



**RECOMMENDATIONS OF THE  
CONSTITUTION COMMITTEE**

**RECOMMENDATIONS  
OF THE  
NPMHU  
CONSTITUTION COMMITTEE**

**FOR THE**

**NATIONAL & UNIFORM LOCAL UNION  
CONSTITUTIONS**

**of the**

**NATIONAL POSTAL MAIL HANDLERS UNION**

**A DIVISION OF THE LABORERS' INTERNATIONAL UNION  
OF NORTH AMERICA, AFL-CIO**



**CONSTITUTION  
Of the National Postal  
Mail Handlers Union**

**A DIVISION OF THE LABORERS'  
INTERNATIONAL UNION OF NORTH AMERICA,  
AFL-CIO**

**August 8-11, 2022**

**August 19-23, 2024**

Additions or revisions made by the delegates attending the NPMHU’s 2020 National Convention in August 2022 are forth in bold print.

Additions or revisions made by the delegates attending the NPMHU’s **2024** National Convention in August **2024** are forth in bold print.

**PREAMBLE**

*We, the National Postal Mail Handlers Union, establish this Constitution in order to form a more perfect Union.*

*We believe that all working people and all human beings have a right to a safe and decent living at a reasonable wage and that all members of society are entitled to equal and fair justice.*

*We believe that all people, regardless of race, color, sex, sexual orientation, age, national origin, physical or mental handicap, or creed are entitled to equal opportunity and treatment. We further believe that all members of society should challenge such pernicious evils as racism, sexism, and capital's domination of labor.*

*We also believe that it is important for the working class to ever realize that “in unity there is strength” and that “an injury to one is an injury to all.”*

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**ARTICLE I – Name**

This organization shall be known as the National  
Postal Mail  
Handlers Union, a Division of the Laborers' International  
Union of North  
America (LIUNA), AFLCIO.

**ARTICLE II – Headquarters**

The headquarters and general office of this Union shall  
be located in the City of Washington, District of  
Columbia, or vicinity.

**ARTICLE III – Seal and Insignia**

The seal and insignia of this Union shall be as follows:



This seal and insignia shall constitute and be the  
official mark of this Union and of all its subordinate  
bodies; however, nothing contained herein shall prevent

any Local Union from designing and adopting a modification to this seal and insignia for identification of the Local Union. All subordinate bodies and members shall be subject to the orders and instructions of the National President respecting the publication and use of the seal and insignia of this Union.

#### **ARTICLE IV – Objectives**

**Section 1.** The objectives of this Union shall be to unite for their own advancement and betterment, and for the advancement of the United States Postal Service, regardless of race, color, creed, nationality, religion, age, sex, sexual orientation, or physical or mental handicap, all postal Mail Handlers and such other employees who come within the Mail Handlers craft or jurisdiction, including but not limited to all operations directly or indirectly related to postal and mail handling operations, whether performed by employees of the United States Postal Service or any other employer, and all other federal employees (whether or not postal employees) or individuals who are tribal or other employees who wish to affiliate as associate members of this Union to participate in the Mail Handlers Health Benefit Plan or any other Union-related benefit program.

**Section 2.** This Union shall strive to advance the interests of its members and protect the integrity of the craft jurisdiction of this Union through mutual cooperation, organizing the unorganized, collective bargaining, the promotion of legislation, opposition to privatization of the Postal Service, the provision of benefits such as sick, accident, and similar benefits to its members, and all other peaceful and lawful means whereby labor organizations seek to promote and advance a broad spectrum of economic and social objectives. This Union shall function in accordance with all applicable laws, regulations and executive orders. This Union shall also function to advance the interests of the working class as a whole.

**Section 3.** This Union shall seek to achieve a safer and healthier work environment and better working conditions for postal employees. It will seek to educate its members and the general public in the history of the labor movement and the struggle for democratic unionism. This Union will engage in legislative and other efforts to obtain the enactment of laws to protect and enhance the welfare of workers, and to repeal laws which it believes are unjust to labor, including the pursuit of a union-security arrangement to require nonmembers represented by the Union to pay their fair share of the costs of representation.

**Section 4.** This Union shall seek to advance the interests of its members by promoting professionally accepted standards of financially sound management of its day-to-day operations.

**ARTICLE V – Membership**

**Section 1.** Any person employed in the Postal Service classified as a Mail Handler or other employee who comes within the Mail Handler craft or jurisdiction, or any employee in the classifications set forth in Article IV herein or in any other present or future classifications within the jurisdiction of this Union, shall be eligible for regular membership in this Union. In order to participate in the Mail Handlers Health Benefit Plan or any other Union-related insurance benefit program that may be established, employees in the Mail Handler craft or otherwise within the jurisdiction of this Union, as defined by Article IV, Section 1, are required to be regular members of this Union.

**Section 2.** Individuals employed in any branch, department, or agency of the federal government, including the Postal Service, or individuals who are tribal or other employees who do not otherwise qualify for regular membership in this Union may be admitted to associate membership in this Union upon the payment of the dues provided in Article XIV or on such other terms and conditions as shall be permissible under applicable law and regulations and as shall be determined by this Union.

The National Postal Mail Handlers Union shall be entitled to retain seventy cents (\$0.70) per pay period as per capita tax on such dues of associate members who are on dues check off. In the case of associate members who are not on dues check off, and who are not postal employees, the National shall receive fifteen dollars (\$15.00) per year associate membership fee from the fifty-two dollar (\$52.00) associate membership dues per year. The Local may pay the fifteen dollars (\$15.00) per associate member dues prior to January 31st. The National shall have the right to deduct the associate member fee from the Local dues check off on a quarterly basis should the Local fail to pay its associate members fee. Membership by a Federal employee in any other affiliate of LIUNA shall constitute associate membership in this Union for the purpose of participation in the Mail Handlers Health Benefit Plan and any other National or Local Insurance or Benefit Plan which may be established.

**Section 3.** An individual shall obtain regular membership in this Union by executing and submitting to this Union or a Local Union thereof an application for membership or a dues deduction authorization form and by making at least one full payment of dues.

**Section 4.** It shall be the duty of all members to faithfully abide by this Constitution and the rules and regulations of this Union, to uphold and defend the rights of every other member under this Constitution and to aid and support enforcement of the duties of every other member under this Constitution, and to support the

enforcement of, and maintain the integrity of, collective bargaining agreements negotiated by the Union.

**Section 5.** Members who have retired from employment and who at the time of retirement were regular members in good standing in this Union shall be entitled to maintain their membership. Such members who continue to pay regular dues shall be entitled to all rights and privileges of membership, except the right to run for office or delegate and the right to nominate or vote for Union officers or delegates. Any such regular member who does not continue to pay dues shall be entitled, in the alternative, to maintain an honorary membership.

**Section 6.** Associate members are members of this Union and shall be entitled to participate in activities of the Union and of its subordinate bodies affecting their rights as associate members or as members of Union benefit plans; provided, however, that associate members shall not be entitled to vote or serve as officers or delegates, or to attend those portions of Local Union meetings not affecting their rights as associate members or as members of Union benefits plans.

**Section 7.** All regular members in good standing shall have equal rights and privileges in this Union and every member shall have the right, subject to the provisions of this Constitution, to nominate candidates, to run for office, to support candidates of their choosing without fear of reprisal, to vote in elections and referenda, to attend membership meetings of his or her Local Union, to express any views, arguments, or opinions, to meet and assemble freely with other members, and to participate in the discussions, deliberations and voting upon the business of membership meetings; provided however that only working members employed by the Postal Service or any other employer with operations directly or indirectly related to postal and mail handling operations may nominate or vote for Union officers or delegates.

**Section 8.** No member may be fined, suspended, expelled, or otherwise disciplined except for the nonpayment of dues unless such member has been served with specific, written charges, given a reasonable opportunity to prepare his or her defense, and afforded a full and fair hearing.

**Section 9.** All regular members employed by the Postal Service shall be entitled to ratify or reject by majority vote national contracts or parts thereof tentatively agreed to through negotiations prior to expiration of existing contracts in accordance with procedures published by the National Executive Board in a timely fashion prior to ratification. Members shall be furnished with the text of any proposed changes and deletions together with their ballots. The outcome of the membership referendum shall be binding. The fundamental commitment of this Union to membership ratification of national contracts requires that the timetable

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of negotiations will be arranged to ensure a binding referendum on tentatively agreed-upon national contracts or parts thereof reached prior to expiration of existing agreements.

### ARTICLE VI – Officers

**Section 1.** The National President shall be the chief executive officer of this Union, and s/he shall have responsibility for the overall conduct of the Union's affairs. S/he shall be authorized to carry out such responsibilities personally or by deputy.

**Section 2.** The National Secretary-Treasurer shall be the chief custodian of all books, records, documents, and properties of this Union and shall keep a true and accurate record of all financial transactions of this Union. S/he shall be authorized to carry out such responsibilities personally or by deputy. If a deputy is to be designated to carry out any duties or responsibilities of the Secretary-Treasurer, said deputy should be qualified in financial matters. The Secretary-Treasurer shall be responsible and accountable for the actions of deputies designated to carry out any duties or responsibilities of the Secretary-Treasurer.

**Section 3.** The other officials of this Union shall be five (5) Regional Vice Presidents.

**Section 4.** The National President, the National Secretary-Treasurer and the five (5) Regional Vice Presidents shall comprise the National Executive Board which shall be the governing body of this Union between National Conventions. The Regional Vice Presidents shall be elected by and from their respective regions, and shall not run nationally. All officers of this National Union shall have a four-year term of office.

**Section 5.** In the event of a vacancy in any position on the National Executive Board between National Conventions such positions shall be filled by appointment for the unexpired term by a majority of the Board from among the regular membership of this Union, provided that the appointee shall be someone who would be eligible to run for the particular office to which s/he is appointed.

**Section 6.** The salary of the National President shall be \$235,163.50 per year, and the salary of the National Secretary-Treasurer shall be \$220,419.68 per year; they shall also receive the customary fringe benefits (including payments upon leaving office for accrued but unused sick leave at the top Mail Handler Level 5 pay rate) and shall be reimbursed for all reasonable and necessary expenses incurred in connection with and in the performance of their duties. Whenever the membership receives a percentage raise in a National Agreement, these salaries of the National President and the National Secretary-Treasurer shall be increased by the same

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**Section 3.** The other officials of this union shall be five (5) Regional Vice Presidents. **The five (5) regions are: Eastern Region, Northeastern Region, Southern Region, Central Region, Western Region.**

**Section 6.** The salary of the National President shall be ~~\$235,163.50~~ **\$271,050.52** per year, and the salary of the National Secretary-Treasurer shall be ~~\$220,419.68~~ **\$254,056.66** per year; they shall also receive the customary fringe benefits (including payments upon leaving office for accrued but unused sick leave at the top Mail Handler Level 5 pay rate) and shall be reimbursed for all reasonable and necessary expenses incurred in connection with and in the performance of their duties. Whenever the membership receives a percentage raise in a National Agreement, these salaries of the National President and the National Secretary-Treasurer shall be



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percentage. The National Executive Board shall be empowered to provide the National President and Secretary-Treasurer with reasonable accommodations in the Washington, D.C. area in connection with the performance of their official duties and responsibilities and to make annual adjustments in their salaries to account for the increase in the cost-of-living, said adjustments not to exceed the percentage of increase in the National Consumer Price Index published by the Bureau of Labor Statistics of the U.S. Department of Labor.

**Section 7.** The Regional Vice Presidents shall be compensated at the rate of \$500 per day for attending National Executive Board meetings in addition to their travel and other reasonable and necessary incidental expenses. Such compensation shall be in addition to any compensation received by virtue of being a Local Union officer or Union employee.

**Section 8.** Any officer or other Union representative who applies for or accepts, for any period of time, a supervisory or management position with the Postal Service (including any EAS position involved in discipline of employees or application of the National Agreement) or with the USPS Office of Inspector General or the Postal Inspection Service shall immediately resign his/her position with the Union and, failing to do so, the position shall be declared to be vacant. In addition, members working in or detailed to a supervisory or managerial position with the Postal Service, the USPS Office of Inspector General, or the Postal Inspection Service shall be prohibited from representing this National Union or its membership in any capacity for a period of two years following such employment.

**Section 9.** All officers and employees of the National Union who participate in the LIUNA National 401(k) Retirement Savings Plan shall receive a match of their contributions, to the extent authorized by that plan.

## ARTICLE VII – Duties of the National President

**Section 1.** The National President shall have authority to interpret the Constitution and laws of this Union and to decide all questions arising thereunder between meetings of the National Executive Board and shall have authority to settle and determine all grievances and disputes submitted for resolution. Actions and decisions of the National President shall be appealable to the National Executive Board in accordance with Article XVIII of this Constitution.

**Section 2.** The National President shall receive regular reports from all representatives of this Union and shall make frequent reports to the membership by publishing regular news bulletins. The National President shall have authority to employ such technical and clerical assistance as shall be necessary for the efficient conduct of the

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increased by the same percentage. The National Executive Board shall be empowered to provide the National President and Secretary-Treasurer with reasonable accommodations in the Washington, D.C. area in connection with the performance of their official duties and responsibilities and to make annual adjustments in their salaries to account for the increase in the cost-of-living, said adjustments not to exceed the percentage of increase in the National Consumer Price Index published by the Bureau of Labor Statistics of the U.S. Department of Labor.

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affairs of this Union. The National President shall be responsible for directing the Union's legislative, safety, legal and educational activities.

**Section 3.** The National President shall have the authority, when s/he deems it necessary between meetings of the National Executive Board, to conduct a poll of the Board by telephone, by electronic communications, or by mail. All such polls and each member's vote shall be recorded and published with the next Executive Board meeting minutes if not distributed earlier.

**Section 4.** The National President shall convene a meeting of the National Executive Board at least four times each year and at such other times as s/he shall deem necessary for the purpose of conducting the business of this Union. S/he shall also convene an Executive Board meeting within fifteen (15) days at the request of the majority of the Executive Board members. The National President shall preside over all sessions of the National Executive Board as its Chairperson.

**Section 5.** The National President shall be authorized to spend the funds of this Union in its interests for such purposes as s/he shall determine and the National Executive Board shall approve or disapprove. Non-recurring expenditures in excess of \$10,000.00 shall require the advance approval of the National Executive Board. All drafts, notes, and checks drawn against the Union shall be signed by both the National President and the National Secretary-Treasurer.

**Section 6.** The National President shall be authorized to appoint, remove, and establish the salary and benefits for the Executive Director of the Mail Handler Health Benefit Plan and the administrator of the National Associate Member Billing Program, with the prior approval of the National Executive Board.

**Section 7.** The National President or a designee shall make a reasonable effort to visit each Local Union not less often than once each year.

**Section 8.** The National President or her or his designee shall be the principal spokesperson for this Union on all matters pertaining to this Union.

**Section 9.** The responsibilities which this Union has with respect to negotiating and executing collective bargaining agreements on behalf of this Union and the employees of the United States Postal Service represented thereby shall be discharged by the National President who shall designate a National Negotiating Committee to prepare collective bargaining proposals based upon submissions received from the Local Unions and conduct collective bargaining negotiations on behalf of this Union. The National President shall present to all bargaining representatives for the United States Postal Service a copy of Article V, Sec. 9 and of this section of this Constitution

upon the opening of negotiations. The National President shall convene a meeting open to Local Union Presidents and/or representatives of the National Postal Mail Handlers Union to receive their advice and counsel before agreeing to submit any bargaining dispute during National negotiations to an arbitrator for final and binding resolution. The Local Unions shall be kept informed of the progress of such negotiations. In addition, the National President shall be authorized to appoint or remove all National and Regional Contract Administration representatives and staff who shall be responsible to him or her in the conduct of contract administration and collective bargaining activities.

