BUSINESS AGENT. There shall be an elected National Business Agent who shall serve all APWU represented employees in all divisions for the Caribbean Area and shall be eligible to participate as a National Business Agent in all official meetings of the Division Councils, excluding the filling of vacancies in Article 18. His/her salary shall be **Ninety Thousand Five Hundred Seventy-Six Dollars and Sixty-Five Cents (\$90,576.65)** per annum, plus necessary expenses.

SEC. 9. ALASKAN AREA NATIONAL BUSINESS AGENT. There shall be an elected National Business Agent who shall serve all APWU represented employees in all divisions within the state of Alaska on an "as-needed" basis and shall be eligible to participate as a National Business Agent in all official meetings of the Division Councils, excluding the filling of vacancies in Article 18. His/her salary shall be **Ninety Thousand Five Hundred Seventy-Six Dollars and Sixty-Five Cents (\$90,576.65)** per annum, plus necessary expenses. This salary shall be paid to this officer only when performing the duties of this position.

SEC. 10. PACIFIC AREA NATIONAL BUSINESS AGENT. There shall be an elected National Business Agent who shall serve all APWU represented employees in all divisions within the Pacific Area and shall be eligible to participate as a National Business Agent in all official meetings of the Division Councils, excluding the filling of vacancies in Article 18. His/her salary shall be **Ninety Thousand Five Hundred Seventy-Six Dollars and Sixty-Five Cents (\$90,576.65)** per annum, plus necessary expenses.

SEC. 11. DIRECTOR, APWU RETIREES DEPARTMENT. The Director, APWU Retirees Department shall be responsible for the Department. He/she shall be charged with the

responsibility of directing the objectives of the department, but not limited to: legislative and political activity, administering retirement educational programs, organizing new Retirees Department members and Local and State Retiree Chapters, to service the needs of the retired members and their survivors, and such other duties as may be assigned to him/her. He/she shall work under the direction of the President. His/her salary shall be **One Hundred Thousand One hundred Seventeen Dollars and Twenty-Five Cents (\$100,117.25)** per annum, plus expenses.

## ARTICLE 9

### *Division Officers*

SEC. 1. CLERK DIVISION. (a) Director: The Director of the Clerk Division shall be responsible for the Division. He/she shall also be responsible for processing all grievances in the division. He/she shall be a member of the Labor-Management Committee and National Negotiating Team. The Director, Clerk Division, will chair a Clerk Division Council meeting, to be held at a minimum of one (1) per year. These meetings will be held at a date, time and location determined by the Director, Clerk Division, and will be in addition to the Council meetings held in conjunction with the National Convention and All-Craft Conferences. His/her salary shall be **One Hundred Nineteen Thousand Nine Hundred Eighteen Dollars and Eighty-Four Cents (\$119,918.84)** per annum, plus necessary expenses.

(b) Assistant Director (A): The Assistant Director shall assist the Director of the Clerk Division in handling of grievances and such other duties that may be assigned to him/her. His/her salary shall be **One Hundred Twelve Thousand Five Hundred Sixty-Two Dollars and Ninety-Two Cents (\$112,562.92)** per annum, plus necessary expenses.

(c) Assistant Director (B): The Assistant Director shall assist the Director of the Clerk Division in handling of grievances and such other duties that may be assigned to him/her. His/her salary shall be **One Hundred Twelve Thousand Five Hundred Sixty-Two Dollars and Ninety-Two Cents (\$112,562.92)** per annum, plus necessary expenses.

(d) Assistant Director (C): The Assistant Director shall assist the Director of the Clerk Division in handling of grievances and such other duties that may be assigned to him/her. His/her salary shall be **One Hundred Twelve Thousand Five Hundred Sixty-Two Dollars and Ninety-Two Cents (\$112,562.92)** per annum, plus necessary expenses.

(e) National Business Agents: The forty (40) National Business Agents shall serve as field representatives in their assigned regions or in any place that the President so directs. Under the Division Director's supervision, they shall have jurisdiction over grievances and organization matters within their assigned region. Their salary shall be **Ninety Thousand Five Hundred Seventy-Six Dollars and Sixty-Five Cents (\$90,576.65)** per annum, plus necessary expenses.

(f) The forty (40) National Business Agents of the Clerk Division shall be listed according to seniority as national officers.

(g) National Organizers: The APWU Organization reserves the right to select representatives to be known as National Organizers who will primarily be used in organizing and public relations work under the direction of the National Business Agent. They shall be appointed by the President for the term of one year (1) commencing October 1 of each year. Their lost time and actual expenses will be paid out of the national treasury.

(h) The National Clerk Division Council shall be comprised of the Division Director, the three (3) Assistant

Directors, the National Business Agents and National Organizers.

## SEC. 2. MOTOR VEHICLE SERVICE (MVS) DIVISION.

(a) Director: He/she shall be charged with the responsibility of handling all problems and grievances pertaining to MVS. He/she shall be a member of the Labor-Management Committee and National Negotiating Team. The Director, Motor Vehicle Service Division, will chair a Motor Vehicle Service Division Council meeting, to be held at a minimum of one (1) per year. These meetings will be held at a date, time and location determined by the Director, Motor Vehicle Service Division and will be in addition to the Council meetings held in conjunction with the National Convention and All-Craft Conferences. His/her salary shall be **One Hundred Nineteen Thousand Nine Hundred Eighteen Dollars and Eighty-Four Cents (\$119,918.84)** per annum, plus necessary expenses. Effective November 12, 2007, his/her salary shall be the same as Director, Clerk Division.

(b) Assistant Director: He/she shall be charged with the responsibility of maintaining all records of the MVS membership. He/she shall assist the Director of the MVS Division in grievances and other organizational problems. His/her salary shall be **One Hundred Twelve Thousand Five Hundred Sixty-Two Dollars and Ninety-Two Cents (\$112,562.92)** per annum, plus necessary expenses. Effective November 12, 2007, his/her salary shall be the same as Assistant Director, Clerk Division.

(c) National Business Agents: There shall be six (6) National Business Agents, one (1) in the Southwest Sub-Region (Arkansas, Kansas, Louisiana, Missouri, Nebraska, Oklahoma and Texas), one (1) in the Southeast Sub-Region (Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina and Tennessee) and one (1) each in the Central (Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, North Dakota, Ohio, South Dakota and Wisconsin), Eastern, Northeast and Western postal regions. They

shall be charged with the responsibility of handling problems, grievances, and such other duties as may be assigned to them by the Director of the MVS Division. Their salary shall be **Ninety Thousand Five Hundred Seventy-Six Dollars and Sixty-Five Cents (\$90,576.65)** per annum, plus necessary expenses.

(d) The National Motor Vehicle Service Division Council shall be comprised of the Division Director, Assistant Director, and the National Business Agents.