**ARTICLE VIII – Duties of the  
National Secretary-Treasurer**

**Section 1.** The National Secretary-Treasurer shall receive all monies due and owing to this Union and shall give proper receipt for such monies as are collected. Such monies shall be deposited in separate bank accounts held in the name of this Union. The National Secretary-Treasurer shall have prepared and mailed to the National President and other members of the National Executive Board and to each subordinate body, an annual financial report of the receipts and disbursements of this Union and its assets and liabilities, and s/he shall be responsible for preparing all other reports required by this Constitution or by law. In addition, s/he shall submit a financial report to the Mail Handler National Convention and quarterly reports to Local Unions.

**Section 2.** The National Secretary-Treasurer shall be required to review and approve or disapprove the expenses of the National President.

**Section 3.** The National Secretary-Treasurer shall record, or cause to be recorded, the proceedings of all National Conventions and such meetings of the National Executive Board as the Board may desire to have recorded, and s/he shall also prepare minutes of all Executive Board and Presidents' meetings and shall distribute copies of such minutes to Local Unions within 30 days.

**Section 4.** The National Secretary-Treasurer shall be responsible for developing and overseeing a uniform system of accounting and record keeping for the National Union and Local Unions and either s/he, or his/her designee, may inspect the books or records of Local Unions on an equitable basis from time to time to assure compliance with prescribed standards and procedures.

**Section 5.** The National Secretary-Treasurer, with the approval of the National Executive Board, may designate one or more competent auditors to examine

the records and accounts of the Local Unions.

**Section 6.** The National Secretary-Treasurer shall order an annual audit of the National Union's finances by an outside Certified Public Accountant. Such audit shall be made in accordance with the professionally accepted standards for auditing labor unions. The auditor's report shall be published and distributed to the membership each year.

**Section 7.** The National Secretary-Treasurer shall be required to maintain corrected Regular and Associate Membership and Mailing Lists, effecting updates and changes within 30 days of receipt of changes, and shall distribute such corrected Mailing lists, upon request, to the respective Locals.

#### **ARTICLE IX – Semi-Annual National Meetings**

**Section 1.** There shall be established semiannual National Meetings of the National Postal Mail Handlers Union. At these meetings, the National Officers shall meet with representatives of the Local Unions. The National Officers also are encouraged to visit, when practicable, a nearby facility where Mail Handlers are employed.

**Section 2.** The number of representatives to represent the Local Union at these meetings, and the selection of such individuals, shall be determined by the Local Union President. The respective Local Union shall bear the financial obligations for the attendance of its representatives at those meetings.

**Section 3.** The agenda for such semiannual meetings shall include the following, in addition to the agenda items submitted by the Local Unions:

- (i) The National Executive Board shall provide the attendees with its full financial report, outlining the current financial status of the National organization.
- (ii) A report from the Contract Administration Department.
- (iii) Discussions pertaining to any issue of legislation; safety, legal or educational activities; or any other issues or activities affecting the membership of this organization.
- (iv) A report from the National Committee on the Future and any subsequent committees.

**Section 4.** This National Organization shall consider information received from the Local Unions in developing its contractual and other organizational goals.

**Section 5.** A resolution passed upon a two-thirds vote of the Local Presidents and/or Representatives shall be binding, with every Local having only one vote, provided that, whenever possible, the resolution is submitted to all Local Presidents and the National Office at least two weeks prior to the semi-annual meeting.

**ARTICLE X – National Executive Board –  
Duties and Powers**

**Section 1.** Between National Conventions, the National Executive Board shall be responsible for governing this Union, upholding its laws and policies and advancing its interests. Actions and decisions of the National Executive Board and its members shall be appealable to the General Executive Board of LIUNA, which shall review the record and affirm or reverse and remand in writing at its next Board meeting. All such appeals to the General Executive Board of LIUNA must be in writing and postmarked no later than 30 days following the actions or decisions which are being appealed.

**Section 2.** The National Executive Board may exercise legislative power when, in its opinion, it deems it necessary to conform to or comply with the law or when, in its judgment, the exercise of such power is deemed necessary, proper, and appropriate.

**Section 3.** The National Executive Board shall have authority to hear and decide appeals from disciplinary proceedings arising in subordinate bodies of this Union and shall provide to parties thereto, through appropriate regulations, such fair procedures as are generally recognized in the trade union movement and are required under applicable law.

**Section 4.** If meetings of the National Executive Board are held outside of Washington, DC, the National Officers are encouraged to visit, when practicable, a nearby facility where Mail Handlers are employed.

**Section 4. At least quarterly, the National Executive Board of this Union shall review and formally vote on all disbursements of the National Union since its last vote on disbursements. This vote on disbursements shall be recorded in the National Executive Board minutes.**

**~~Section 4~~ **Section 5.**** If meetings of the National Executive Board are held outside of Washington, DC, the National Officers are encouraged to visit, when practicable, a nearby facility where Mail Handlers are employed.

**ARTICLE XI – National Officer Elections**

**Section 1.** Eligibility:

To be eligible to run for a position on the National Executive Board, an individual must have been a member in continuous good standing for a period of two (2) years preceding the date a Convention is scheduled to be convened (subject to the waiver for active military duty specified in the second paragraph of Article V, Section 1 of the Uniform Local Union Constitution, as determined by the Election Committee supervising the election of National Officers and, if necessary, the delegates acting in accordance with the last sentence of Section 2(a) of this Article), must be working at the calling as defined in Article V, § 2 of the Uniform Local Union Constitution,

and s/he cannot have been employed in a supervisory or managerial capacity by the Postal Service (including any EAS position involved in discipline of employees or application of the National Agreement) for any time during that period, or by the USPS Office of Inspector General or the Postal Inspection Service (including as a confidential informant) for any time during that period. In addition, to be eligible to run for election as a Regional Vice President, the member must have been a member in good standing of Local Union(s) within that Region during the two-year period.

**Section 2.** Nominations/Primary Elections:

- (a) Candidates for National Union office shall be nominated at the National Convention. A delegate may not nominate more than one (1) candidate for each office. A candidate shall not be entitled to simultaneously run for more than one office in this National Union. Regional Vice Presidents must be nominated by delegates in good standing from the Region in which they are employed. Any disputes concerning a candidate's eligibility shall be resolved by the Convention.
- (b) In the event more than two candidates are nominated for any position on the National Executive Board, a primary election shall be conducted wherein each Convention delegate will be eligible to cast one vote by secret ballot for any candidate for each position, and the two candidates receiving the most votes for each position shall be nominated. Delegates voting in the primary election shall cast weighted votes reflecting the entire number of votes to which their Local Union is entitled.

**Section 3.** Election Committee:

Elections of National officers shall be supervised by a 3-person Election Committee whose members shall be elected by secret ballot at the National Convention preceding the election. To be eligible to serve on the Election Committee, a member must meet the same qualifications for holding the office of National President, except that s/he shall not be a candidate for national office, and s/he shall not actively campaign for or actively support any candidate for national office. Each delegate shall be entitled to vote for three candidates for the Election Committee and the three candidates receiving the most votes shall comprise the Committee. Delegates shall be entitled to cast weighted votes reflecting the entire number of votes to which their Local Union is entitled for three candidates for the Election Committee, and the three candidates receiving the most votes shall comprise the Committee.

The Election Committee shall meet immediately after the conclusion of the Convention and adopt and transmit to all candidates reasonable rules to govern the conduct of

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the election. The Committee shall be responsible for ensuring the integrity of the election process and for resolving all election protests. Its members shall receive \$450 per diem, plus expenses, when meeting to perform its official functions. The Committee shall be guided by the principle of maximum voter participation in a free, fair, open, democratic election process.

### Section 4. Elections:

- (a) Elections shall be conducted among all regular members in good standing voting by secret ballot. Ballots shall be printed and mailed to members' last-known home addresses by the American Arbitration Association ("AAA"), or by another similar organization chosen by the Election Committee supervising the election of National officers ("another similar organization"), between 30 and 40 days after the conclusion of the Convention. All ballots returned by eligible voters to the secure location determined by the AAA or by another similar organization within 45 days after the initial mailing shall be counted by the AAA or by another similar organization.
- (b) All regular members in good standing who are employed by the U.S. Postal Service or by any other employer with operations directly or indirectly related to postal and mail handling or by the National Postal Mail Handlers Union or an affiliated organization shall be eligible to vote.
- (c) The ballots shall be collected and counted by the AAA or by another similar organization promptly after the voting deadline has passed. Each candidate and one or, if necessary, more observer(s) named by the candidate shall be entitled to be present during all phases of the preparation, mailing, and counting of ballots and to challenge ballots. All ballots shall be accounted for and retained, together with other records pertaining to the election, for a period of 12 months following the election.
- (d) Those candidates who receive a majority of the votes cast by eligible voters shall be declared the winners and shall be installed in office by the LIUNA General President or his/her designee within 72 hours of the conclusion of the ballot count. The newly elected officers will be administered the following oath of office.

I, \_\_\_\_\_, do solemnly pledge on my honor to recognize and comply with all of the provisions of the Constitution of the National Postal Mail Handlers Union, a Division of the

- (a) Elections shall be conducted among all regular members in good standing voting by secret ballot. Ballots shall be printed and mailed to members' last-known home addresses by the American Arbitration Association ("AAA"), or by another similar organization chosen by the Election Committee supervising the election of National officers ("another similar organization"), between 30 and 40 days after the conclusion of the Convention. All ballots returned by eligible voters to the secure location determined by the AAA or by another similar organization within ~~45~~ **30** days after the initial mailing shall be counted by the AAA or by another similar organization.

Laborers' International Union of North America, AFLCIO, and with all rules, regulations, policies, practices, and decisions adopted in furtherance of the administration of the Mail Handlers Union and to honestly and faithfully perform my duties for and on behalf of the membership of this Union.

**Section 5. Campaigning:**

- (a) No Union funds shall be expended, directly or indirectly, to promote or oppose any candidate for Union office. No Union facilities, equipment, stationery, supplies, or the seal and insignia of the National Union or any Local modification thereof may be used to further any candidacy. No appointed employee, agent, or elected officer shall be required to support the candidacy of any individual or slate.
- (b) Each candidate shall be entitled to inspect the list containing the names and last-known addresses of all regular members employed by the Postal Service (or other employers) once within the 30day period preceding the mailing of the ballots. The right to inspect shall not include the right to copy, but does include the right to compare the list with any personal list of members.
- (c) The National Union shall be required to honor the reasonable requests of candidates or slates of candidates to send uncensored campaign mailings at her/his or their expense utilizing any special mailing privileges available to the National Union. All candidates shall be treated equally with respect to the expense of such mailings which shall not exceed the actual cost of the mailings incurred by the National Union.
- (d) A Special Election Publication, printed at Union expense, shall accompany each ballot mailed to eligible voters. It shall contain factual information concerning election/voting procedures together with any photographs and/or statements not exceeding 300 words that are furnished to the Election Committee at the National Headquarters by the candidates no later than 10 days prior to the scheduled date on which the ballots are to be mailed. Any group of candidates running as a slate shall be entitled to be identified on the ballot as members of a designated slate provided that notice is given by each such candidate no later than 10 days prior to the scheduled date on which the ballots are to be mailed.

**Section 6. Election Protests:**



Any regular member shall be entitled to file an election protest with the Election Committee within fifteen (15) days following the installation of the newly elected officers. The protest shall specify the nature and details of the conduct alleged to have violated this Constitution, any election rules, or applicable laws or regulations. The Election Committee shall promptly cause copies of all protests to be served on all interested candidates together with a Notice of Hearing to be conducted not less than 15 days, nor more than 30 days after issuance of the notice. The Notice of Hearing shall specify any rules that will govern the conduct of the hearing. The Election Committee shall issue its decision within 15 days after the conclusion of the hearing.

## **ARTICLE XII – National Convention**

**Section 1.** This Union shall convene a Mail Handler National Convention every four years, between the first day of August and the last day of September during each leap year. This National Convention shall be the highest decision-making body of this Union. The exact date of such Mail Handler National Convention shall be determined by the National Executive Board. The location of the next Mail Handler National Convention shall be determined by the delegates at each National Convention. A special convention may be called at any time by the National President with the approval of the National Executive Board, or by five of the seven members of the National Executive Board.

**Section 2.** At least ninety (90) days prior to the National Convention a call shall issue from the National Secretary-Treasurer to each Local Union and each other subordinate body of this Union which is entitled to be represented at the National Convention advising of the date and location of the National Convention. Each Local Union and other subordinate body shall be entitled to send as many delegates to such Mail Handler National Convention as it is entitled to votes; provided, however, that a Local Union or other subordinate body may send fewer delegates to a National Convention than it is entitled to votes, and such delegates shall be authorized to cast the entire number of votes to which their Local Union or other subordinate body is entitled. No Local Union or other subordinate body shall be entitled to representation by proxy at a National Convention.

**Section 3.** Local Unions and subordinate body delegates to a National Convention shall be elected by secret ballot in accordance with rules adopted and promulgated by the National Executive Board. Such rules shall require that, in order to qualify as a candidate for delegate, a regular member shall be required to have been in continuous good standing in the National Postal Mail Handlers Union for a period of two years and in continuous good standing in his/her Local Union for a period of two years immediately prior to nomination and current in the payment of dues, and s/he cannot have

applied for or been employed in a supervisory or managerial capacity by the Postal Service (including any EAS position involved in discipline of employees or application of the National Agreement) for any time during that period, or by the USPS Office of Inspector General or the Postal Inspection Service (including as a confidential informant) for any time during that period. These requirements relating to continuous good standing, payment of dues, and applying for or being employed as a supervisor or manager also must be satisfied during the period from nomination as a candidate for delegate through the adjournment of the Convention.

All Local Union Presidents shall be delegates of their Local Union to any National Convention which may take place during their term of office. When serving as a delegate under this paragraph, the Local President may not vote in officer elections at the National Convention unless, during the most recent election of Local Union officers, the notices to regular members and/or ballots stated that by virtue of his/her election as Local President or Vice President, the officer is automatically a Local Union delegate or alternate delegate (for the President) to all Conventions of this Union conducted during the term of office.

In the event that a Local Union is to be represented by a single delegate, either because the Local Union is entitled to send only one delegate or because the Local Union Council decides to send only one delegate, the Local President (or the Local Vice President as an alternate for the Local President) shall automatically occupy such position and no separate election of delegates shall be conducted. Such a single delegate may vote in officer elections held during the Convention only if, during the most recent election of Local Union officers, the notices to regular members and/or ballots stated that by virtue of his/her election as Local President or Vice President, the officer is automatically a Local Union delegate or alternate delegate (for the Local President) to all Conventions of this Union conducted during the term of office.