SEC. 3. MAINTENANCE DIVISION. (a) Director: The Director of the Maintenance Division shall be charged with the responsibility of the operation and have authority concerning Maintenance employees. He/she shall be a member of the National Negotiating Team, National Mechanization Committee and Labor-Management Committee. The Director, Maintenance Division, will chair a Maintenance Division Council meeting, to be held at a minimum of one (1) per year. These meetings will be held at a date, time and location determined by the Director, Maintenance Division and will be in addition to the Council meetings held in conjunction with the National Convention and All-Craft Conferences. His/her salary shall be **One Hundred Nineteen Thousand Nine Hundred Eighteen Dollars and Eighty-Four Cents (\$119,918.84)** per annum, plus necessary expenses. Effective November 12, 2007, his/her salary shall be the same as Director, Clerk Division.

(b) Assistant Director (A): The Assistant Director (A) shall assist the Director of the Maintenance Division in the handling of grievances and such other duties that may be assigned to him/her. His/her salary shall be **One Hundred Twelve Thousand Five Hundred Sixty-Two Dollars and Ninety-Two Cents (\$112,562.92)** per annum, plus necessary expenses. Effective November 12, 2007, his/her salary shall be the same as Assistant Director, Clerk Division.

(c) Assistant Director (B): The Assistant Director (B) shall assist the Director of the Maintenance Division in the handling

of grievances and such other duties that may be assigned to him/her. His/her salary shall be **One Hundred Twelve Thousand Five Hundred Sixty-Two Dollars and Ninety-Two Cents (\$112,562.92)** per annum, plus necessary expenses. Effective November 12, 2007, his/her salary shall be the same as Assistant Director, Clerk Division.

(d) National Representative-at-Large: The National Representative-at-Large shall assist officers in the field of grievances, organizational activities and general union business. He/she will assume the duties of the BMC Coordinator. His/her duties shall include that (a) he or she shall direct inquiries or special problems at the Bulk Mail Centers (BMC) to the national officers for resolution and/or immediate response; and (b) he or she shall coordinate and co-chair the BMC meetings with the host local; and (c) shall provide written response to specific problems within sixty (60) days. His/her salary shall be **One Hundred Twelve Thousand Five Hundred Sixty-Two Dollars and Ninety-Two Cents (\$112,562.92)** per annum, plus necessary expenses. Effective November 12, 2007, his/her salary shall be the same as Assistant Director, Clerk Division.

(e) National Business Agents: There shall be nine (9) National Business Agents of the Maintenance Division, two (2) in the Western and Southern postal regions and one (1) each in the Eastern and Northeast postal regions and one (1) each in Central Sub-Region A (Illinois, Indiana, Kentucky and Ohio), Central Sub-Region B (Iowa, Kansas, Missouri and Nebraska) and Central Sub-Region C (Michigan, Minnesota, North Dakota, South Dakota and Wisconsin); and they shall be elected by mail ballots, restricted to membership of the respective region or sub-region. Their salary shall be **Ninety Thousand Five Hundred Seventy-Six Dollars and Sixty-Five Cents (\$90,576.65)** per annum, plus lost time and necessary expenses.

(f) The National Maintenance Division Council shall be comprised of the Division Director, the Assistant Directors,

National Representative-at-Large, and the National Business Agents.

SEC. 4. SUPPORT SERVICES DIVISION. (a) The Division shall be comprised of members from information service centers, mail transport equipment service centers, mail equipment shops, material distributions centers, operating service facilities, mail transport operations, postal medical units, other non-mail processing facilities or operations, and related operations in the private sector with the right to ratify respective agreements.

(b) Support Services Division Director: There shall be a Support Services Division Director. This Director shall be charged with the responsibility of grievances and other organization matters and other issues relating to the division. He/she shall be a member of the Labor Management Committee and the National Negotiating Team. His/her salary shall be **Ninety Thousand Five Hundred Seventy-Six Dollars and Sixty-Five Cents (\$90,576.65)** per annum, plus expenses.

SEC. 5. Mail Handler Division: The appointment of a Mail Handler Representative for each of the five (5) regions will be utilized as needed.

SEC. 6. All Division Officers shall be responsible to and work under the direction of the Division Director of their respective divisions.

SEC. 7. Nationally appointed advocates shall be paid a minimum of eight (8) hours preparation time and eight (8) hours of hearing time. The salary will be **Seventy One Thousand Fifty Eight Dollars and twenty-Nine Cents (\$71,058.29)** per annum, plus expenses, and **Thirty-Four Dollars and Sixteen Cents (\$34.16)** per hour, and they will be given future pay increases in the same manner as national officers.

SEC. 8. All divisions will be established on a departmental basis within the structure of the APWU. Each division department shall be headed by its own director and other necessary officers, who shall be members of the particular division and shall be elected only by members of that division. This administrative structure is to apply similarly in the organization of local, area, state and regional unions affiliated with the APWU wherever feasible.

## ARTICLE 10

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

SEC.1 (a) Eligibility for Office. 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 the APWU, nor can he/she be seated as a delegate to the national convention.

SEC. 2 (a) Any National Officer making application, in writing, for a position of management shall within ten (10) days of that application resign his/her position with the APWU and if such resignation is not forthcoming, the National Executive Board shall, upon conclusive evidence, declare said office vacant and appoint a successor.

(b) 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 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.

(c) Any member who voluntarily, after August 31, 1984, holds, accepts or applies for any managerial or supervisory position, EAS position or the PASS Program or any other supervisory program, for any period of time, whether one (1) day or a fraction thereof, either detailed, acting, 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 Press Association, or any subordinate body of the APWU which receives financial support or uses the name of the American Postal Workers Union.

## **ARTICLE 11**

### *Nominations*

SEC. 1. The officers of this Union shall be elected by secret ballot by plurality vote and shall consist of President, Executive Vice President, Secretary-Treasurer, Industrial Relations Director, Legislative/Political Director, Assistant Legislative/Political Director, Organization Director, Research and Education Director, Health Plan Director, Human Relations Director, and five (5) Regional Coordinators (One for Central, Eastern, Northeast, Southern and Western). Where there is more than one (1) National Business Agent within a region, they will be referred to as National Business Agent (A), (B), (C), (D), etc.

CLERK DIVISION: Director, three (3) Assistant Directors who will be referred to as Assistant Director (A), (B) and (C), and forty (40) National Business Agents (refer to chart for complete breakdown into regions).

MOTOR VEHICLE SERVICE DIVISION: Director, Assistant Director and six (6) National Business Agents (refer to chart for complete breakdown into regions).

MAINTENANCE DIVISION: Director, two (2) Assistant Directors who will be referred to as Assistant Director (A) and (B), National Representative-At-Large and nine (9) National Business Agents (refer to chart for complete breakdown into regions).

SUPPORT SERVICES DIVISION: Director

National Business Agent, Caribbean Area

National Business Agent, Alaskan Area, "as-needed"

National Business Agent, Pacific Area

SEC. 2. (a) CANDIDATES FOR NATIONAL RESIDENT OFFICES. Any member in good standing in this Union may be a candidate for election, if eligible, provided he/she has nominating petitions endorsed by at least a total of twelve (12) locals, representing at least five (5) states in three (3) or more regions.

(b) Candidates for Regional Coordinator must be members-at-large or members in good standing of a local in the region he/she seeks to represent and must have nominating petitions endorsed by at least ten (10) locals representing at least four (4) states within the Region.

(c) Candidates for any division position must be members of the division in which they seek such positions and they are to be elected only by members of that division.