**Section 4.** Representation of Local Unions at a National Convention shall be based upon the average monthly regular membership of each Local Union for the calendar year next preceding the year in which the Convention is to be held. The average monthly regular membership shall be computed on the basis of the full amount of per capita tax paid monthly by each Local Union or regular members thereof to this Union. Any Local Union which has not been in existence during the entire calendar year next preceding a National Convention shall be entitled to representation on the basis of its average monthly regular membership for the entire period but not to exceed twelve (12) months, from the month preceding the call for a National Convention. No Local Union shall be entitled to representation at a National Convention which was not chartered at least three (3) full

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calendar months immediately prior to the call for a National Convention.

**Section 5.** Every Local Union, regardless of its numerical regular membership, shall be entitled to at least one (1) vote at a National Convention. Local Unions with more than twenty-five (25) regular members shall be entitled to one (1) vote for each twenty-five (25) regular members or major fraction ( $13/25$ ) thereof.

**Section 6.** The presence of delegates representing a majority of both the delegates and delegate votes in attendance at a National Convention shall constitute a quorum.

**Section 7.** Each member of the National Executive Board shall be entitled to one (1) vote at a National Convention and shall be accorded all of the privileges of fully-accredited delegates, except that a Board member shall not be permitted to vote in any election of officers at the National Convention unless, during the most recent election for members of the National Executive Board, s/he was elected by secret ballot, or if unopposed, by acclamation, to serve as a member of the National Executive Board.

**Section 8.** A Local Union or other subordinate body that is not in good standing at the opening of a National Convention shall have no standing or rights therein. A Local Union must be notified by the National Secretary-Treasurer sixty (60) days prior to the Convention of any National Union claim against its good standing along with the basis and actions needed to correct its standing.

**Section 9.** The National President shall be in charge of all National Convention arrangements, and on behalf of the National Executive Board s/he shall prepare a report to the delegates on the activities and accomplishments of this Union between National Conventions. The National President shall have the authority to establish such committees in advance of a National Convention for such purposes as s/he shall deem necessary. Committees shall include, but not be limited to, an Arrangements Committee, a Credentials Committee, a Committee to Elect the Election Committee, a Rules Committee, a Constitution Committee, and a Resolutions Committee. The National President shall serve, ex-officio, as a member of all committees. S/he shall appoint one or more Sergeants-at-Arms and other officers of the National Convention as s/he deems necessary. S/he shall preside at the National Convention personally or by designee.

**Section 10.** The National Convention shall have authority to act upon the business of this Union, including the enactment of amendments to this Constitution. It shall require two-thirds ( $2/3$ ) of the total delegate votes cast at a National Convention to enact a constitutional amendment. Such amendments shall become effective upon their adoption. For proposed amendments to this Constitution

to be considered by a National Convention, such amendments must be submitted in writing by Delegates, Local Unions or other subordinate bodies in good standing, or regular members in good standing to the National President no later than sixty (60) days prior to the opening of the National Convention. Such proposed amendments shall be referred by the National President to the Constitution Committee for consideration and recommendation to the National Convention.

**Section 11.** Prior to and during a National Convention, the Credentials Committee shall be empowered to examine, pass upon, and determine the validity of the credentials of all delegates. The Credentials Committee shall report its findings to the National Convention and recommend the seating of those delegates whom it has accredited. The final decision on seating delegates shall rest with the properly-seated Convention delegates by majority vote.

**Section 12.** Any regular member in good standing of a Local Union or of another subordinate body who desires to protest the manner of selecting a delegate or delegates to the National Convention from his or her Local Union must file a protest with the National President by forwarding a copy of such protest to the National President not later than thirty (30) days after the Local's delegate election. The National President shall acknowledge such protest and advise the member as to the manner in which such protest will be considered by the Credentials Committee.

**Section 13.** Prior to the convening of a National Convention there shall be furnished to each Local Union and each other eligible subordinate body the official credentials for each delegate. Upon receipt of such credentials, the President of each Local Union (or other eligible subordinate body) shall sign the official credentials; a duplicate of each credentials shall be signed by the chair of the Credentials Committee and maintained by the Credentials Committee. The original credentials or other appropriate identification shall then be presented to the Credentials Committee by each delegate upon registration at the Convention. A delegate shall be required to register with the Credentials Committee in order to be duly accredited and seated at the National Convention.

**Section 14.** The order of business and rules of the National Convention shall be considered by the Committee on Rules, and it shall prepare its report for submission to the National Convention for adoption or modification at the opening thereof. The report of the Committee shall be provided to each delegate upon registration at the Convention.

**Section 15.** Resolutions submitted for consideration of the National Convention must be received by the National President no later than sixty (60) days prior to

the opening date of the National Convention. For proposed resolutions to be considered by a National Convention, such resolutions must be submitted in writing by Delegates, Local Unions or other subordinate bodies in good standing, or regular members in good standing to the National President no later than sixty (60) days prior to the opening of the National Convention. Such resolutions shall be referred to the Committee on Resolutions for consideration and recommendation to the Convention delegates for adoption, modification, or rejection thereof.

**Section 16.** Alternate delegates may be seated in the absence of regular delegates upon presentation of proper credentials or other appropriate identification and certification by the Credentials Committee.

**Section 17.** Each Local Union and other subordinate body shall be responsible for the reasonable living and travel expenses incurred by its delegates.

**Section 18.** The National Executive Board shall have the power following the adoption of a resolution or a constitutional amendment by the National Convention, to make such typographical, grammatical, and punctuation corrections, rearrangements, and renumbering of articles and sections, or otherwise, including the supplying or remedying of inadvertent omissions or errors, as are necessary to carry out the spirit and intent of any resolution or amendment adopted.

#### **ARTICLE XIII – Local Unions and Other Subordinate Bodies**

**Section 1.** This Union shall consist of Local Unions and other subordinate bodies. The National President, subject to the approval of the National Executive Board, shall have the authority to issue Local Union and subordinate body charters on such terms and conditions as s/he shall deem appropriate. No such charter shall be issued where there is in existence a Local Union having jurisdiction over the Postal Service facility where there are employees within this Union's jurisdiction. The National President, subject to the approval of the National Executive Board and by majority vote of the members of each affected Local Union, shall have the authority to amalgamate or de-amalgamate, affiliate, and otherwise alter existing Local Unions where s/he deems such action necessary or advisable, and such authority shall not be limited by any other provision of this Constitution or of the Uniform Local Union Constitution.

**Section 2.** Neither this Union nor any subordinate body thereof shall be established or maintained on any racial, religious, national, or other discriminatory or restrictive basis; nor shall membership in this Union or any subordinate body thereof ever be conditioned or limited upon the basis of such discriminatory considerations. Mail Handler officers, agents, and members shall not discriminate against any specified

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group on the basis of race, religion, color, creed, sex, sexual orientation, age, physical or mental handicap, place of national origin, or political affiliation.

**Section 3.** All Local Unions and other subordinate bodies shall be responsible for timely payment of such per capita tax and assessments as are levied in accordance with this Constitution. Any Local Union or other subordinate body which becomes sixty (60) days in arrears in the payment of per capita tax or assessments may have its charter suspended. Before implementation, notice of such proposed suspension, including amounts allegedly owed and the method of computation, shall be served upon such bodies. This notice shall be appealable to the National Executive Board within thirty (30) days; the Board shall, in turn, render its decision within thirty (30) days of receiving the appeal during which period the charter shall remain in effect.

**Section 4.** No Local Union affiliated with this Union may dissolve, disaffiliate, or secede while five (5) or more regular members desire to continue the Local Union in existence; and all funds, assets, and property, real and personal, of a Local Union shall remain in the Local Union as long as it continues in existence. In the event of the complete dissolution of any Local Union or its disaffiliation or secession by unanimous vote or otherwise, all the funds, assets, and properties, real and personal, of the Local Union shall revert to this Union. No subordinate body other than a Local Union may dissolve, disaffiliate or secede except in accordance with its affiliation agreement and Constitution.

**Section 5.** Under no circumstances shall any Local Union or subordinate body of this Union distribute its funds, assets, or properties, or any part thereof, individually among its membership.

### ARTICLE XIV – Dues and Per Capita Tax

**Section 1.** The per capita tax payable to this Union currently is and shall be at least \$8.15 (eight dollars and fifteen cents) per regular member per pay period.

**Section 2.** Between National Conventions of this Union, the National Executive Board shall have the authority, by majority vote, to increase or decrease the per capita tax per regular member of this Union with the consent and approval of two-thirds of all Local Presidents.

**Section 3.** The dues of all regular members shall be twenty-eight dollars (\$28.00) per member per pay period. Each time that Mail Handlers receive a general negotiated or arbitrated wage increase subsequent to August 2022, the dues for each Local's regular members shall be increased by one dollar (\$1.00) per pay period, of which amount fifty cents (\$.50) shall be deducted by the National as increased per capita tax. Also, following the National Convention held in August 2022, there shall be a

**Section 1.** The per capita tax payable to this Union currently is and shall be at least ~~\$8.15 (eight dollars and fifteen cents)~~ **\$9.65 (nine dollars and sixty five cents)** per regular member per pay period.

**Section 3.** The dues of all regular members shall be ~~twenty-eight dollars (\$28.00)~~ **thirty one dollars (\$31.00)** per member per pay period. Each time that Mail Handlers receive a general negotiated or arbitrated wage increase subsequent to August 2022, the dues for each Local's regular members shall be increased by one dollar (\$1.00) per pay period, of which amount fifty cents (\$.50) shall be deducted by the National as increased per capita tax. Also, following the National Convention held in August

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special one-time one dollar (\$1.00) per pay period increase separate and apart from the increases provided by the previous sentence, of which amount fifty cents (\$.50) shall be deducted by the National as increased per capita tax. In addition, during any calendar year in which there is no general negotiated or arbitrated wage increase, but there are one or more cost-of-living adjustments that cumulatively total to five hundred dollars (\$500.00) or more, there shall be a one dollar (\$1.00) per pay period increase in the dues for each Local's regular members, of which amount fifty cents (\$.50) shall be deducted by the National as increased per capita tax. Such dues and per capita tax increases shall go into effect as soon as possible after the effective date of each general negotiated or arbitrated wage increase or the triggering cost-of-living adjustment, when applicable. However, except for the special, one-time dues increase following the National Convention held in August 2022, only one dues increase per calendar year will be allowed.

Such dues structure shall be maintained in order to permit each Local Union to function effectively and represent its members adequately; however, a Local, to function efficiently and represent its members, may request the National Executive Board, with the approval of two-thirds of the Local Presidents, to forgo its per capita taxes for a specified period. These provisions should not be construed to restrict Local Unions from establishing a dues structure for its regular members in excess of, or less than, provided herein. A Local may request the National office to waive the one dollar (\$1.00) increase or any portion thereof. However, this waiver shall not affect the fifty cent (\$.50) per capita tax increase.

**Section 4.** The per capita dues of associate members payable to this Union shall be fifty-two (\$52.00) dollars per year for both postal and federal government associate members. In the case of postal associate members, the National Union shall be entitled to retain seventy cents (\$.70) per pay period as a per capita tax for such associate members. That seventy cents per pay period per capita tax for those postal associate members who are on dues check off will be deducted from the dues check off payments made by the Postal Service to the National Postal Mail Handlers Union pursuant to the National Agreement. In the case of associate members who are not postal employees, the National shall receive a fifteen dollar (\$15.00) per year associate membership fee from the total fifty-two dollar associate membership annual dues payable by those associate members. That amount shall be paid to the National Union in the course of the billing and collection of those annual associate member dues pursuant to the National Uniform Billing Program. The remainder of the fifty-two dollar (\$52.00) annual associate members dues minus the cost of collection under the Uniform National Billing Program shall be returned to the Local Union on a regular periodic basis pursuant to the Uniform National Billing Program; provided, however, that the costs of collection shall be published

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2022, there shall be a special one-time one dollar (\$1.00) per pay period increase separate and apart from the increases provided by the previous sentence, of which amount fifty cents (\$.50) shall be deducted by the National as increased per capita tax. In addition, during any calendar year in which there is no general negotiated or arbitrated wage increase, but there are one or more cost-of-living adjustments that cumulatively total to five hundred dollars (\$500.00) or more, there shall be a one dollar (\$1.00) per pay period increase in the dues for each Local's regular members, of which amount fifty cents (\$.50) shall be deducted by the National as increased per capita tax. Such dues and per capita tax increases shall go into effect as soon as possible after the effective date of each general negotiated or arbitrated wage increase or the triggering cost-of-living adjustment, when applicable. However, except for the special, one-time dues increase following the National Convention held in August 2022, only one dues increase per calendar year will be allowed.

Such dues structure shall be maintained in order to permit each Local Union to function effectively and represent its members adequately; however, a Local, to function efficiently and represent its members, may request the National Executive Board, with the approval of two-thirds of the Local Presidents, to forgo its per capita taxes for a specified period. These provisions should not be construed to restrict Local Unions from establishing a dues structure for its regular members in excess of, or less than, provided herein. A Local may request the National office to waive the one dollar (\$1.00) increase or any portion thereof. However, this waiver shall not affect the fifty cent (\$.50) per capita tax increase.

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and distributed annually to the Local Presidents, together with a complete explanation of increases which shall be approved by the National Executive Board.

**Section 5.** Associate member dues shall be credited promptly each month to the Local Union having jurisdiction over the member's workplace.

**Section 6.** Each member of this Union shall be responsible for ensuring the timely payment of his or her membership dues. Members whose dues are not paid within ninety (90) days shall be automatically suspended from membership in accordance with the Uniform Local Union Constitution.

**Section 7.** Annually, if funds permit, the apportionment, distribution, and allocation of the per capita tax shall be as follows: first, not less than six hundred thousand dollars (\$600,000) shall belong to and be placed in a surplus trust account; second, not less than one million seven hundred thousand dollars (\$1,700,000) shall belong to and be expended on the Contract Administration Department.

### **ARTICLE XV – Financial Affairs/Standards**

**Section 1.** The fiscal year of this Union shall commence on the first day of January of each year.

**Section 2.** All officials or employees of this Union who shall handle funds received or expended by this Union shall be bonded in such amounts as the National Executive Board shall from time to time determine.

**Section 3.** All money and property belonging to the National Union or any Local shall be held and used solely for the benefit of the Union and its members. No contracts or expenditures of Union funds shall be made which will result in the personal profit or advantage of any officer or employee of the Union.

**Section 4.** Funds belonging to the National Union or any Local, except as may be necessary to pay current expenses, shall be invested in interest-bearing accounts, in safe interest-bearing securities, or in such other investments as the National Executive Board or the Local Executive Board, as appropriate, may authorize. No funds may be deposited in a safe deposit box. No funds may be invested in or loaned to any business which bargains collectively with the Union. No funds shall be invested or loaned in a manner which results in the personal profit or advantage of any officer or employee of the Union, nor shall any Union funds be loaned to any Union officer, employee or member, except as advances for reimbursable expenses.

### **ARTICLE XVI – Publications**



“The Mail Handler” shall be the official publication of this Union. Regular members of this Union shall be mailed “The Mail Handler” on a quarterly basis. Additional publications may also be sent to members in order to keep them fully apprised of events of concern to them.

#### **ARTICLE XVII – Trials of National Officers**

**Section 1.** Charges that a National officer has violated his or her obligations as a member or officer shall be made in writing and signed by the member(s) preferring the charges. The charges shall be duly sworn to and attested by a notary public and must state the exact nature of the alleged offenses and, so far as possible, the times and places the alleged offenses took place, and the specific provisions of this Constitution or public law that have been violated. The charges shall be endorsed by at least five Local Union Councils and shall be submitted to the National Secretary-Treasurer unless the charges are against him or her in which case they shall be submitted to the National President.

**Section 2.** The National officer against whom the charges have been preferred shall be notified of such charges by certified mail, return receipt requested, within ten (10) days after the charges have been filed. The officer and the complainant shall also be notified at the same time of the date, time and place of a hearing not less than fifteen (15) days from receipt of such notice. The complainant and the accused shall have the right to present all relevant evidence and to hear all evidence presented, to confront and examine or cross-examine all witnesses and to present oral argument and written briefs. Members who are summoned by certified mail, return receipt requested, to appear as witnesses by the Chairperson of the Trial Committee are obligated to appear at the time, date, and place of the hearing specified in the summons. No person shall be required to give evidence which would tend to incriminate herself or himself. No formal rules of evidence shall be applied. Both the complainant and the accused shall be entitled to make a record of the proceedings, provided that such record is made available to the other at cost and that the Trial Committee does not, itself, make a record.

**Section 3.** The National Executive Board shall serve as the Trial Committee, but any member who has such a relationship to any of the parties or events involved in the proceeding as to prohibit making a fair and objective decision shall disqualify himself or herself. The remaining members shall designate from among the regular members in good standing a sufficient number of individuals necessary to bring the Trial Committee up to seven (7) members. In the event all members of the Executive Board disqualify themselves, the Trial Committee shall be comprised of seven Local Presidents chosen by lot from a pool of all Local Presidents with the exception of those whose Locals endorsed the charges. A

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fair and open selection process shall be conducted by those Presidents whose Locals have endorsed the charges after notice has been given to the charged individual(s) so that they may observe the lottery selection process. Decisions as to guilt and penalty, if any, shall be made by no less than five members of the Committee, provided however that no officer may be suspended or removed from office except by a unanimous vote of the Committee.

**Section 4.** In the event the accused is acquitted of the charges and the Trial Committee finds that the complainant or endorsing Locals acted maliciously and in bad faith, the Committee may assess the complainant and endorsing Locals with the costs of the proceedings.

### **ARTICLE XVIII** – Exhaustion of Remedies/Appeals

**Section 1.** Actions and decisions of the National President shall be appealable to the National Executive Board by sending them to the National Secretary-Treasurer. The Board shall be authorized to grant or impose appropriate relief. Actions and decisions of the National Executive Board or the National Trial Committee shall be appealable in accordance with Article X, Section 1. All such appeals to the National Executive Board and Convention must be in writing and postmarked no later than 30 days following the actions or decisions which are being appealed.

**Section 2.** Appeals shall state the decision or action which is being appealed and the grounds for the appeal. Copies shall be given to the individual or body whose action or decision is being appealed, as well as to the opposing party. Decisions on appeals shall be in writing, shall include a statement of reasons, and shall be furnished to all interested parties.

**Section 3.** Whenever an appeal has been filed, the National President may stay the action or decision being appealed if failure to grant such a stay would impose an irreparable injury, create an unnecessary hardship, render the appeal futile, or otherwise defeat the ends of justice.

**Section 4.** Except as provided by applicable law, no member of this Union or of any subordinate body thereof shall bring or cause to be brought in any court, whether in law or in equity, or before any administrative agency, any action against LIUNA or this Union or any of their subordinate bodies, or the officials, employees, or representatives thereof, in any matter involving rights or obligations which are remediable within the framework and internal processing of this Union without first having exhausted all such internal remedies.

### **ARTICLE XIX** – International Union; Representation at LIUNA Conventions

**Section 1.** This Union and its subordinate bodies shall be subject to the authority of the Laborers' International Union, as set forth in the International Union Constitution in the same manner as any other subordinate body, except as provided herein provided the LIUNA Constitution does not discriminate against this Union or otherwise single out this Union for separate treatment; and provided further that the exercise of such authority by LIUNA does not infringe in any way upon the powers and rights of this Union and its members, as set forth in this Constitution and the Uniform Local Union Constitution and approved by the Court.

**Section 2.** This Union's representation at LIUNA Conventions shall be that provided in Article XII of the 1984 Constitution of the National Postal Mail Handlers Union, as amended (attached as an Addendum at the rear of this Constitution) pending further action by LIUNA.

**Section 3.** This Union and its Locals, members and officers shall not be subject to the provisions of Article XXII of the LIUNA Constitution dealing with death benefits.

#### **ARTICLE XX – Amendments**

This Constitution may be amended by a two-thirds (2/3) margin of the total delegate votes cast at a regular or special Convention. Upon adoption by Convention, amendments shall become effective without further action unless written objection is received from the LIUNA General Executive Board within ninety (90) days.

#### **ARTICLE XXI – Savings Clauses**

**Section 1.** Local Unions and other subordinate bodies of this Union and their officers and members are not agents of this Union and are not authorized to act for, or to otherwise bind this Union except where prior approval or authorization is given in writing by the National President, or where the National President ratifies acts performed by such bodies after written notice thereof. However, in no case shall this Union be liable or responsible for the autonomous acts of its subordinate bodies.

**Section 2.** If any provision of this Constitution is declared invalid or is rendered inoperative by any competent authority of the executive, judicial, or administrative branch of a state or the federal government, the National Executive Board shall have the authority to suspend the operation of such provision during the period of its invalidity and to substitute in its place a provision which will be in accord with the intended purpose of the invalid provision. Such substitute shall be effective upon adoption and shall remain in effect until the next Convention unless written objection is received from the LIUNA General Executive Board within ninety (90) days.

If any Article or Section of this Constitution is held invalid by operation of law or by any tribunal of competent jurisdiction, the remainder of this Constitution or application of such Article or Section to persons or circumstances other than those as to which it has been held invalid shall not be affected thereby.

**Resolution No. 1 of the 1992 National Convention**  
(Passed August 19, 1992)

This labor organization will no longer consider proper nor tolerate the existence of severance pay, monetary awards or incentives, or bonus plans for elected leaders, officers, or representatives, at either the National Union or any Local Union. No such person shall receive severance or bonus payments, and any funds set aside for such purposes which have not already been paid to any individual shall revert back to and become the property of the National or Local Union, as appropriate.

**ADDENDUM**  
**1984 CONSTITUTION OF THE**  
**NATIONAL POSTAL MAIL HANDLERS UNION,**  
**AS AMENDED**

**ARTICLE XII - Representation at LIUNA**  
Conventions

**Section 1.** This Union shall be entitled to representation on a local basis at the regular Conventions of LIUNA which are held once every five years pursuant to Article V of the LIUNA Constitution, and at any Special Convention of LIUNA conducted in accordance with Article V, Section 17 of the LIUNA Constitution. The apportionment of delegates shall at all times correspond with the apportionment of delegates set forth in Article V, section 4 of the LIUNA Constitution or its successor provisions. In addition, the members of the National Executive Board shall, by virtue of their office, serve as accredited delegates to the regular Conventions and Special Conventions of LIUNA, and shall be entitled to all the privileges of duly elected delegates, but shall not be permitted to vote for officers unless they are permitted by law to do so. The designation of the members of the National Executive Board as delegates shall not affect the number of delegates to which their respective Local Unions shall otherwise be entitled. The final paragraph of Article V, Section 4 of the LIUNA Constitution or its successor provisions shall govern with regard to one or more Local Union officers serving as accredited delegates to a LIUNA Convention by virtue of their election to office.

**Section 2.** The General Secretary-Treasurer shall, not later than the thirty-first (31st) day of the month of May of the Convention year, mail to each Local Union in good standing of this Union a Convention call advising said Local Union of the opening date of the Convention and

the city where the Convention is to be held. The Convention call shall also specify the number of delegates that each Local Union is entitled to elect as its representative to the said Convention. Such delegates are to be elected in accordance with the provisions herein.

**Section 3.** Any regular member of this Union is eligible to be a delegate of his/her Local Union, provided s/he shall have been a regular member in continuous good standing for at least two (2) years in this Union and is current in the payment of his/her dues; and provided further that s/he cannot have been employed in a supervisory or managerial capacity by the Postal Service (including any EAS position involved in discipline of employees or application of the National Agreement) at any time during the two years immediately prior to nomination, or by the USPS Office of Inspector General or by the Postal Inspection Service (including as a confidential informant) for any time during that period. In addition, any member who applies for or accepts a supervisory or management position with the Postal Service (including any EAS position involved in discipline of employees or application of the National Agreement) or with the USPS Office of Inspector General or the Postal Inspection Service shall immediately resign his/her position as a delegate of his/her Local Union and, failing to do so, the position shall be declared to be vacant.

**Section 4.** Nominations and election of delegates to a LIUNA Convention from each Local Union shall be conducted by secret ballot, after receipt of the Convention call from the General Secretary-Treasurer, not earlier than the month of June or later than the fifteenth (15) day of August of the Convention year.

**Section 5.** After receipt of the Convention Call from the General Secretary-Treasurer, each Local Union shall arrange for the conduct of a nomination meeting. No less than seven (7) days prior to said nomination meeting, notice thereof shall be mailed to each good standing regular member of the Local Union at his/her last known address, and such notice shall list the number of delegate positions to be filled from the Local Union and the time and place of such nomination meeting.

**Section 6.** Regular members in good standing shall be authorized to nominate as delegates other regular members who have been in continuous good standing in this Union for at least twenty-four months preceding the nomination meeting and who are employed by the United States Postal Service (or other employer within the jurisdiction of this Union) within the same Local Union as their nominator.

**Section 7.** Each Local Union shall mail a written notice to each regular member at his/her last known address, informing the regular member of the date, place, and time of the election of delegates and the number of

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delegates to be elected, such notice to be mailed no later than fifteen (15) days prior to the date of election.

**Section 8.** Upon completion of the elections, each Local Union shall forward the results of the election to the National Secretary-Treasurer who shall thereafter compile said results and report the results to the Local Unions. The Local Unions shall preserve all ballots for at least one (1) year.

**Section 9.** The General Secretary-Treasurer shall furnish each Local Union and the National Union, as applicable, original and duplicate credentials in such number as shall be required. After receipt of such credentials, the Local Union or National Union shall then send the original credential to each duly elected delegate. Each delegate shall register with the Committee in order to be duly accredited and entitled to a seat in the Convention, and as such delegate, shall be entitled to cast one (his or her) vote.

**Section 10.** Delegates of this Union at Conventions of LIUNA shall be entitled to participate fully in the business of such Conventions, including the election of the general officers of LIUNA; provided, however, that they shall not be entitled to vote upon matters which are not applicable to this Union, its subordinate bodies, or its members.

**Section 11.** All resolutions submitted for consideration of a LIUNA Convention must be sent to and be received by the General Secretary-Treasurer at Headquarters in Washington, D.C., not later than thirty (30) days immediately preceding the opening of said Convention. All resolutions must be filed in duplicate and must be signed by the introducer, who must be a duly elected delegate to the LIUNA Convention.

**Section 12.** Any regular member in good standing desiring to protest the nomination or election of the delegate or delegates to the Convention from his/her Local Union must mail his/her protest to the General Secretary-Treasurer, in care of Headquarters, not later than thirty (30) days after the election. The General Secretary-Treasurer shall acknowledge such protest and advise the member of the place and date where and when the Credentials Committee will meet to hear, pass upon, and determine the protest.









**Uniform Local Union**  
**CONSTITUTION**

**of the  
National  
Postal Mail  
Handlers  
Union**

**A DIVISION OF THE  
LABORERS'  
INTERNATIONAL UNION  
OF NORTH  
AMERICA  
AFL-CIO**

**As Amended By The National  
Convention**

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ARTICLE I Affiliation and Jurisdiction

ARTICLE II Objects, Powers, and Obligations

ARTICLE III Membership

ARTICLE IV Officers

ARTICLE V Qualifications for Office

ARTICLE VI Nomination and Election of Officers

ARTICLE VII Meetings

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APPENDICES

**ARTICLE I – Affiliation and Jurisdiction**

**Section 1.** This Local Union, affiliated with the National Postal Mail Handlers Union, a Division of the Laborers' International Union of North America (LIUNA), AFL-CIO is hereby established in order to accomplish the goal of gathering under one banner all those who work in the mail handler craft and at the calling of said National Postal Mail Handlers Union in accordance with the craft and territorial jurisdiction assigned to this Local Union, and to join together with all individuals, including those employed in any branch, department, or agency of the federal government, including the United States Postal Service, or the government of the District of Columbia, who wish to be admitted to associate membership and who reside within the territorial jurisdiction of this Local Union; subject to the Constitution, rules, regulations, policies, practices, lawful orders and decisions of the said National Postal Mail Handlers Union, and subject to the applicable provisions of the Constitution of the Laborers' International Union of North America, AFL-CIO.

**Section 2.** This Local Union shall be known as Mail Handlers Local Union No. \_\_\_\_\_ affiliated with the National Postal Mail Handlers Union.

**Section 3.** This Local Union shall have the right to establish and enforce its own bylaws, rules, regulations, policies and practices as it deems necessary or appropriate to fulfill the purposes for which it was chartered; provided that such bylaws, rules, regulations, policies, and practices do not conflict with this Constitution or the Constitution of the National Postal Mail Handlers Union or its rules, regulations, policies, or practices and lawful orders and decisions. Such bylaws, rules, regulations, policies, or practices of this Local Union shall be subject to review by the National President for a period not to exceed ninety(90) days from the date submitted. If after such review, the National President, in his/her judgment, believes that such bylaws, rules, regulations, policies, or practices are not proper or in conformity with the intent, objects, or purposes of the Constitution, regulations, practices, policies, and lawful orders of the National Postal Mail Handlers Union, s/he may modify or annul the same. Decisions of the National President regarding the foregoing shall be appeal- able as provided for in the Constitution of the National Postal Mail Handlers Union.

**Section 4.** The territorial jurisdiction of this Local Union shall be that assigned by the National President, subject to the approval of the National Executive Board and in accordance with the Constitution of the National Postal Mail Handlers Union.

## Present language

## Recommended language

### ARTICLE II – Objects, Powers, and Obligations

**Section 1.** The object of this Local Union shall be to unite for their own advancement and betterment, and for the advancement of the United States Postal Service, all postal mail handlers and such other employees who are within the territorial jurisdiction of this Local Union and who come within the Mail Handlers craft or jurisdiction, including but not limited to all operations directly or indirectly related to postal and mail handling operations, whether performed by employees of the United States Postal Service or any other employer, and all other federal employees (whether or not postal employees), employees of the District of Columbia, or other employees who wish to affiliate as associate members of this Union to participate in the Mail Handlers Health Benefit Plan or any other Union-related benefit plan.

**Section 2.** This Local Union shall strive to advance the interests of its members and protect the integrity of the Mail Handler craft through mutual cooperation, organizing the unorganized, collective bargaining, the promotion of legislation, opposition to privatization of the Postal Service, the provision of benefits such as sick, accident, and similar benefits to its members, and all other peaceful and lawful means whereby labor organizations seek to promote and advance a broad spectrum of economic and social objectives. This Local Union shall function in accordance with all applicable laws, regulations, and executive orders.

**Section 3.** This Local Union shall conduct its affairs in a manner which will enhance, conserve, and protect the interest of the National Postal Mail Handlers Union, and its affiliates and members.