<b>NATIONAL BUSINESS AGENTS (NBAs)</b>				
	<b>Clerk</b>	<b>Maint.</b>	<b>MVS</b>	<b>Other</b>
<b>CENTRAL REGION</b>			1 (IL, IN, IA, KY, MI, MN, ND, OH, SD, WI)	
Region:				
Chicago	3			
Cincinnati	3			
Minneapolis	2			
St. Louis	2			
Wichita	2			
Sub-Region:				
A (IL, IN, KY, OH)		1		
B (IA, KS, MO, NE)		1		
C (MI, MN, ND, SD, WI)		1		
<b>EASTERN REGION</b>		1	1	
Region:				
Philadelphia	3			
Washington, DC	3			
<b>NORTHEAST REGION</b>		1	1	1 (Caribbean Area)
Region:				
New England	3			
New York	3			

<b>NATIONAL BUSINESS AGENTS (NBAs)</b>				
	<b>Clerk</b>	<b>Maint.</b>	<b>MVS</b>	<b>Other</b>
<b>SOUTHERN REGION</b>		2		
Region:				
Atlanta	3			
Dallas	3			
Memphis	2			
Sub-Region:				
Southwest (AR, KS, LA, MO, NE, OK, TX)			1	
Southeast (AL, FL, GA, MS, NC, SC, TN)			1	
<b>WESTERN REGION</b>		2	1	2 (Pacific & Alaskan Areas)
Region:				
San Francisco	4			
Denver	2			
Northwest	2			

(d) Candidates for National Business Agent, Clerk Division must be members-at-large or members in good standing of a local in the region he/she seeks to represent and endorsed by at least eight (8) locals within that region. Candidates for National Business Agents, Clerk Division, will be elected from the Region they represent pursuant to the chart for National Business Agents in the American Postal Workers Union National Constitution and Bylaws, effective for the next election after the 2004 National Officers Election.

(e) Candidates for National Resident Offices, Motor Vehicle Service and Maintenance Divisions shall have their nominating petitions endorsed by twelve (12) locals from five (5) states.

(f) Candidates for National Business Agent, Maintenance Division shall have their nominating petitions endorsed by division members representing at least ten (10) locals in at least four (4) states within their region.

(g) Candidates for National Business Agent, Motor Vehicle Service Division shall have their petitions endorsed by division members from eight (8) different locals within their region.

(h) Candidates for the National Business Agent, Caribbean Area shall be members-at-large or members in good standing and must be residents of the Caribbean Area. Petitions are to be signed by the local president and secretary.

(i) Candidates for the National Business Agent, Alaskan Area must be members-at-large or members in good standing and must be residents of the state of Alaska. Petitions are to be signed by the local president and secretary.

(j) Candidates for the Director, Support Services Division, must be members-at-large or members in good standing and must work in one of the facilities of the Support Services Division and shall have their nominating petitions endorsed by at least three (3) Support Services Facilities. Petitions are to be signed by the local president and secretary.

(k) Candidates for the National Business Agent, Pacific Area must be members-at-large or members in good standing and must work within the Pacific Area. Petitions are to be signed by the local president and secretary.

(l) Petitions from Caribbean Area, Alaskan Area and Pacific Area must have at least one (1) petition signed by one local from their respective region.

(m) Candidates for Director, APWU Retirees Department and Retiree National Convention Delegate must be members in good standing of the APWU Retirees Department, paying Thirty-Six Dollars (\$36.00) per year per capita tax to the National Union. A member of the APWU Retirees Department in good standing may request a nominating petition and may nominate himself or herself or any other member in good standing of the APWU Retirees Department to be a candidate for Director, APWU Retirees Department, and he/she will be elected by members of the APWU Retirees Department nationwide, or a candidate for Retiree National Convention Delegate for the region that he/she will represent, and he/she will be elected from that region. Members in good standing who are nominated by others and are not self-nominated will be notified that they have been so nominated and must agree in writing to accept the nomination before their names can be placed on the ballot.

SEC. 3. (a) Any eligible member may secure an official petition from the Secretary-Treasurer on May 1 through June 1 of the election year. Such petitions will be duplicated by each candidate at his/her own expense and must be received no later than June 15 at 5 p.m. at a box designated by the Secretary-Treasurer. Candidates shall provide in such petitions a certification signed by them, stating: "I am a member in good standing of the \_\_\_\_\_ Division." "I am employed by \_\_\_\_\_." "The title of my job is \_\_\_\_\_." "I am retired: \_\_\_\_\_." "I am not retired: \_\_\_\_\_." Candidates for Director, APWU Retirees Department and Retiree National Convention Delegate shall certify that they are members in good standing

of the APWU Retirees Department and are not employed by the United States Postal Service.

(b) The Secretary-Treasurer shall, after certifying the constitutional qualifications of each candidate, publish in the August issue of the official organ, the names of all candidates for National Office, and for Retiree National Convention Delegate. In the event that only one (1) eligible candidate is nominated for an office, the 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.

(c) The Editor of the APWU official organ shall print in the August issue articles contributed by candidates for contested positions, not to exceed three hundred (300) words and all such articles shall be submitted, by certified mail, and received by the Secretary-Treasurer, not later than July 1 to be valid for printing.

(d) In the event of the death of a nominee for any office or Retiree National Convention Delegate, the National 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).

SEC. 4. Any APWU member seeking election to a Health Plan national office must be a member in good standing (if eligible) of the APWU Health Plan in order to be declared an "official candidate."

## ARTICLE 12

### *Election Process*

SEC. 1. An Election Committee shall be appointed by the President and shall consist of not less than five (5) members and shall submit a full report of the election returns to the President immediately after the tally has been completed, but not later than November 1st. Their lost time and expenses shall be paid for by the APWU. Any candidate may have a right to witness the tabulation at his/her own expense. The Election Committee shall promulgate reasonable rules and regulations governing the conduct of all national elections. Such rules and regulations shall be consistent with the National Constitution and all applicable federal laws. A copy of these rules shall be printed in the April issue of the official APWU organ.

SEC. 2. The President shall select a recognized outside ballot association to conduct the election under the supervision of the Election Committee. No later than September 15 of an election year, the selected outside ballot association shall mail ballots to each member in good standing at their last-known address. Notice shall be enclosed with the ballot advising the member of the deadline by which the ballot must be received by the Election Committee in order to be counted. The deadline for receipt of ballots from members in good standing shall be no less than twenty (20) days from the date on which the ballot association mailed ballots to members in good standing. To be eligible to vote, a member must be in good standing according to the official records of the National Union on June 15 of the election year. It shall be the duty of the Secretary-Treasurer to furnish the ballot association with a mailing list early enough so that ballots will be mailed out during the period September 10 through September 15 of an election year. No other matter shall be enclosed in either the outer envelope or the ballot envelope, except the printed information.

SEC. 3. The member voting shall indicate his/her choice for each of the candidates names by making a cross (x) or check

(✓) opposite the name of the candidate for whom he/she wishes to vote. The voter shall then seal his/her ballot in the small envelope, without any writing, or other means of identification upon it, and enclose this envelope in the larger one and complete the address in accordance with the instructions enclosed with the ballot.