**Section 4.** In order to effectuate these objects, a Local Union shall have the following, among other inherent, powers:

- A. To raise income from dues, assessments, and by other proper and lawful means;
- B. To make commitments and disbursements in its discretion from the funds, assets, and properties of the Local Union for regular, recurring, as well as incidental expenses, for organizing, collective bargaining and contract administration, awards, gifts, donations, charitable contributions, education, public relations, legal services, and such other expenses as it deems necessary;
- C. To provide for the well being and security of members, officers and/or employees of the Local Union including but not limited to the establishment of insurance, health and welfare, pension, severance (for Union employees other than officers or representatives), and other employee benefit plans; and
- D. To carry out its other duties, responsibilities, and functions as provided in this Constitution and any other

**Section 1.** The object of this Local Union shall be to unite for their own advancement and betterment, and for the advancement of the United States Postal Service, all postal ~~M~~mail ~~H~~handlers and such other employees who are within the territorial jurisdiction of this Local Union and who come within the Mail Handlers craft or jurisdiction, including but not limited to all operations directly or indirectly related to postal and mail handling operations, whether performed by employees of the United States Postal Service or any other employer, and all other federal employees (whether or not postal employees), employees of the District of Columbia, or other employees who wish to affiliate as associate members of this Union to participate in the Mail Handlers Health Benefit Plan or any other Union-related benefit plan.

**Section 3.** This Local Union shall conduct its affairs in a manner which will advance, enhance, conserve, and protect the interest of the National Postal Mail Handlers Union, and its affiliates and members.

governing instruments duly adopted by this Union.

### **ARTICLE III - Membership**

**Section 1.** Any person employed in the U.S. Postal Service within the territorial jurisdiction of this Local Union and within a craft falling within the jurisdiction of the National Postal Mail Handlers Union shall be eligible for regular membership in this Union regardless of race, color, religion, creed, nationality, age, sex, sexual orientation, or physical or mental handicap. In order to participate in the Mail Handlers Health Benefit Plan or any other Union-related insurance benefit program that may be established, employees in the Mail Handler craft or otherwise within the jurisdiction of this Union, as defined by Article II, Section 1 of this Constitution or Article IV, Section 1 of the National Constitution, are required to be regular members of this Union.

**Section 2.** Persons employed in any branch, department, or agency of the Federal Government, including the U.S. Postal Service or the Government of the District of Columbia, or individuals who are tribal or other employees who wish to participate in the Mail Handlers Health Benefit Plan or any other Union-related benefit program, but who do not otherwise qualify for regular membership in this Local Union, may be admitted to associate membership in this Local Union upon the payment of dues provided in Article XIV of the National Constitution or on such other terms and conditions as shall be permissible under applicable law and regulations and as shall be determined by the National Postal Mail Handlers Union. Associate members shall be fully entitled to participate in the Mail Handlers Health Benefit Plan or any other National or Local insurance or benefit program in which they are enrolled, but shall not have the rights to vote, to hold office or serve as delegates, or to attend those portions of Local Union meetings not affecting their rights as associate members or as members of Union benefits plans.

**Section 3.** An individual shall obtain membership in this Local Union by exercising and submitting an application for membership or a dues deduction authorization form, by making at least one full payment of dues, and by otherwise meeting the qualifications for membership.

**Section 4.** It shall be the duty of all members of this Local Union to abide by the Constitution of this Local Union, of the National Postal Mail Handlers Union, and of LIUNA to the extent that it is applicable.

**Section 5.** Members who have retired from employment and who at the time of employment were members in good standing in this Union shall be entitled to maintain their membership. Such members who continue to pay regular dues shall be entitled to all rights and privileges of membership, except the right to run for office or delegate and the right to nominate or vote for Union officers or delegates. Any such member who does not continue to pay dues shall be entitled, in the alternative, to maintain an honorary membership.

## Present language

## Recommended language

**Section 6.** Subject to the provisions of this Constitution and the Constitution of the National Postal Mail Handlers Union, all persons who have acquired regular membership in this Local Union other than associate members shall be entitled to the rights set forth in Article V of the National Postal Mail Handlers Union Constitution.

**Section 7.** Subject to the provisions of this Constitution and the Constitution of the National Postal Mail Handlers Union, all persons who have acquired associate membership shall be entitled to the following rights:

- A. To attend meetings of this Local Union affecting associate members and to have a voice and vote on all issues affecting associate members at such meetings;
- B. To transfer from this Local Union to another affiliated Local Union of the National Postal Mail Handlers Union in the event they move to an area under the jurisdiction of such other affiliated Local Union;
- C. To bring to the attention of this Local Union any matter of importance to associate members; and
- D. To serve as a member of any existing Associate Member Advisory Council.

**Section 8.** It shall be the obligation of members of this Local Union:

- A. To recognize this Uniform Local Union Constitution and the Constitution of the National Postal Mail Handlers Union as the organic law of this Local Union;
- B. To observe, conform and comply with all of the terms and provisions of said Constitutions and with all of the bylaws, rules, regulations, policies, practices, and lawful orders and decisions adopted and promulgated in the furtherance and administration of the provisions of said Constitutions;
- C. To recognize and respect the right of the National Postal Mail Handlers Union and this Local Union to adopt and enforce reasonable rules as to the responsibility of every member toward this Union as an institution and to refrain from conduct that would interfere with the performance of its lawful and contractual obligations;
- D. To refrain from interfering with the proper conduct of the Union's business;
- E. To observe proper decorum in attending and participating in Union meetings and functions, in accordance with such reasonable rules and generally accepted parliamentary rules of procedure pertaining to the conduct of meetings and functions;

## Present language

## Recommended language

- F. To refrain from conducting oneself in such a manner as to interfere with the proper and orderly conduct of Union business; to comply with and obey all requests or orders by the presiding officer pertaining to the conduct of meetings or functions;
- G. To refrain from attempting to cause secession by this Local Union from the National Postal Mail Handlers Union; and to refrain from joining a Union or association antagonistic to the ideals of the National Postal Mail Handlers Union or this Local Union; and from otherwise committing an act or series of acts which would injure the Union;
- H. To exhaust all available remedies in accordance with this Constitution, and the Constitution of the National Postal Mail Handlers Union;
- I. To pay membership dues of this Local Union as provided for in this Constitution and the Constitution of the National Postal Mail Handlers Union and, for an employee of the Postal Service, to notify the Local Union of a failure of the Postal Service to properly deduct the full amount of his/her dues.

**Section 9.** By a petition of 30% of the regular membership of this Local, the Local Union Executive Board shall be required to submit to the regular membership by mail referendum ballot, any question presented by such petition, provided, however, that such question is not inconsistent with the organic law of this Union or applicable law. Such petition must be dated and notarized by its authors prior to being circulated and must be submitted to the Local Union Executive Board not later than 60 days after its date of origination. A majority vote of the regular membership on such matters shall be binding.

### ARTICLE IV – Officers

**Section 1.** The officers of this Local Union shall consist of a Local President, Vice President, Recording Secretary, Treasurer, Executive Board Members from each state within this Local's territorial jurisdiction with a Mail Handler complement in excess of 100, and Branch Presidents as provided for herein. Local Unions that have jurisdiction over Mail Handlers in one or more states may, at the discretion of the Local Executive Board, establish or eliminate a State Executive Board Member position for any state in which the Mail Handler complement is 100 or less.

**Section 2.** In branches where the Mail Handler complement is in excess of 50 there shall be a Branch President. In branches with 50 or less Mail Handlers, the Executive Board shall have discretion to establish or eliminate Branch President positions.

**Section 3.** All officers of this Local Union shall have a three-year term of office, unless the office is established or eliminated under the provisions of Section 2 above.



**Section 4.** In the event of a vacancy in any office of this Local Union, the vacancy shall be filled in the manner set forth in the Local Union's bylaws provided they have been approved in writing by the National President. If the Local Union does not have properly adopted bylaws which provide for vacancies to be filled, vacancies shall be filled by majority vote of the Local Union Executive Board. Such vacancies shall be filled only for the unexpired term of office.

**Section 5. Duties of Officers.**

**A. Local President**

1. S/he shall preside at all meetings of this Local Union and exercise all of the authority and responsibility of chairperson.
2. S/he shall preside as chairperson at all meetings of the Executive Board of this Local Union, the Council of this Local Union, and also at all sessions of the Executive Board sitting as a Trial Board except when s/he has been disqualified under Article X, Section 3, of this Constitution.
3. Together with the Treasurer, s/he shall sign all checks or orders for the payment of monies from this Local Union's accounts, and sign all official documents of this Local Union, except as herein otherwise provided. Neither the Local President nor the Treasurer shall pre-sign any check before the date, the name of the payee, and the amount have been entered on the check.
4. S/he shall call special meetings of this Local Union or of the Executive Board or Council of this Local Union, when requested to do so by the Executive Board of this Local Union.
5. S/he shall appoint Sergeants-at-Arms, Auditors, and such committees as s/he shall deem necessary for conducting the affairs of this Local Union.
6. S/he shall furnish bond in such sum as the Executive Board of this Local Union shall determine, or as is required by law, to indemnify this Local Union against possible financial loss.
7. S/he shall sign all authorized credentials of delegates of this Local Union.
8. S/he shall ensure that the affairs and business of this Local Union are being properly conducted.
9. S/he shall be chairperson, ex-officio, of all Local Union Committees.
10. S/he shall ensure that the provisions of all agreements are enforced and respected by all persons affected or bound thereby. All instances of noncompliance which are not amicably adjusted shall be reported to the Executive Board of this Local Union.
11. S/he shall have the power to appoint, remove and supervise shop stewards. Such shop steward appointments/removals must be submitted in writing (specifying name, installation and tour of duty) to the respective postmaster/installation head. Normally, a member may not be appointed as a steward within two years of working in or being detailed to a supervisory or management position with the Postal Service, the USPS Office of Inspector General, or the Postal Inspection Service; an exception, however, may be made in unusual circumstances at the discretion of the Local President.
12. S/he shall be charged with the responsibility of protecting the craft jurisdiction of this Local Union.

## Present language

13. S/he shall use all proper and lawful means of organizing the unorganized within the territorial and craft jurisdictions of this Local Union.

14. S/he shall make a report of his/her activities at each meeting of this Local Union and of its Executive Board.

15. S/he shall have the authority to assign duties and responsibilities to, and request monthly reports from, each Branch President.

16. S/he shall seek to ensure that each branch conducts at least four (4) meetings each calendar year. Such meetings shall be held quarterly. In addition, s/he shall seek to ensure that there is a stewards' meeting in each branch at least four (4) times each calendar year. Branch or steward meetings may be conducted concurrently or separately. The Local President, after consultation with the Branch President (if any), may decide to waive one or two of these quarterly branch meetings and/or one or two of these quarterly steward meetings each calendar year. Any waiver of these quarterly meetings shall not be in consecutive quarters.

17. S/he shall ensure that all literature received from the National Office of the National Postal Mail Handlers Union is distributed to each Branch President; and s/he shall be responsible for literature being posted timely on each branch bulletin board.

18. S/he, or a designee, shall visit each branch of this Local, where practicable, at least once every six (6) months. Upon such visit, s/he shall tour the workroom floors of the branch office.

19. S/he, or a designee, shall have the authority to file grievances at Steps 1 and 2 in any postal installation or branch facility within this Local's jurisdiction.

20. S/he shall make a written quarterly report to the National President on the activities of this Local.

21. The Local President shall be a delegate of this Local Union to any Convention of the National Postal Mail Handlers Union which may take place during his/her term of office. In the event that this Local Union is to be represented by a single delegate, either because the Local Union is entitled to send only one delegate or because the Local Union Council decides to send only one delegate, the Local President shall automatically occupy such position and no separate election of delegates shall be conducted. Such a single delegate may vote in officer elections held during the Convention only if, during the most recent election of Local Union officers the notices to regular members and/or ballots stated that by virtue of his/her election the Local President, the officer is automatically a Local Union delegate to all Conventions of this Union conducted during the term of office.

22. S/he shall have the authority to employ such technical, administrative and clerical assistance as shall be necessary for the efficient conduct of the affairs of this Union, subject to the subsequent approval of the Local Executive Board.

23. S/he shall have the authority, when s/he deems it necessary between meetings of the Local Union Executive Board, to conduct a poll of the Local Union Executive Board by telephone, facsimile, electronic transmission, telegraph, or by mail. Any such poll shall be sent to each Branch President no more than twenty-one (21) days after being conducted. Such

## Recommended language

23. S/he shall have the authority, when s/he deems it necessary between meetings of the Local Union Executive Board, to conduct a poll of the Local Union Executive Board by telephone, facsimile, electronic transmission, ~~telegraph~~, or by mail. Any such poll shall be sent to each Branch President no more than twenty-one

## Present language

poll shall be read at the next meeting of the Executive Board and shall be included with the minutes of the next Executive Board meeting.

24. S/he shall be authorized to incur ordinary and necessary business expenses in connection with the conduct of his/her office subject to the subsequent approval of the Local Executive Board. However, nonrecurring expenditures in excess of \$5,000 and expenditures for office rent, equipment costing in excess of \$2,000, etc., must have prior approval of the Executive Board.

25. S/he shall be responsible for authorizing payment of all bills incurred by the Local subject to the provisions of subsection 24 herein.

### B. Vice President

1. In the absence of the Local President at any regular or special meeting of this Local Union, the Executive Board or Council of the Local Union, the Vice President shall perform the functions and duties of the Local President.

2. In the event the Local President remains in office but is unable to attend a National Postal Mail Handler Union Convention due to temporary incapacity, the Vice President shall assume the President's role as a delegate. In these circumstances, the Vice President may vote in officer elections at the National Convention only if, during the most recent election of Local Union officers, the notices to regular members and/or ballots stated that by virtue of his/her election as Vice President, the officer is automatically an alternate delegate (for the President) to all Conventions of this Union conducted during the term of office.

3. The Vice President shall perform such other duties as may be assigned by, and work under the supervision of, the Local President.

### C. Recording Secretary

1. The Recording Secretary shall maintain copies of the minutes of all meetings. The minutes of all meetings shall be part of the records of this Local Union and shall be kept at the Local Union headquarters.

2. S/he shall submit his/her records to a Certified Public Accountant for inspection and review once every year for the purpose of auditing the financial records of this Local Union, and to the National Secretary-Treasurer or a deputy or representative appointed by the National Secretary-Treasurer for such purpose, when requested.

### D. Treasurer

1. All monies payable to this Local Union shall be turned over to the Treasurer, who shall give a proper receipt therefor.

2. S/he shall make and keep a proper record of all such monies received and deposit same in the name of this Local Union in such banks or depositories as the Executive Board shall determine.

3. S/he shall at each meeting of this Local Union make a written, detailed, financial report of the monies received and disbursed since his/her last report to a meeting. The written

## Recommended language

(21) days after being conducted. Such poll shall be read at the next meeting of the Executive Board and shall be included with the minutes of the next Executive Board meeting.

## Present language

## Recommended language

financial report to the Local Executive Board shall include detailed information about any required tax payments and/or filings to governmental authorities.

4. S/he shall, together with the Local President, sign all checks or orders for the payment of monies from this Local Union's accounts. Neither the Local President nor the Treasurer shall pre-sign any check before the date, the name of the payee, and the amount have been entered on the check.

5. S/he shall submit his/her books to the Certified Public Accountant for the purpose of auditing the financial records of this Local Union, and to the National Secretary-Treasurer or a deputy or representative appointed by the National Secretary-Treasurer for such purpose, when requested.

6. S/he shall pay to the National Postal Mail Handlers Union the required monthly per capita tax for those members who have paid their dues directly to this Local Union, not later than 30 days after receipt of such dues.

7. All records of financial transactions of this Local Union shall be in the custody of the Treasurer and shall be maintained at the Local Union headquarters.

8. S/he shall submit to the National President, on a quarterly basis, a detailed financial report of all receipts and disbursements, assets and liabilities of this Local Union.

9. The fiscal year of this Local Union shall commence on January 1st.

### E. Branch President

1. The Branch President shall be subject to the authority and direction of the Local President.

2. S/he shall process grievances at Steps 1 and 2.

3. S/he shall see that the local bulletin board is kept current.

4. S/he shall be responsible for organizing members into this Local Union.

5. S/he shall be responsible for having monthly or quarterly Labor Management meetings with the local installation head, and also shall be responsible for having regularly scheduled safety and health committee meetings.

6. S/he shall have authority to administer existing contracts covering his/her branch subject to the supervision of the Local President.

7. S/he shall assist the Local President or his/her designee in the negotiation of a Local Memorandum of Understanding.

8. S/he shall submit a written monthly report to the Local President of all of the activities of his/her branch.

9. S/he shall schedule (subject to the approval of the Local President) and call branch meetings as provided herein.

10. S/he shall be responsible for any other duties assigned to him/her by the Local President.

11. S/he shall supervise shop stewards within his/her branch, subject to the supervision of the Local President.

### F. State Executive Board Member

The State Executive Board Member shall perform such other duties as may be assigned by, and work under the supervision of, the Local President.

## Section 6. Executive Board

## Present language

## Recommended language

The Executive Board shall consist of the Local President, Vice President, Recording Secretary, Treasurer and the State Executive Board Member(s).

A. The Executive Board shall exercise the legislative powers of this Local Union except as otherwise limited herein.

B. The presence of a majority of the members of the Executive Board shall constitute a quorum; a majority of those present and voting shall be required for all official acts.

C. The Executive Board shall meet at least once every three (3) months, and more frequently at the call and discretion of the Local President.

D. A copy of the Executive Board Meeting minutes shall be sent to each Branch President no more than thirty (30) days after such meeting. Such minutes shall be read or made available for review by any member at the next branch meeting.

E. The Executive Board shall constitute and be the Trial Board to hear and determine all charges, as hereinafter provided.

F. It shall be the duty of the Executive Board to ensure that the affairs and business of the Local Union are being properly conducted.

G. No member of the Executive Board shall vote on any matter dealing with his/her conduct as an officer.

H. The Executive Board shall determine the expenditures related to attendance of delegates elected to represent this Local Union at each National Convention. Such determinations shall be in accordance with Article XII, Section 17 of the Constitution of the National Postal Mail Handlers Union and will be uniformly applied to all Local delegates.

I. At least quarterly, the Executive Board of the Local Union shall review and formally vote on all disbursements of the Local Union since its last vote on disbursements. This vote on disbursements shall be recorded in the Executive Board minutes.

### **Section 7. Local Union Council**

There shall be established a Council of this Local Union consisting of all Executive Board members and all Branch Presidents. Should an Executive Board member also serve as a Branch President, said officer may cast two votes during meetings of the Local Union Council. Such Council shall meet at least once each year at the call of the Local President determined by the Executive Board upon 30 days' notice. At such meetings, the Council of this Local Union shall consider and vote upon such major policy issues as the compensation of officers, collective bargaining recommendations and goals of this Local, and the number of delegates to be elected to represent this local at each National Postal Mail Handlers Union National Convention conducted pursuant to the National Postal Mail Handlers Union Constitution. In addition, with the approval of a majority of the Local Executive Board and upon seven (7) days' written notice, the Local President may convene a meeting of the Local Union Council by teleconference to decide urgent matters. A majority of the Local Union Council simultaneously participating in the teleconference shall constitute a quorum. A copy of the Council Meeting minutes shall be sent to each member of the Local Union Council no more than thirty (30) days after such meeting. Such minutes shall be read or made available for review by any member at the next branch meeting.

**Section 8. Audits**

The Local President shall order a yearly audit of the Local Union's finances by a Certified Public Accountant. Such audit shall be made in accordance with professionally accepted standards for auditing labor unions, and the Certified Public Accountant also shall include a separate assessment of the Local's internal controls and the Local's status as a going concern. The audit and its accompanying reports shall be made available to each member of the Local Executive Board. The results of such audit, without the accompanying reports, shall be made available to the membership of this Local Union. A copy of the audit and any accompanying reports also shall be provided to the National Secretary-Treasurer.

**Section 9.** All officers, Executive Board members, Local Union Council members and delegates shall attend all meetings of the bodies in which they function; and shall not absent themselves from such meetings without just cause. In addition, all of the Local Officers must make every effort to attend Union meetings in the branches in which they work.

**Section 10.** Upon the termination of his/her office, each officer shall turn over the books, papers, records, and other property which thereby came into his/her possession, custody and control to his/her successor or to the Union.

**Section 11.** The headquarters of this Local Union shall be in the city in which it was located at the time of its establishment. Any change in location of this Local Union's headquarters must be determined by the Local Union Council and must be approved by the National President.

**ARTICLE V – Qualifications for Office**

In order to qualify as a candidate for any office in this Local Union, a regular member:

**Section 1.** Shall be required to have been in continuous good standing in the National Postal Mail Handlers Union for a period of two years and in continuous good standing in this Local Union for a period of two years immediately prior to nomination and current in the payment of dues, and s/he cannot have been employed in or applied for a supervisory or managerial position with the Postal Service (including any EAS position involved in discipline of employees or application of the National Agreement) for any time during that period, or by the USPS Office of Inspector General or the Postal Inspection Service (or as a confidential informant) for any time during that period.

The disqualification of a candidate for not being a member in continuous good standing for a period of two years immediately prior to nomination shall be waived for members on active military duty in a leave without pay status, provided that the waiver applies only to their period of active military duty. A member's eligibility for this waiver shall be decided by the Judges of Election, with an appeal available in the case of disqualification in accordance with Article VI, Section 2(D) of this Constitution.

## Present language

**Section 2.** No person shall be eligible to hold any office in this Local Union if s/he has not been regularly employed at the calling during the entire two years immediately prior to nomination. "Working at the calling" shall be defined to include:

A. Employment by the United States Postal Service as a Mail Handler or one of the other positions within the Mail Handler craft;

B. Employment in a fulltime capacity for a Local Union, or the National Postal Mail Handlers Union;

C. Employment by government or the trade union movement in a capacity directly related to the calling and which would directly benefit this Local Union and its members; and

D. Regular members who can prove they were unable to work because of illness or disability. In examining the circumstances of each particular case, due regard shall be given to the good faith involved.

**Section 3.** A retired member shall not be deemed to have been working at the calling unless qualified under Section 2, B or C (above).

No person who has been debarred by a Local Union after trial, from holding office, shall be qualified as a candidate during the period of his/her debarment. In addition, no person who has been fined or financially penalized or ordered to return specified union property, after trial and the exhaustion of timely appeals, shall hold office or be qualified as a candidate until the fine or penalty has been paid or the specified union property has been returned.

A candidate shall not be eligible to run for office if s/he is a member of, or a sympathizer with, any organization that has for its purpose the overthrow of this Union or of the Government of the United States of America by force or violence, or who is unable to qualify under this Constitution or under the provisions of existing law.

A member shall not be eligible to hold office in this Local Union if s/he holds an office or administrative position (including shop steward) in another Postal Union.

**Section 4.** Candidates for State Executive Board Member and Branch President must be employed in the state or branch, respectively, in which they seek office.

**Section 5.** A candidate must agree to observe, conform and comply with all of the terms and provisions of the Constitutions of this Local Union and the National Postal Mail Handlers Union, and all of the rules, regulations, practices and lawful orders and decisions adopted and promulgated in the said Constitutions.

## Recommended language

**Section 2.** No person shall be eligible to hold any office in this Local Union if s/he has not been regularly employed at the calling during the entire two years immediately prior to nomination. "Working at the calling" shall be defined to include:

A. Employment by the United States Postal Service as a Mail Handler or one of the other positions within the Mail Handler craft;

B. Employment in a fulltime capacity for a Local Union, or the National Postal Mail Handlers Union;

C. Employment by government or the trade union movement in a capacity directly related to the calling and which would directly benefit this Local Union and its members; and

D. Regular members who can prove they were unable to work because of illness or disability. In examining the circumstances of each particular case, due regard shall be given to the good faith involved.

**Section 3.** A retired member shall not be deemed to have been working at the calling unless qualified under Section 2, B or C (above).

**Section 3.** No person who has been debarred by a Local Union after trial, from holding office, shall be qualified as a candidate during the period of his/her debarment. In addition, no person who has been fined or financially penalized or ordered to return specified union property, after trial and the exhaustion of timely appeals, shall hold office or be qualified as a candidate until the fine or penalty has been paid or the specified union property has been returned.

A candidate shall not be eligible to run for office if s/he is a member of, or a sympathizer with, any organization that has for its purpose the overthrow of this Union or of the Government of the United States of America by force or violence, or who is unable to qualify under this Constitution or under the provisions of existing law.

A member shall not be eligible to hold office in this Local Union if s/he holds an office or administrative position (including shop steward) in another Postal Union.

## Present language

**Section 6.** All of the qualifications for office must be present at the time of nomination, as well as at the time of election and during the term of office.

**Section 7.** This Local Union shall have the authority to establish its own qualifications for office provided that such qualifications are made a part of the Local Union's bylaws which have been properly adopted by the Local Union Council and approved by the National President. The qualifications established by this Local Union must be consistent with the applicable laws, and shall be effective only after adequate notice to the regular membership. They shall not be applicable to any candidate who is running for delegate to the National Convention or for Local President if by virtue of his/her election s/he shall automatically be a delegate to the National Convention.

**Section 8.** Any officer, shop steward, or other Union representative who applies for or accepts a supervisory or management position with the Postal Service (including any EAS position involved in discipline of employees or application of the National Agreement) or with the USPS Office of Inspector General or the Postal Inspection Service shall immediately resign his/her position with the Union and, failing to do so, the position shall be declared to be vacant.

## ARTICLE VI – Nomination and Election of Officers

### Section 1. Nominations

A. A special meeting to be known as the “Nomination Meeting,” shall be held during the month of \_\_\_ every third year beginning with 20\_\_\_, at which nomination shall be made by regular members in good standing for all of the offices and positions to be filled by election. Regular members in good standing shall be entitled to make nominations by U.S. Postal Service mail by sending copies of such nominations to the Judges of Election of this Local Union by registered, certified, priority or express mail though the U.S. Postal Service. Nominations made in advance of the Nomination Meeting by other methods, such as regular mail, facsimile, or hand delivery, will not be accepted. The Judges of Election shall rent two USPS Post Office Boxes prior to any election. One may be used as the post office box for receipt of nominations, for return-to-sender or undeliverable mail during the balloting process, or for other administrative matters determined by the Judges of Election. The second box shall be used exclusively for completed ballots returned to the Judges of Election. Mailed nominations must be received prior to the Nomination Meeting at the post office box or address designated by the Judges of Election, and shall be read by the Judges of Election at the Nomination Meeting. No member may nominate more than one (1) candidate for each office; if a member nominates more than one (1) candidate for

## Recommended language

A. A special meeting to be known as the “Nomination Meeting,” shall be held during the month of \_\_\_\_\_ every third year beginning with 20\_\_\_, at which nomination shall be made by regular members in good standing for all of the offices and positions to be filled by election. Regular members in good standing shall be entitled to make nominations by U.S. Postal Service mail by sending copies of such nominations to the Judges of Election of this Local Union by registered, certified, priority, or express mail through the U.S. Postal Service. Nominations made in advance of the Nomination Meeting by other methods, such as regular mail, facsimile, or hand delivery, will not be accepted. The Judges of Election shall rent two USPS Post Office Boxes prior to any election. One may be used as the post office box ~~for the receipt of nominations,~~ for return-to-sender or undeliverable mail during the balloting process, or for other administrative matters determined by the Judges of Election **(including but not limited to the receipt of nominations)**. The second box shall be used exclusively for completed ballots returned to the Judges of Election. Mailed nominations must be received prior to the Nomination Meeting at the ~~post office box or~~ address designated by the Judges of Election, and shall be read by the Judges of Election at the Nomination Meeting. No member may nominate more than one (1) candidate for each office; if a member nominates more than one (1) candidate for a particular office, all nominations for that office by that member shall be null and void.



## Present language

## Recommended language

a particular office, all nominations for that office by that member shall be null and void.

- B. At least thirty (30) days prior to said Nomination Meeting, notices shall be mailed to all regular members at their last known address. In addition, reasonable efforts should be made to post the same notice on this Local Union's bulletin board at each postal facility within the jurisdiction of this Local Union at which Mail Handlers are employed. Such notice shall list the offices and positions to be filled, the time and place of the Nomination Meeting, and the right of regular members in good standing to make nominations at the meeting and/or by mail, including the time and place for making such mail nominations. The notice also shall state that each member may nominate only one (1) candidate for each office.
- C. For Locals with 1500 members or less, there shall be three Judges of Elections. For Locals with more than 1500 members, there shall be three or five Judges of Elections. The Judges of Elections shall be appointed prior to the Nomination Meeting by the Executive Board of this Local Union from among members of this Local Union who would be eligible to run for office. Upon acceptance of the position of Judges of Elections, a member shall thereafter be disqualified from running for office in the election, nominating candidate(s) for office in the election, and shall not actively campaign for or actively support any candidate for office in that election. Judges shall be in charge of the conduct of elections.
- D. A member need not be present at the Nomination Meeting in order to be nominated.
- E. Nominations shall be made in the following order:
  - (1) Local President
  - (2) Vice President
  - (3) Recording Secretary
  - (4) Treasurer
  - (5) State Executive Board Member(s)
  - (6) Branch President(s)
- F. A candidate shall not be entitled to simultaneously run for more than one office in this Local Union, except candidates for Branch President who may also run for one other position which entails membership on the Executive Board.
- G. Branch Presidents must be nominated and elected by members in good standing from their branch.
- H. State Executive Board Members must be nominated and elected by members in good standing from the state in which they are employed.

**Section 2.** After the nominations have been completed:

- A. The Judges of Election shall determine whether or not each candidate possesses all of the qualifications for office.