SEC. 4. (a) Write-in votes shall not be valid, counted or considered. Any unopposed candidate duly-qualified by nominating petition for office or Retiree National Convention Delegate, after nomination petitions have been closed, shall be declared elected, and his/her name shall not appear on the ballot.

(b) Members may not file or be candidates for more than one (1) elective office.

SEC. 5. Ballots to be valid shall be in the designated box not later than 2 p.m., October 5. They shall be taken from the designated box at or about 2 p.m., October 5th by the ballot association with at least two (2) members of the Election Committee being present. In the event October 5th falls on a Saturday, Sunday, or holiday, the time shall be extended to the next weekday. The Chairperson of the Election Committee shall be responsible for having printed tally sheets properly prepared, showing the votes cast by each local. Tally sheets for Retiree National Convention Delegate shall show the total votes cast. Counting ballots must be completed by November 1.

SEC. 6. The ballots shall be counted in the presence of no less than three (3) members of the Election Committee. The candidate or candidates receiving the highest number of votes for each office shall be declared elected. In the case of a tie affecting the final selection of one (1) or more candidates, only the names of the tied candidates shall be re-submitted to the Election Committee who shall prepare a ballot and conduct another election. After certification of the election results, signed by members of the Election Committee, it shall be the

duty of the Secretary-Treasurer to announce the results of the election in the next edition of the official organ.

SEC. 7. National Officers and Retiree National Convention Delegates shall be elected by mail ballot of the members for a three (3) year period, effective November 1 of the election year.

Newly-elected officers shall report and take office on November 12 of the election year, and outgoing officers shall remain on the job in an advisory capacity for a period of five (5) working days, in order to effectuate a smooth transition of officers.

SEC. 8. Each local union, area local, regional and state organization shall establish an election committee, no member of which shall be a candidate for election while serving on such committee. The election committee shall be responsible for the conduct of local elections and shall decide all controversies arising out of the election Processes. Any member who feels aggrieved in connection with the conduct of a local, state or regional election shall file his/her grievance with the 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 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.

SEC. 9. Any member who feels aggrieved in connection with the conduct of a national election shall file his/her grievance with the National Election Appeals Committee within seventy-two (72) hours after his/her grievance arises.

SEC. 10. The President of the APWU, with the approval of the National Executive Board, shall appoint a National Election Appeals Committee which shall consist of the President and four (4) additional members. This Committee shall have final authority to decide disputes, controversies and appeals arising out of local, state, regional and national elections. The National Election Appeals Committee shall have authority to adopt rules and regulations as it deems desirable to promptly accomplish the objective of this Article. Where the National Elections Appeals Committee finds merit in an appeal, it shall have full authority to direct and impose such a remedy as it considers necessary or proper.

SEC. 11. Officers declared elected through applicable procedures of national, local, area local, regional and state organizations, shall assume and hold office pending final determination, under the appeals procedures provided in this Article.

### **ARTICLE 13**

#### *National Executive Board, Executive Council, and Committees*

SEC. 1. The National Executive Board of the APWU shall consist of the President, Executive Vice President, Secretary-Treasurer, Industrial Relations Director, Clerk Division Director, Motor Vehicle Service Division Director, Maintenance Division Director, Support Services Division Director and the five (5) Regional Coordinators.

The National Executive Board shall be the highest-ranking governing body of the American Postal Workers Union, AFL-CIO, in between conventions and shall meet at least once a calendar year and/or at the call of the President.

Furthermore, a majority of the members of the National Executive Board, upon written request, shall have the power to call a special meeting of the National Executive Board.

The National Executive Board of the APWU and the Director of the Health Plan shall be the Board of Directors of the Health Plan.

SEC. 2. NATIONAL EXECUTIVE COUNCIL: The National Executive Council shall be comprised of the National Executive Board, all Division Councils, and all other full-time national officers.

SEC. 3. The delegates of the American Postal Workers Union to the AFL-CIO convention shall be the President, Secretary-Treasurer, Legislative/Political Director, Research and Education Director and Human Relations Director. If, for any reason, any of the foregoing are unable to attend the AFL-CIO Convention, the President shall appoint an alternate delegate or delegates. Delegates shall attend the sessions of the AFL-CIO convention and properly represent this organization, guided by instructions of the APWU and the National Executive Board.

SEC. 4. ELIGIBILITY TO COMMITTEES: No person shall be eligible for membership on any National Convention or Election Committee unless he/she is a member in good standing of the APWU and their Local or Area Local is a member of their respective State or Regional organization.

SEC. 5. There shall be a standing Constitution Committee of seven (7) members, including division representation, appointed by the President. The Committee shall review the Constitution and Bylaws of all of its subordinate bodies to determine their compliance with existing labor laws and the provisions of the Constitution and Bylaws of the APWU. The Constitution Committee shall convene at the call of the President.

SEC. 6. FINANCE COMMITTEE: At least one (1) month in advance of the national convention, the President shall request the presidents of three (3) local unions to designate a delegate elected from their respective unions to serve as a member of the Finance Committee. Upon receipt of notice of selection of three (3) members for the Finance Committee, the President shall notify them of their appointment and designate a date on which they will report to national headquarters. The Finance Committee shall review and verify the audit of the books and accounts of the Secretary-Treasurer. The Finance Committee shall check, review and approve the bonds of the national officers and make a report of their findings. Their report shall be printed with the Report of Officers and submitted to the national convention. Their necessary expenses incurred in the performance of their duties shall be paid from the national treasury.

SEC. 7. There will be established a Women's Committee which should be known as APWU POWER (Post Office Women for Equal Rights).

SEC. 8. There will be established a Deaf/Hard of Hearing Task Force Committee.

#### SEC. 9. RANK AND FILE BARGAINING ADVISORY COMMITTEE AND CONTRACT RATIFICATION.

(a) Each member of the National Executive Board shall appoint one (1) member who is not on the national payroll to serve on the Rank and File Bargaining Advisory Committee.

No fewer than one (1) member from the Deaf and Hard of Hearing Task Force shall be an automatic member of the Rank and File Bargaining Advisory Committee during National negotiations of our Collective Bargaining Agreement.

The purpose of the committee shall be to recommend and advise the National Negotiating Team on bargaining demands. It shall be convened on the call of the President not less than

sixty (60) days prior to the submission of the proposed contract demands and at such other time(s) as the President might deem necessary to keep the Committee adequately informed on the progress of the negotiations, but specifically when any tentative agreement has been reached.

(b) The National Negotiating Team has full authority to negotiate the terms of any collective bargaining agreement with an employer with respect to grievances, labor disputes, rates of pay, wages, fringe benefits, and hours of employment or conditions of work, subject to the following:

(1) The Rank and File Bargaining Advisory Committee be given full veto power over the proposed National Agreement.

(2) If a majority of the voting members of the Committee vote against acceptance of the proposed agreement, the contract will not be sent out on a referendum and shall be considered a mandate to the National Negotiating Team to reopen negotiations.