## Present language

- B. Any regular member in good standing wishing to protest the qualification of any candidate shall so advise the Judges of Election as soon as possible, but in no case later than five (5) days after the close of nominations.
- C. After the Judges of Election have promptly determined whether or not each candidate is qualified, they shall issue their report and shall provide each candidate with a copy. Candidates shall be entitled to withdraw as a nominee, by providing written notice to the Judges of Election in accordance with a reasonable deadline for withdrawals adopted by the Judges. In the event that there is no contest for any office and the candidate is found properly qualified, the Judges of Election shall certify that there is no need for a secret ballot election and they shall declare such nominee duly elected.
- D. If the Judges of Election disqualify any candidate, such candidate shall be entitled to immediately appeal such disqualification to the National President.
- E. After all nomination protests have been resolved the Judges of Election shall determine the number of official ballots to be printed, and shall order the preparation of the required number of official ballots which shall be in such form as to protect and ensure the secrecy of the vote of members. No candidate or member may solicit a blank ballot from, or cast a vote for, another eligible voter. The official ballots, once printed, shall remain in the custody of the Judges of Election.
- F. Each candidate is entitled to one or, if the Judges determine necessary, more observers appointed from among the members of this Local Union. A candidate may be an appointed observer for his/her own election. Observers may be present at the preparation and mailing of the ballots, their receipt from the post office and the opening and counting of the ballots, to ensure the rights of the candidate on whose behalf s/he serves are protected. Upon qualifying the candidate, the Judges of Election shall notify each candidate of his/her right to have observers present at all times during the conduct of the election and shall give reasonable notice to the candidate and his/her observer, if known by the Judges, of the time and place of each phase of the balloting process. This provision shall apply regardless of whether the election is conducted by this Local Union or by an outside organization or agency.
- G. Each candidate shall be entitled to inspect the list containing the names and last known addresses of all

## Recommended language

- C. After the Judges of Election have promptly determined whether or not each candidate is qualified, they shall issue their report and shall provide each candidate with a copy. **The report shall detail the candidates found eligible and the positions for which they were nominated.** Candidates shall be entitled to withdraw as a nominee, by providing written notice to the Judges of Election in accordance with a reasonable deadline for withdrawals adopted by the Judges. In the event that there is no contest for any office and the candidate is found properly qualified, the Judges of Election shall certify that there is no need for a secret ballot election and they shall declare such nominee duly elected.

## Present language

regular members of the Local Union employed by the Postal Service (or other employers) once within the 30 day period preceding the mailing of the ballots. The right to inspect shall not include the right to copy, but does include the right to compare the list with any personal list of members.

- H. Each candidate or slate of candidates shall be entitled to send uncensored campaign mailings at his/her or their expense utilizing any special mailing privileges available to the Local Union. All candidates shall be treated equally with respect to the expense of such mailings which shall not exceed the actual cost incurred by the Local Union to handle the mailings.
- I. Any group of candidates running as a slate shall be entitled to be identified on the ballot as members of a designated slate provided that written notice is given by each such candidate to the Judges of Election no later than 10 days prior to the scheduled date on which the ballots are to be mailed. Slate names shall not include the name or number of the Local Union. Each individual voter, however, must be allowed to choose among individual candidates if s/he does not wish to vote for an entire slate, and the voting instructions must specifically inform the voter that s/he need not vote for an entire slate.
- J. No Union funds shall be expended, directly or indirectly, to promote or oppose any candidate for Union office. No Union facilities, equipment, stationery, supplies, or the seal and insignia of the National Union or any Local modification thereof may be used to further any candidacy. No appointed employee, agent, or elected officer shall be required to support the candidacy of any individual or slate.

**Section 3.** Write-in votes shall not be counted.

**Section 4.** Rules for the Conduct Of the Election.

A. Subsequent to nominations and the printing of the ballots, but at least forty-five (45) days prior to the date on which valid ballots must be received at the post office box rented by the Judges of Election, the following shall be mailed to all regular members by first-class mail:

1. "Notice to Members in Good Standing of Election of Officers of Local and Instructions to Eligible Voters" (see Appendix A),
2. A ballot for election of the Local President, Vice President, Recording Secretary, and Treasurer, as well as the State Executive Board Member (if there is only one such officer within the Local Union) (see Appendix B),
3. A ballot for election of each State Executive Board Member (if there is more than one such officer

## Recommended language

A. Subsequent to nominations and the printing of the ballots, but at least ~~forty-five (45)~~ **thirty (30)** days prior to the date on which valid ballots must be received at the post office box rented by the Judges of Election, the following shall be mailed to all regular members by first-class mail:

## Present language

within the Local Union) (see Appendix C),

4. A ballot for Branch President where applicable (see Appendix D),

5. A secret ballot envelope (see Appendix E), and

6. A postage-paid business reply envelope (see Appendix F).

7. As an alternative to subparagraphs 2, 3, and 4 above, the Judges of Election may choose to put all candidates for Local office on the same ballot, with different ballots prepared and mailed to members in different States and/or different Branches, as appropriate.

- B. The return address of the postage-paid business reply envelope must be that of the Judges of Election at a Post Office Box which should be rented specifically for the occasion.
- C. At the deadline for the receipt of ballots, all ballots must be picked up from the USPS Post Office Box by the Judges of Election in the presence of the Observers. No ballots or business reply envelopes containing ballots may be picked up prior to the deadline for the receipt of ballots.
- D. The Judges of Election shall thereafter proceed to check and count the ballots as follows, in the presence of the observers:
1. The name on each postage-prepaid reply envelope must be checked against the list of eligible voters to determine eligibility.
  2. The postage-prepaid reply envelopes must be opened and segregated and all secret ballot envelopes must be mixed thoroughly to prevent any possibility of identification.
  3. When opening secret ballot envelopes, the Judges must separate the Local Union Officer ballots from the Branch President ballots. A further separation will then be necessary to separate the Branch President ballots by branch and State Executive Board Members by state. To help facilitate this second separation, a white ballot shall be used for the Officers election, and separate colored ballots shall be used in each election for Branch President and State Executive Board Members. All envelopes and ballots must be preserved by the Judges for at least one year.
- E. All envelopes and ballots, together with all other records pertaining to the election including marked and unmarked ballots, envelopes, voter lists, tally sheets, etc., must be preserved by the Judges at the Local's offices for at least one year.
- F. The candidate for each office or position receiving the

## Recommended language

B. The ~~return address of the~~ postage-prepaid business reply envelope must be **addressed to that of** the Judges of Election at a Post Office Box which should be rented specifically for the occasion.

3. When opening secret ballot envelopes, the Judges must separate the Local Union Officer ballots from the Branch President ballots. A further separation will then be necessary to separate the Branch President ballots by branch and State Executive Board Members by state. To help facilitate this second separation, a white ballot shall be used for the Officers election, and separate colored ballots shall be used in each election for Branch President and State Executive Board Members. All envelopes and ballots must be preserved by the Judges for at least one year. **As an alternative to separate colored ballots for the positions of Branch President and State Executive Board Members, where the tabulation of the ballots is performed by electronic means, the Judges of Election may choose that all ballots may be white in color. This provision shall not alter the provisions or requirements of Article VI, Section 4(A).**

largest number of votes shall be declared elected. In the event of a tie between two or more candidates receiving the largest number of votes, a runoff elections will be held among the tied candidates.

G. Upon completion of the election, the Judges of Election shall certify the results of the election. The Judges shall take reasonable steps to ensure that these results are promptly posted on this Local Union’s bulletin boards at each postal facility in which regular members of this Local Union are employed. Such notice shall account for the total number of ballots cast and shall state the number of valid votes cast for each candidate.

**Section 5.** All elected officers shall take the oath of office and be installed as promptly as practicable, not to exceed thirty (30) days, after the results of the election have been certified by the Judges of Election.

The presiding officer for installing newly elected Local Officers shall be the National President, or his/her designee.

The oath of office shall be as follows:

I, \_\_\_\_\_, do solemnly pledge on my honor to recognize and comply with all of the provisions of this Uniform Local Union Constitution and the Constitution of its parent bodies where applicable, and with all of the bylaws, rules, regulations, policies, practices, and decisions adopted in furtherance of the administration of this Local Union and its parent bodies, and to honestly and faithfully perform my duties for and on behalf of the membership of this Union.

**Section 6. Post Election Procedures**

1. Protests regarding the conduct of the election shall be filed by a member in good standing with the National President by forwarding a copy of such protests to the National President within fifteen (15) days after the posting of the results of the election.

2. Decisions of the National President regarding such protests are appealable to the National Executive Board by forwarding a copy thereof to the National Secretary Treasurer within fifteen (15) days from the receipt of the National President’s decision.

**ARTICLE VII – Meetings**

**Section 1.** Membership or city meetings of this Local Union shall be held at such times and places as shall be determined by this Local Union Executive Board, except as otherwise provided herein. The Branch President of each branch, subject to the approval of the Local President, shall schedule branch meetings. Regular

## Present language

## Recommended language

members shall be provided with reasonable notice of such meetings.

**Section 2.** The order of business to be followed at meetings of this Local Union shall be determined by the Local Union President.

**Section 3.** Reasonable efforts shall be undertaken to accommodate both smokers and nonsmokers during meetings.

**Section 4.** Members currently detailed to a supervisory or managerial position with the Postal Service (including any EAS position involved in discipline of employees or application of the National Agreement) or with the USPS Office of Inspector General or the Postal Inspection Service (or as a confidential informant), shall immediately be prohibited from attending any meetings of this Local Union to the extent that such meetings may discuss labor-management relations, terms or conditions of employment, or other matters related to the negotiation or administration of contracts and/or the filing or processing of grievances.

### ARTICLE VIII – Dues

**Section 1.** Application for membership shall be made on the standard checkoff authorization form. The Local President shall make appropriate application forms available to membership applicants who desire to make cash payment of dues.

**Section 2.** The dues of this Local Union shall be as provided in the Constitution of the National Postal Mail Handlers Union.

**Section 3.** Members whose dues are not paid within 90 days after such dues are payable shall be automatically suspended. Dues shall be payable by the last day of each month. Each member of this Union shall be responsible for ensuring the timely payment of his/her membership dues. A member on leave from the Postal Service for whatever reason, e.g. LWOP and disciplinary suspension, is not relieved of his/her obligation to pay dues.

**Section 4.** The dues of this Local Union may be increased in accordance with the provisions of Section 101(a)(3) of the Labor Management Reporting and Disclosure Act of 1959.

### ARTICLE IX – Income and Disbursement

**Section 1.** Sources of income of this Local Union shall be from the monthly membership dues and other proper and lawful sources. When such income is received, it shall be promptly deposited in such banks or depositories as are determined by the Executive Board of this Local Union.

**Section 2.** All authorized, proper, and lawful expenditures shall be made from the funds of this Local Union through checks drawn by the Local President and Treasurer.

## Present language

## Recommended language

**Section 3.** This Local Union shall have no more than \$100.00 in “Petty Cash” at any one time.

**Section 4.** All nonrecurring expenditures in excess of \$5,000 (five thousand dollars) and expenditures for office rent, equipment costing in excess of \$2,000 (two thousand dollars), etc., must have prior approval of the Local Executive Board.

### **ARTICLE X – Charges, Trials, and Appeals**

**Section 1.** An officer or member in good standing may prefer charges against any other officer or member of this Local Union, but no later than thirty (30) days from the alleged date the violation occurred, became known, or reasonably should have become known, by filing written charges in duplicate with the Recording Secretary of this Local Union by registered, certified or express mail through the U.S. Postal Service. These charges must be signed by the person preferring the charges and indicate the provisions of the Constitution to be relied upon, or the agreement or rule alleged to have been violated and must set forth the specific violation or wrong charged and the date on which it allegedly occurred. In addition, the charges may set forth the remedy or corrective action being requested by the person preferring the charges.

**Section 2.** The Recording Secretary shall promptly notify the members of the Executive Board that charges have been filed. In addition, the Recording Secretary shall notify the accused or charged parties of the charges, by certified mail (return receipt requested), after which the accused or charged parties shall have thirty (30) days after receipt of the charges to respond to the Recording Secretary, in writing, on whether the charges are frivolous or procedurally defective. This notification must include a copy of the charges and must be mailed to the accused or charged parties at their last known address.

After the accused or charged parties have had the opportunity to respond, the Executive Board shall consult and by majority vote may dismiss the charges if it determines them to be frivolous or procedurally defective. (Any member of the Executive Board who is a charging party or an accused or charged party may not participate in this consultation. If all members of the Executive Board are charged, the Recording Secretary – having already notified the members of the Executive Board about the charges and having already given the accused or charged parties an opportunity to respond to the charges – shall notify the National President who shall appoint, within thirty (30) days, as set forth in the second paragraph of Section 3 of this Article, three members from outside the Local Union as the Trial Board, which, after consultation, shall determine within sixty (60) days whether the charges are frivolous or procedurally defective.) If a determination that the charges are frivolous or procedurally defective is made, the Recording Secretary or the Trial Board appointed by the National President, as applicable, will provide the charging party and the charged party with notice and reasons for that determination, including notification of the charging party’s right to appeal such determination to the National President within fifteen (15) days of receipt of said notice.

If an appeal is filed, the National President within ninety (90) days may affirm the determination of the Executive Board or the Trial Board, as applicable, or determine that the charges are not frivolous or procedurally defective, in which case the National President shall order the Executive Board or the Trial Board, as applicable, to schedule a hearing and trial.

When a hearing and trial are necessary, a copy of the charges shall be mailed to the accused, at his/her last known address. A written notice of the time and place where the hearing and trial will take place before the Trial Board shall be mailed to the accused and to the charging party, not less than fourteen days nor more than twenty-eight days from the date of said hearing and trial.

**Section 3.** The members of the Executive Board of this Local Union shall constitute the Trial Board; except that neither the charging party nor the accused nor any member directly interested or involved in the charges may sit as a member of the Trial Board.

In such case, the Local President of this Local Union shall appoint a substitute or substitutes from the members in good standing. If the Local President is to be disqualified, then the Vice President shall appoint a substitute or substitutes and if s/he is also to be disqualified, then the substitute or substitutes shall be appointed by the remaining Trial Board member or members. After the appointment of substitutes, the Trial Board shall have another opportunity to dismiss the charges if it determines by majority vote that they are frivolous or procedurally defective. In the event that the entire Executive Board is disqualified, the National President shall appoint a Trial Board of three members from outside the Local Union which shall hear the charges and shall make a recommendation to the National Executive Board or dismiss the charges if they are clearly without merit. These post-hearing actions of a Trial Board appointed by the National President shall be completed as soon as practicable, but in no event later than one hundred and eighty (180) days after the entire Trial Board's previous determination that the charges were not frivolous or procedurally defective.

Where the charging party or the accused makes a request for a delay, the Trial Board may grant a postponement, for good cause shown. Such request must be made to the Recording Secretary in a timely manner, but, absent an extreme emergency, no later than seven (7) days prior to the scheduled Trial Board date, and shall be made in writing, by certified mail.

**Section 4.** The hearing and trial shall be conducted in an orderly, fair and impartial manner and should assure the full presentation of all the facts to the Trial Board.

The burden of proof shall be on the charging party. If the charging party fails to appear, the charges shall be dismissed. If the accused fails to appear, the Trial Board shall proceed with the hearing and receive all the facts and evidence available.

The charging party shall first present whatever evidence s/he possesses to substantiate his/her charges. The accused shall have the right to be present throughout the trial and to cross-examine the charging party and any of his/her witnesses upon completion of their testimony.



**Section 5.** Both the complainant and the accused shall be entitled to make a record of the proceedings provided that such record is made available to the other, and to the Trial Committee, at cost and provided further that the Trial Committee does not, itself, make a record in which case such record shall be made available to the complainant and/or the accused at cost. In the event no transcript or recording is made, the Trial Board shall record minutes of its meetings and proceedings, and these minutes, together with any documents submitted, shall constitute the official record of the Trial Board.