(c) The National Rank and File Bargaining Advisory Committee, upon their approval of the tentative agreement, shall determine the conduct of the membership ratification vote by mail, providing the envelopes in this referendum are exactly the same in all physical characteristics and destinations and provided that the envelopes are private, without a window. They shall select from among their members a subcommittee of five (5) to supervise the counting of the ballots.

Any National Agreement brought to the membership for ratification vote will contain sufficient details for the membership to make an informed decision prior to any ratification vote.

## ARTICLE 14

### *Recall*

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

## ARTICLE 15

### *Local and Membership Protection*

The following shall constitute offenses, the commission of which shall subject any officer or member of the American Postal Workers Union, or of any subordinate body of APWU, or a subordinate body itself, to disciplinary action as set forth herein:

SEC. 1. (a) Violating any provision of the Constitution or Bylaws of the APWU or of a subordinate body, or failure to perform duties or functions specified or required therein;

(b) Engaging in a movement which has for its purpose the fostering of a rival organization;

(c) Violating the right of members to be free from discrimination on the basis of race, color, creed, sex, sexual orientation, nationality, handicap, political affiliation, age, or religion;

(d) Engaging in conduct that would expose the APWU to civil liability;

(e) Joining or lending active support to any organization or movement, whose purposes and objectives are contrary to the fundamental principles of the government of the United States of America, such as a communist or fascist movement.

(f) An officer or member or subordinate body found guilty of any of the foregoing after the filing of charges and the holding of hearings and other procedures as prescribed in this Article,

may be disciplined by probation, suspension, expulsion, or other appropriate disciplinary action.

SEC. 2. (a) Except in case of suspension or expulsion for non-payment of dues or per capita, the President may initiate suspension proceedings against a subordinate body upon a finding of: (1) a willful and substantial commission of an offense prohibited by Section 1 of this Article, and may suspend a subordinate body upon a finding; (2) that such suspension is necessary to prevent the theft, misappropriation, or embezzlement of the funds, assets or properties of the subordinate body. Any such finding and suspension shall be made, in writing, setting forth the basis therefor, and shall be effective upon delivery to the subordinate body.

(b) Where a subordinate body is suspended under Section 2(a) (2) above, the President may appoint a trustee immediately to assume management of the affairs and business of the subordinate body.

Where suspension proceedings have been initiated against a subordinate body under Section 2(a)(1), the trustee shall not be appointed until charges are sustained by the trial board and affirmed by the National Executive Board.

(c) The Secretary-Treasurer shall serve specific charges in writing upon such subordinate body as promptly as possible [but not later than five (5) days after its suspension or the appointment of a trustee under Section 2(a)(2)], and a trial of such charges shall take place within thirty (30) days thereafter before a trial board appointed by the National Executive Board. The trial board shall consist of three (3) members, who shall not be interested in the matter out of which the charges arose. The accused shall have the right to counsel, to produce evidence, to cross-examine, and to a stenographic transcript of all the testimony. The decision of the trial board shall be rendered within ten (10) days following the trial, and shall direct either that suspension under Section 2(a)(1) be or not be imposed,

or as to proceedings under Section 2(a)(2) that the suspension continue in effect for a specified period of time, or that the suspension be terminated.

(d) An adverse decision of the trial board may be appealed by the subordinate body, its Secretary-Treasurer, or an officer thereof, to the National Executive Board by transmitting a notice of an appeal to the Board within ten (10) days following the decision of the trial board. The National Executive Board shall render its decision on the appeal, in writing, within fifteen (15) days of the receipt of the notice of appeal. A subordinate body whose suspension is upheld by the National Executive Board may appeal to the next national convention.

(e) A trustee appointed under this article shall have the right, upon demand, to all the funds, properties, books and assets of the suspended organization for the period that he/she is in charge, such properties to be held in trust for the benefit of the subordinate body and to be expended only to the extent necessary for the proper conduct of the affairs of the subordinate body. The trustee shall be adequately bonded. The trustee, so appointed, shall be authorized and empowered to suspend any or all the officers from office, but not from membership, and appoint temporary officers for the duration of his/her trusteeship, and to take such other actions as in his/her judgment are necessary for the preservation of the subordinate body, all subject to the direction, instructions and approval of the National Executive Board. Any officer who may be suspended by the trustee under the provisions of this section shall surrender to him/her, upon proper receipt therefor, all monies, books, and properties of the subordinate body. Temporarily appointed officers shall be appointed from members in good standing of such subordinate body. The trustee shall be empowered to pay all claims which are properly approved if funds therefore are available, and in all necessary particulars to conduct the affairs and management of the subordinate body with the assistance of the temporary officers herein provided for until the trusteeship is terminated. Expenses, including salaries, but not exceeding the current

costs of administration of the affairs of the subordinate body, which are assumed by such trustee, shall be paid out of the funds of the subordinate body, if they are available; otherwise they shall be borne by the National Union.

(f) A trusteeship shall be continued no longer than is necessary to coordinate and reorganize the affairs of the subordinate body and shall in all events be concluded as soon as practicable within the judgment of the President; provided, however, that the suspended subordinate body shall have the right to appeal to the National Executive Board for removal of the trusteeship if it is deemed that such trusteeship has been continued longer than is necessary; provided further, however, that no such appeal shall be made at an interval of less than ninety (90) days. In connection with any such appeal, the subordinate body shall have the right to full hearing on the question of whether the trusteeship shall be continued. In no event shall a trusteeship be continued for a period longer than outlined by the U.S. Department of Labor which is presently established as eighteen (18) months.

SEC. 3. (a) The National Executive Board of this Union shall have jurisdiction to hear and determine any and all charges under this Article or the Constitution.

(b) The Executive Boards or trial boards of local unions or other subordinate bodies have jurisdiction only to hear charges against members or officers of such subordinate body. In cases where charges involving members or officers of a subordinate body are presented to the National Executive Board, it shall refer such charges to the subordinate body involved for a hearing.

(c) **MEMBER CHARGES.** A charge(s) by a member(s) in good standing that a member(s) has violated the APWU National Constitution or Bylaws or the Constitution or Bylaws of a Local, State, or Regional Organization 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 alleged offense 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.

(d) Except in cases of suspension or expulsion for non-payment of dues or per capita, no disciplinary action shall be taken for violation of any of the provisions of this Article or of the Constitution until an accused individual or a subordinate body has been accorded the following procedures.

(e) Proceedings under this Article may be initiated by any member of APWU by filing charges with the secretary of the body of which the accused is an officer or member.

(f) PROCEDURES. Charges must be submitted to the Secretary-Treasurer or Treasurer, or, if the Secretary-Treasurer and Treasurer are charged, then to the highest-ranking officer not charged, of the local, state or regional organization, of which the charged member(s) or officer(s) is a member, with the exception of National Officers. Charges against national officer(s) are to be submitted to the APWU National Secretary-Treasurer, or the highest-ranking officer not charged. All charges are to be submitted within one hundred twenty (120) days of the time the charging party (ies) first became aware, or reasonably should have been aware, of the alleged offense(s). Upon receipt of the charges, the secretary-treasurer or treasurer of the local, state, or regional organization 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. In the event of a trial board

being appointed pursuant to Section (i), such notice of hearing shall be given to the accused by the committee.

(g) The accused shall be accorded a full and impartial trial, 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 trial shall be left to his/her own discretion.

(h) The hearing may be held on a charge notwithstanding the failure of the accused, after being given notice thereof pursuant to provisions of this Article, to appear thereat.

(i) The National Executive Board shall constitute a trial board before which hearings on the charges before the National Executive Board may be held; provided, however, that the National Executive Board may appoint a hearing officer or officers to act for it for the purpose of holding a hearing. The National Executive Board may appoint as a hearing officer one (1) or more National Union Officers who shall be impartial. In cases in which a hearing officer is appointed by the National Executive Board, such hearing officer shall hold such trial under such trial procedure as shall be determined by the National Executive Board; shall make findings of fact and conclusions of law in respect to such charges; and shall recommend to the National Executive Board what disciplinary action, if any, is to be taken by the National Executive Board. In all cases, including those in which a hearing officer is appointed by the National Executive Board, the National Executive Board itself shall determine for itself what disposition should be made of the charges before it.

(j) The Local/State Executive Board or separate elected trial board for a subordinate body shall constitute the trial board before which hearings on charges may be held; provided, however, that any such trial board may appoint one (1) or more of its members who shall be impartial, to act for it as hearing officer(s) for the purpose of holding hearings. In cases in which

a hearing officer(s) is appointed, such hearing officer(s) shall hold such trial under such trial procedure as shall be determined by the trial board; shall make findings of fact and conclusions of law in respect to such charges; and shall recommend to the trial board what disciplinary action, if any, is to be taken by the trial board. In all cases, including those in which a hearing officer(s) is appointed, the trial board itself shall determine for itself what disposition should be made of the charges before it.

(k) Any decision or disposition of charges by the Executive Board or separate elected trial board of a local union shall be reduced to writing and submitted as a report to the Secretary of the local union, including a synopsis of the testimony introduced at the trial, together with the verdict “guilty” or “not guilty,” and the recommended disciplinary action, if any. Upon receiving the report the Secretary of the local union shall read it at the next regular union meeting, and in the event of a guilty verdict, submit first the question of sustaining the report as to guilt or innocence and, if guilt is determined, then the question of accepting or rejecting the recommended disciplinary action.

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 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. The affected officer shall have ten (10) days to submit a reply to the report. The report and the reply from the affected officer, if submitted, each of which shall contain no more than one thousand (1,000) words, shall be sent out with each ballot.

SEC. 4. (a) Any person or body, 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:

(b) From the disciplinary action of or dismissal of charges by a local union, (1) to the President, (2) to the National Executive Board, and (3) to the National convention.

(c) From the disciplinary action of or dismissal of the charges by the National Executive Board to the National convention.

(d) From the disciplinary action of the President (1) to the National Executive Board, and (2) to the National convention.

(e) In acting as an appeal board, the National Executive Board may appoint one (1) or more National Union Officer(s), who shall be impartial, to act for it for the purpose of reviewing any appeal, in which case the member so named shall make recommendation to the National Executive Board concerning the disposition of the appeal, and it shall determine for itself what final disposition shall be made of the appeal.

(f) 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 intermediate appeal is received; provided, however, that the appellate body may, in its discretion, extend such time for appeal if circumstances so warrant. 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, provided, 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.

(g) 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 Constitution before resorting to a court of law or other tribunal.

## ARTICLE 16

### *Fiscal Year, Revenues, and Charters*

SEC. 1. The fiscal year of this Organization shall begin January 1 and end December 31.

SEC. 2. REVENUES. (a) The revenues of this Union shall be derived from a per capita tax of **Nine Dollars and Five Cents (\$9.05)** per member, bi-weekly, to be paid upon the full paid up membership of all affiliated local unions and members-at-large (said sum to include subscription to the official organ) of which Twenty Cents (20¢) per member, per month is to be returned to the member's respective state organization, with a minimum of Five Thousand Dollars (\$5,000) per year to each state organization. Fifteen Cents (15¢) of the per capita tax will be deposited in a contingency fund. The national per capita tax and local dues shall be increased when each negotiated salary increase takes effect by the following formula by deducting three percent (3%) of each negotiated salary increase based on level 6, step K, eight-tenths percent (0.8%) for the APWU General Fund, seven-tenths percent (0.7%) for the APWU Organizing Fund, and one and one-half percent (1.5%) for the local. The formula set forth above in the future will apply to members-at-large with the one and one-half percent (1.5%) Local rebate being sent to the respective state organization.

On January 1, 2005, the percentages above will be amended to: nine-tenths percent (0.9%) for the General Fund; two-tenths percent (0.2%) for the APWU Organizing Fund; and one and nine-tenths percent (1.9%) for the local and state organizations.

(b) When a regional organization is formed in lieu of a state organization, it shall receive Fifteen Cents (15¢) per member, per month for each member from within the respective states. The regional organization shall receive a minimum of Fifteen Hundred Dollars (\$1,500) per year for each state.

(c) The APWU shall remit Three and One-Half Cents (3½¢) per month, per union member to our National Auxiliary. Said sum to be derived from our national per capita tax.

(d) A member of the National Executive Board of the APWU will act as a liaison officer between the parent body and the Auxiliary.

(e) The APWU shall remit **Eight Cents (8¢)** of the national per capita tax, per month per member to the Postal Press Association.

(f) That a Disaster/Hardship Fund be established; that Three Hundred Thousand Dollars (\$300,000) of the funds in the Contingency Fund be set aside into a 501(c) non-profit organization fund to be used as the Disaster/Hardship Fund; and that such Disaster/Hardship Fund is to be expended in the event of natural disaster, catastrophic medical condition, or other catastrophic event as determined by the National Executive Board upon the recommendation of the President.

(g) An APWU Organizing Fund shall be established to be used exclusively for Private Sector organizing.

(h) Monies earmarked, by Convention actions, for specific programs and staff in all departments must be used only in said programs and staff.

(i) Local Retiree Chapters chartered to be engaged in APWU Retirees Department Programs shall receive forty percent (40%) of the annual retiree per capita tax per retiree member of that local chapter. State Retiree Chapters will receive forty percent (40%) of the annual retiree per capita tax per retiree member of that State Retiree Chapter who does not belong to a Local Retiree Chapter. Ten (10) or more APWU Retirees Department members, residing within local or area local geographical jurisdiction, may form a Local Retiree Chapter. State Retiree Chapters shall receive twenty percent (20%) of the National Per Capita per Retired Member in that state, once

fifty percent (50%) or more of the state retiree membership has been organized and chartered into Local Retiree Chapters by the National APWU.

There will be an establishment of membership jurisdiction procedures which allows for a retired member residing outside the zip code representation jurisdiction of their home APWU Local from which they retired, the option of assigning their Local Retiree Chapter membership and forty percent (40%) annual dues rebate to their home Local Retiree Chapter.

**SEC. 3. ASSESSMENTS.** Special assessments may be levied by the National Executive Board or by a national convention whenever it becomes absolutely necessary to carry on the work of the organization. A two-thirds (2/3) majority vote of the National Executive Board or a majority vote of a national convention shall be required to approve the assessment before it shall be levied. Any assessments levied by the National Executive Board shall be effective only until the next regular national convention.

**SEC. 4.** Charters will be issued by the APWU National Secretary-Treasurer to locals, area locals, state and regional organizations and district councils, without cost to these subordinate units. No charter can be issued to a local of less than ten (10) members or to a state or regional organization other than as provided in Section 5 of this Article unless authorized by the National Executive Board.

There will be only one (1) local chartered within the same installation, and such local shall have representation on the local executive board from each division reflecting the local union's membership.

The Secretary-Treasurer shall notify in writing each local that does not have a Constitution and Bylaws, has not filed reports and returns required by federal law, and/or has not conducted elections in accordance with the Department of Labor Regulations, that its charter will be revoked. Any such local

notified may appeal to the National Executive Board within ninety (90) days of receipt of such notification. The National Executive Board shall grant the local's appeal if the local has a Constitution and Bylaws, files reports and returns required by federal law, and conducts regular elections in accordance with their Constitution and Department of Labor Regulations.

Prior to revoking the charter of any local, the Secretary-Treasurer shall strongly urge the local to merge with a functioning contingent local, Area Local, or state of their choice in accordance with the merger guidelines. The National Executive Board shall expedite and approve said merger with dispatch and without impediment.

**SEC. 5. LOCALS, AREA LOCALS, DISTRICT COUNCILS, STATE & REGIONAL ORGANIZATIONS.** (a) **LOCALS** – Ten (10) or more members in the same postal installation may be chartered as a local.

(b) **AREA LOCALS.** The membership of a number of installations in a geographical area or within a sectional center or a combination of sectional centers may join together in a single local upon thirty (30) days notice by secret vote of the majority of the members voting from their respective locals and be issued a charter by the APWU. However, no member may become affiliated with any other local when there is a local union in the installation where he/she is employed.

(c) **DISTRICT COUNCILS.** Individual members or locals in a limited geographical area may join together for the purpose of carrying on joint activity. District Councils shall be chartered by the National Executive Board of the APWU. The District Councils shall be fully autonomous within the limitations of national, state and regional constitutions.

(d) **STATE ORGANIZATIONS.** Two (2) or more district councils or five (5) or more locals within a state may establish a state organization which shall be autonomous within the limitations of the National Constitution.

(e) REGIONAL ORGANIZATIONS. Five (5) or more locals from more than one (1) state may join together to form a Regional Organization.

SEC. 6. RESPONSIBILITY OF CHARTERED SUBORDINATE BODIES. (a) All chartered locals, area locals, state and regional organizations shall have a constitution and bylaws. In the absence of such constitution, this constitution shall apply to the extent applicable.

(b) A copy of each of these constitutions and bylaws must be on file at National Headquarters and shall not be in conflict with the National Constitution.

(c) Each chartered subordinate body shall be fully autonomous. Each subordinate local or area local is entitled to title and possession of local assets and funds to which it is entitled by law and by this Constitution except to the extent of its obligation to pay per capita tax to the APWU as provided in this Constitution. Where a subordinate local, or area local which is not in arrears as to per capita dues, terminates by a majority vote of the members voting by referendum, its affiliation with the APWU, the APWU shall have no claim to the funds and assets of the local, or area local. But nothing herein shall prohibit the immediate granting of a charter to a local or area local in the same installation or area local.

SEC. 7. The American Postal Workers Union shall have no claims to any funds or assets belonging to a local or area local, except that which is due it for per capita tax.

SEC. 8. DELINQUENT LOCALS. Any local or area local affiliated with APWU which fails to pay its per capita tax on or before the fifteenth (15th) day of the month or fails to pay an assessment within six (6) months, shall be declared delinquent and, if at the end of ninety (90) days following the due date it is still in arrears, the Secretary-Treasurer shall submit the facts to the National Executive Board with his/her recommendation.

Approval of the National Executive Board will be necessary to suspend the local. Any local remaining suspended for six (6) months, shall surrender its charter to the Secretary-Treasurer and forfeit all privileges in APWU. The same procedures shall apply for delinquent members-at-large.

SEC. 9. SUSPENDED LOCALS. A suspended local may be reinstated in this organization upon payment of all arrearages; provided, however, that the National Executive Board shall, in exceptional cases, have the power to excuse such arrearages when circumstances warrant such action.

SEC. 10. AUDIT OF LOCAL ACCOUNTS. The Secretary-Treasurer shall have the authority to have the books of any local examined when a local is not remitting per capita tax on the membership to which the APWU is entitled.

SEC. 11. BONDS. Officers who are required to be bonded shall have the expense of such bond borne by the Union.

## ARTICLE 17

### *Subordinate Bodies*

SEC. 1. The following subordinate bodies: the Auxiliary and the Postal Press Association, shall include in their respective constitutions provisions which accord to their members, within their own organizations, all rights accorded to members of the National Union under the Members' Bill of Rights and Article 15, Sections 3 and 4, of the Constitution of the American Postal Workers Union, AFL-CIO, as amended, including the right to appeal to the highest governing body of the APWU subordinate body. In the absence of such provisions in any required constitution, then the rights and procedures guaranteed by the National Constitution shall be provided to members of the non-complying subordinate body.

## ARTICLE 18

### *Referendum*

SEC. 1. Any local of the APWU may prepare and circulate a petition for the purpose of causing a resolution of national importance or amendment to the constitution to be brought to a vote to the whole organization.

SEC. 2. Before circulating such a petition, the Secretary-Treasurer of the APWU shall be notified, in writing, of such action and furnished with a copy or draft of the proposed question, resolution or amendment.

If such petition is subscribed to by signatures of members of each of twenty (20) locals from eight (8) different states and such total represents at least ten percent (10%) of the overall membership of the APWU, the Secretary-Treasurer must submit such referendum or amendment to constitution to a referendum vote as hereinafter prescribed; provided however, that any Convention of the APWU, may by motion, submit any resolution or amendment to the entire membership.

SEC. 3. Such petition shall be filed with the Secretary-Treasurer during the month of February only.

SEC. 4. The proposition and a sample ballot shall be printed in the official organ at least one (1) month before being put to the referendum.

SEC. 5. Upon receipt of a petition for a referendum vote, the Secretary-Treasurer shall verify its validity to the best of his/her ability and having done so, shall certify to the President that a petition has been duly filed.

A referendum election committee shall be appointed by the President and the referendum shall be conducted in the same manner as election of officers, using an outside ballot association to conduct such referendum.

SEC. 6. The month of election shall be May of each year and results shall be published in the Union's official organ.

SEC. 7. If more than one (1) referendum is initiated in the annual period, all questions shall come to a vote at the same time.

SEC. 8. Arguments for, or against, a referendum shall be printed in the Union's official organ, but not to exceed more than two thousand (2,000) words for a side. If more than one (1) argument is submitted, the editor is required to publish that which is submitted by the local initiating the proposition to be voted on.

SEC. 9. It shall require a majority of votes cast to decide all questions, including amendments to the constitution, except at conventions, which shall require a two-thirds (2/3) affirmative vote to carry and decide.

SEC. 10. Members-at-large shall be entitled to one (1) vote each.

SEC. 11. No resolution or amendment adopted by a referendum vote of the national membership may be repealed or amended within one (1) year after election, except by a referendum election.

## ARTICLE 19

### *National and Local Officers' Benefits*

SEC. 1. (a) RETIREMENT. The APWU shall provide a retirement program for all full-time national, local officers and such employees of the National Union as the National Executive Board determines.

(b) The program will be administered by three (3) trustees, appointed by the President with the advice of actuaries and under the direction of the National Executive Board of the

APWU who will act as the Board of Directors for the Officers' Retirement Fund.

(c) Contributions and benefits shall not be less than those provided by the U.S. Postal Service and the Civil Service Retirement Act as amended from time to time.

(d) All changes to National Officers' wages or benefits, other than those outlined in Article 19, Section 2, must be approved by a majority vote of the National convention.

SEC. 2. SALARY ADJUSTMENT. Whenever postal employees are granted a pay increase, the same percentage increase granted members in the bargaining unit at Level 6 Step L shall automatically accrue to all paid National Officers of the APWU.

SEC. 3. (a) LEAVE. All officers and full-time appointed representatives shall be allowed thirty (30) days annual leave with such sick leave as may be necessary.

(b) Unused annual leave may either be carried forward for use in future years or paid for at the end of the year in which it is earned at the option of the officer or representative in question; provided, however that no individual may, under this provision, be paid for more than fifteen (15) days of unused annual leave in any one (1) year prior to leaving office; and that national officers will receive the same benefits as bargaining unit employees as achieved through negotiations. Upon leaving union office, an officer or representative shall, upon application by the individual in question or the estate of a deceased individual, be paid for the days of unused annual leave accumulated under this provision, including those accumulated proportionately during the course of the year in which the individual leaves office. This subsection (b) will apply to any subordinate body if the constitution of the subordinate body does not specifically address the accumulation, payment and liquidation of unused annual leave.

(c) Unless specifically enunciated in the constitution of a subordinate body, there shall be no reimbursement for unused sick leave at any time during an officer's service to the subordinate body or upon leaving office with the subordinate body.

(d) National Officers participating in Federal Employees Health Benefits plans shall pay the same premium to participate in their plan as they would have paid if they were not officers and the Union is authorized to pay the employer share for National Officers on leave from the United States Postal Service.

SEC. 4. No State or National Officer shall be permitted mileage expenses for their travel if they drive an automobile that was fully assembled in a foreign country and imported into this country.

## ARTICLE 20

### *Locals, Area Locals, State, and Regional Organizations*

SEC. 1. All locals and area locals will be members of their APWU state organization under the criteria established by the respective state constitution.

SEC. 2. Locals, area locals, state and regional organizations shall have within their organizations representation from each division.

SEC. 3. Locals, area locals, state and regional organizations shall give consideration to the election of division delegates to all State and national conventions.

SEC. 4. No division within a local, area local, state and regional organization shall submit a resolution to a state, regional or national convention to affect another division unless the affected division within the local, area local, state and regional organization shall approve of such a resolution.

## **ARTICLE 21**

### *Succession of Officers and Vacancies*

(a) The President shall fill all vacancies of general officers, administrative and departmental officers and Director of Clerk Division, subject to a majority approval of the National Executive Board. All national officer vacancies must be filled by the appropriate officer no later than sixty (60) days after the vacancy occurs.

(b) In the Motor Vehicle Service (MVS) Division and Maintenance Division, and Clerk Division, the respective Directors shall fill all vacancies subject to the approval of a majority of members of the individual Division Councils.

(c) In the event of illness or death of the Director of the MVS Division, the Assistant Director of the MVS Division shall assume the responsibilities of the Director of the MVS Division.

(d) In the event of illness, death or resignation of the Director of the Maintenance Division, the Assistant Director (A) of the Maintenance Division shall assume the responsibilities of the Director of the Maintenance Division.

## **ARTICLE 22**

### *Amendments*

SEC. 1. This Constitution may be amended by two-thirds (2/3) vote of the delegates present and voting at a national convention or by a majority vote of those voting by referendum. Amendments approved at national conventions become effective immediately following adjournment of the convention, unless otherwise specified, and amendments approved by referendum become effective immediately following announcement of the official vote unless otherwise specified.

SEC. 2. The National Executive Board shall have authority between conventions to amend this Constitution and Bylaws as necessary to remove any conflict between its provisions and those of any applicable federal or state law. The Board is also empowered to modify such provisions as necessary to conform to amendments adopted at national conventions.

## **ARTICLE 23**

### *Strike Sanction*

SEC. 1. REQUEST FOR STRIKE SANCTION. Whenever a local Union contemplates the possibility of a strike, the local Union officers shall promptly so advise the office of the National President and request counsel and/or assistance of the National Union.

SEC. 2. NATIONAL APPROVAL FOR STRIKE SANCTION. A strike sanction request by a local Union shall be sent to the APWU National Secretary-Treasurer and must first be authorized by a majority vote of the affected members of the local Union in good standing and voting. The request shall set forth the issues in writing including such information as may be pertinent and required by the Local Executive Board.

(a) The APWU National Secretary-Treasurer shall forward such requests, if in order, to the National Executive Board for their consideration.

(b) The decision of the National Executive Board shall be forwarded to the local Union by the APWU National Secretary-Treasurer.

Strike sanctions, granted by the Executive Board, shall be for a one hundred twenty (120) day period. No strike may be called thereafter without a renewal for the strike sanction by the National Executive Board.

(c) No local Union shall call a strike without the approval of the APWU National President and strike sanction having been granted by the National Executive Board.

### SEC. 3. LOCAL PROCEDURE FOR STRIKE APPROVAL.

(a) When a strike has been authorized by the National President, no strike shall occur until the following procedures have been complied with:

(1) A two-thirds (2/3) favorable vote cast by secret ballot by members in good standing and voting in the unit affected.

(2) Approval by the local Union or as their own Constitution and Bylaws might otherwise provide.

A local Union shall not be entitled to National Union strike benefits unless it has complied with these requirements.

(b) No local Union or group shall solicit any funds in support of a strike or lockout without prior approval of the National Executive Board.

(c) Any picket line of any local Union approved by the National Union will be honored by, and receive the full support of all locals and members of the APWU, AFL-CIO to the extent possible under the law.

## BYLAWS

### ARTICLE 1

#### *Convention Order of Business*

#### SEC. 1.

1. Roll call of Officers
2. Report of Committee on credentials
3. Roll call of delegates
4. Report of Officers
5. Report of finance committee
6. Report of special committees
7. Unfinished business
8. Reports of standing convention committees
9. New business
10. Adjournment

SEC. 2. The order of business may be transposed at any time by a majority vote of the delegates assembled in convention.

### ARTICLE 2

#### *Quorum*

SEC. 1. Twenty-five percent (25%) of the delegates present at a convention shall constitute a quorum, but less than the number may adjourn to meet at a future specified time.

### **ARTICLE 3**

#### *Rules of Order*

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

### **ARTICLE 4**

#### *Amendments*

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



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**Cliff Guffey, President**  
**Greg Bell, Executive Vice President**  
**Elizabeth Powell, Secretary-Treasurer**