Upon conclusion of the hearings, the Trial Board shall consider all of the evidence and argument submitted and proceed to make its findings and decision. The decision of the Trial Board shall be by majority vote, and shall be issued no later than thirty (30) days after conclusion of the hearings. It shall prepare a Report of said findings and decision, which shall be signed by all the members of the Trial Board. The Recording Secretary shall mail copies of said Report, by certified mail, to the charging party and the accused at their last known addresses.

**Section 6.** If either the charging party or the accused is aggrieved by the decision, within thirty (30) days of the notice of said action, s/he may appeal therefrom to the National Executive Board of the National Postal Mail Handlers Union. Such appeal shall be addressed to the National Secretary-Treasurer in writing and shall set forth in specific detail the grounds on which it is based. The appeal may also include any argument in support thereof which the appellant desires to advance. The National Secretary-Treasurer shall transmit to the opposing party a copy of the appeal and such party shall have a period of fifteen (15) days from receipt to reply thereto. Neither party with respect to their arguments shall include any new evidence.

After notice of such appeal from the National Secretary-Treasurer, the Local Trial Board shall then submit promptly to the National Secretary-Treasurer the following:

1. Copy of the charges;
2. Copy of the notice for hearing;
3. Record of the Trial Board hearing;
4. Copy of Report of the Trial Board; and
5. Copy of notification of the Trial Board's decision.

The National Executive Board shall make a decision based on the record. The decision of the National Executive Board shall be by majority vote of those participating and shall be final and binding unless changed on further appeal. The decision of the National Executive Board shall contain the Board's findings and conclusions. The National Secretary-Treasurer shall furnish a copy of the decision of the National Executive Board to each party to the appeal by certified mail.

**Section 7.** If the charged or charging party believes that any officer has failed to fulfill his/her duties and responsibilities under this Article within a reasonable period of time, such party shall request that the National President conduct an investigation of the officer's failure to act. If after the investigation has been made, the National President determines that officer has not properly fulfilled his/her duties and responsibilities under this

## Present language

## Recommended language

Article, s/he shall order the officer to take such action as is required by this Article. If the officer still fails to fulfill his/her duties and responsibilities, the National President shall then appoint a trial board of three members from outside the Local Union which shall hear the charges and shall make a recommendation to the National Executive Board which shall make its decision on the charges.

### **ARTICLE XI – Constitutional Amendments**

This Uniform Local Union Constitution shall be subject to amendments at the National Convention of the National Postal Mail Handlers Union. Between such National Conventions, amendments may be enacted by the National Executive Board with the approval of two thirds of the Local Presidents, subject to review at the next National Convention.

### **ARTICLE XII – Local Union Bylaws**

The Local Union Council shall formulate the bylaws of this Local Union. However, such bylaws shall be effective only after written approval by the National President. Such bylaws shall not conflict with this Uniform Local Union Constitution, or the National Postal Mail Handlers Union Constitution.

### **ARTICLE XIII – Exhaustion of Remedies/Appeals**

Except as provided by applicable law, no member of this Union or of any subordinate body thereof shall bring or cause to be brought in any court, whether in law or in equity, or before any administrative agency, any action against LIUNA, the National Union, this Union or any of their subordinate bodies, or the officials, employees, or representatives thereof, in any matter involving rights or obligations which are remediable within the framework and internal processing of this Union without first having exhausted all such internal remedies.

### **ARTICLE XIV – Savings Clause**

If any provision of this Constitution is declared invalid or is rendered inoperative by any competent authority of the executive, judicial, or administrative branch of a state or the federal government, the National Executive Board shall have the authority to suspend the operation of such provision during the period of its invalidity and to substitute in its place a provision which will be in accord with the intended purpose of the invalid provision.

APPENDIX A

Mail Handler Local NO. \_\_\_\_\_

\_\_\_\_\_  
(Address )

\_\_\_\_\_  
(City, State)

NOTICE TO MEMBERS IN GOOD STANDING OF AND INSTRUCTIONS TO ELIGIBLE VOTERS.

An election by secret ballot is being conducted among the eligible voters of Local \_\_\_\_ to fill the following offices:

Offices Office	Term of
1 Local President and Delegate to Conventions of the NPMHU and (if applicable) LIUNA	3 years
1 Vice President and Alternate Delegate	3 years
1 Recording Secretary	3 years
1 Treasurer	3 years
1 Branch President (where applicable)	3 years
Your State Executive Board Member	3 years

A ballot (or ballots), a secret ballot envelope, and a postage prepaid return address envelope are enclosed herewith. To vote, read carefully and carry out the following instructions:

YOUR BALLOTS MUST BE MAILED IN TIME TO REACH MAIL HANDLER LOCAL UNION NO. \_\_\_\_\_ P.O. BOX NO. \_\_\_\_\_,

\_\_\_\_\_, NO LATER  
(City) (State,Zip) \_\_\_\_\_  
THAN \_\_\_\_\_ P.M., \_\_\_\_\_,

\_\_\_\_\_, 20\_\_\_\_\_  
(Date)

1. Read the enclosed ballot(s) carefully before marking.
2. Vote for only one (1) candidate for the office of Local President; only one (1) candidate for the office of Vice President; only one (1) candidate for the office of Recording Secretary; only one (1) candidate for the office of Treasurer; only one (1) candidate for your State Executive Board Member; and only one (1) candidate for the office of Branch

## Present language

## Recommended language

President, if any, of your branch. Your vote for a particular office or position will be VOID if you vote for more candidates than provided in the previous sentence.

3. Cast your ballot by marking the box at the side of your preferred candidate(s) with an X or a  $\checkmark$  or a similar marking that clearly indicates your vote.
4. If a slate of candidates appears on the ballot, each individual voter is allowed to choose among individual candidates if s/he does not wish to vote for an entire slate.
5. Fold the ballot(s) and insert in the envelope marked "secret ballot envelope."
6. Seal the secret ballot envelope and insert it in the larger, postage prepaid envelope addressed to the Local Union Judges of Election.
7. Affix your name and other identifying information to the larger, postage prepaid envelope addressed to the Local Union Judges of Election.

8. Seal the larger, postage prepaid envelope addressed to the Local Union Judges of Election and deposit it in the U.S. Mail so that your ballot(s) will be received at the Post Office Box no later than \_\_\_\_\_ P.M. on \_\_\_\_\_.  
(insert time) )insert date

8. Your vote is SECRET. Your name or other identifying information will serve the purpose of verification only. If the postage prepaid returned envelope does not contain your name or other identifying information sufficient to allow the Judges of Election to verify your ballot, your ballot(s) will be VOID. The larger envelope addressed to the Local Union Judges of Election will be separated upon receipt and the sealed secret ballot envelope containing your ballot(s) will be deposited with all other ballots so that there is no possibility of identifying you with the ballot(s) you cast.
10. DO NOT SIGN YOUR NAME ON THE BALLOT(S) OR THE SECRET BALLOT ENVELOPE.

### APPENDIX B

OFFICIAL SECRET BALLOT FOR  
LOCAL NO. \_\_\_\_

Local Office

Names of candidates

Local President and Delegate to Conventions of the NPMHU  
and (if applicable) LIUNA

Present language

Recommended language

- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

Vice President and Alternate Delegate

- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

Recording Secretary

- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

Treasurer

- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

State Executive Board Member (if there is only one such officer within the Local Union)

(Insert State)

- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

**APPENDIX C**

OFFICIAL SECRET BALLOT (if there is more than one such officer within the Local Union)

\_\_\_\_\_

Present language

Recommended language

(insert branch)

MAIL HANDLER LOCAL NO. \_\_\_\_\_

Branch Office      Names of Candidates

Branch President

o \_\_\_\_\_

o \_\_\_\_\_

o \_\_\_\_\_

o \_\_\_\_\_

**APPENDIX D**

OFFICIAL SECRET BALLOT

\_\_\_\_\_  
(Insert Branch)

MAIL HANDLER LOCAL NO. \_\_\_\_\_

Branch Office      Names of Candidates

Branch President

o \_\_\_\_\_

o \_\_\_\_\_

o \_\_\_\_\_

o \_\_\_\_\_

**APPENDIX E**

DO NOT PUT YOUR NAME OR ANY  
IDENTIFICATION ON THIS ENVELOPE

**APPENDIX F**

Judges of Election  
National Postal Mail Handlers Union  
Local Union No. \_\_\_\_\_

P.O. Box \_\_\_\_\_

City, State, Zip = \_\_\_\_\_

**Proposed Constitutional Amendment to eliminate use of gender-specific pronouns**

The Constitution Committee approved a proposal to eliminate the use of gender-specific pronouns. For ease of review, the Committee is providing the proposed changes in the text below. Note that to the extent that there are other changes proposed to the National or Local Union Constitution, those changes are not reflected below but are instead reflected in the side-by-side version of the Constitutions reflected above.

## NPMHU National Constitution

### ARTICLE VI - Officers

**Section 1.** The National President shall be the chief executive officer of this Union, and ~~s/he~~ shall have responsibility for the overall conduct of the Union's affairs. The National President~~S/he~~ shall be authorized to carry out such responsibilities personally or by deputy.

**Section 2.** The National Secretary-Treasurer shall be the chief custodian of all books, records, documents, and properties of this Union, ~~and~~ shall keep a true and accurate record of all financial transactions of this Union, and. ~~S/he~~ shall be authorized to carry out such responsibilities personally or by deputy. If a deputy is to be designated to carry out any duties or responsibilities of the Secretary-Treasurer, said deputy should be qualified in financial matters. The Secretary-Treasurer shall be responsible and accountable for the actions of deputies designated to carry out any duties or responsibilities of the Secretary-Treasurer.

**Section 5.** In the event of a vacancy in any position on the National Executive Board between National Conventions such positions shall be filled by appointment for the unexpired term by a majority of the Board from among the regular membership of this Union, provided that the appointee shall be someone who would be eligible to run for the particular office to which ~~s/he is~~ appointed.

**Section 8.** Any officer or other Union representative who applies for or accepts, for any period of time, a supervisory or management position with the Postal Service (including any EAS position involved in discipline of employees or application of the National Agreement) or with the USPS Office of Inspector General or the Postal Inspection Service shall immediately resign ~~the his/her~~ position with the Union and, failing to do so, the position shall be declared to be vacant. In addition, members working in or detailed to a supervisory or managerial position with the Postal Service, the USPS Office of Inspector General, or the Postal Inspection Service shall be prohibited from representing this National Union or its membership in any capacity for a period of two years following such employment.

### ARTICLE VII - Duties of the National President

**Section 3.** The National President shall have the authority, when the National President ~~s/he~~ deems it necessary between meetings of the National Executive Board, to conduct a poll of the Board by telephone, by electronic communications, or by mail. All such polls and each member's vote shall be recorded and published with the next Executive Board meeting minutes if not distributed earlier.



**Section 4.** The National President shall convene a meeting of the National Executive Board at least four times each year and at such other times as [the National Presidents/](#)he shall deem necessary for the purpose of conducting the business of this Union. [The National President](#)~~S/~~he shall also convene an Executive Board meeting within fifteen (15) days at the request of the majority of the Executive Board members. The National President shall preside over all sessions of the National Executive Board as its Chairperson.

**Section 5.** The National President shall be authorized to spend the funds of this Union in its interests for such purposes as [the National Presidents/](#)he shall determine and the National Executive Board shall approve or disapprove. Non-recurring expenditures in excess of \$10,000.00 shall require the advance approval of the National Executive Board. All drafts, notes, and checks drawn against the Union shall be signed by both the National President and the National Secretary-Treasurer.

## **ARTICLE VIII - Duties of the National Secretary-Treasurer**

**Section 1.** The National Secretary-Treasurer shall receive all monies due and owing to this Union and shall give proper receipt for such monies as are collected. Such monies shall be deposited in separate bank accounts held in the name of this Union. The National Secretary-Treasurer shall have prepared and mailed to the National President and other members of the National Executive Board and to each subordinate body, an annual financial report of the receipts and disbursements of this Union and its assets and liabilities, and ~~s/~~he shall be responsible for preparing all other reports required by this Constitution or by law. In addition, [the National Secretary-Treasurers/](#)he shall submit a financial report to the Mail Handler National Convention and quarterly reports to Local Unions.

**Section 3.** The National Secretary-Treasurer shall record, or cause to be recorded, the proceedings of all National Conventions and such meetings of the National Executive Board as the Board may desire to have recorded, and ~~s/~~he shall also prepare minutes of all Executive Board and Presidents' meetings and shall distribute copies of such minutes to Local Unions within 30 days.

**Section 4.** The National Secretary-Treasurer shall be responsible for developing and overseeing a uniform system of accounting and record keeping for the National Union and Local Unions and either [the National Secretary-Treasurer, or their s/](#)he, ~~or his/~~her designee, may inspect the books or records of Local Unions on an equitable basis from time to time to assure compliance with prescribed standards and procedures.

## ARTICLE XI - National Officer Elections

### Section 1. Eligibility:

To be eligible to run for a position on the National Executive Board, an individual must have been a member in continuous good standing for a period of two (2) years preceding the date a Convention is scheduled to be convened (subject to the waiver for active military duty specified in the second paragraph of Article V, Section 1 of the Uniform Local Union Constitution, as determined by the Election Committee supervising the election of National Officers and, if necessary, the delegates acting in accordance with the last sentence of Section 2(a) of this Article), must be working at the calling as defined in Article V, § 2 of the Uniform Local Union Constitution; and ~~s/he~~ cannot have been employed in a supervisory or managerial capacity by the Postal Service (including any EAS position involved in discipline of employees or application of the National Agreement) for any time during that period, or by the USPS Office of Inspector General or the Postal Inspection Service (including as a confidential informant) for any time during that period. In addition, to be eligible to run for election as a Regional Vice President, the member must have been a member in good standing of Local Union(s) within that Region during the two-year period.

### Section 3. Election Committee:

Elections of National officers shall be supervised by a 3-person Election Committee whose members shall be elected by secret ballot at the National Convention preceding the election. To be eligible to serve on the Election Committee, a member must meet the same qualifications for holding the office of National President, except that ~~the members/he~~ shall not be a candidate for national office; and ~~s/he~~ shall not actively campaign for or actively support any candidate for national office. Each delegate shall be entitled to vote for three candidates for the Election Committee and the three candidates receiving the most votes shall comprise the Committee. Delegates shall be entitled to cast weighted votes reflecting the entire number of votes to which their Local Union is entitled for three candidates for the Election Committee, and the three candidates receiving the most votes shall comprise the Committee.

### Section 4. Elections:

(a) Elections shall be conducted among all regular members in good standing voting by secret ballot. Ballots shall be printed and mailed to members' last-known home addresses by the American Arbitration Association ("AAA"), or by another similar organization chosen by the Election Committee supervising the election of National officers ("another similar organization"), between 30 and 40 days after the conclusion of the Convention. All ballots returned by eligible voters to the secure location determined by the AAA or by another similar organization within ~~45~~ 30 days after the initial mailing shall be counted by the AAA or by another similar organization.

(b) All regular members in good standing who are employed by the U.S. Postal Service or by any other employer with operations directly or indirectly related to postal and mail handling or by the National Postal Mail Handlers Union or an affiliated organization shall be eligible to vote.

(c) The ballots shall be collected and counted by the AAA or by another similar organization promptly after the voting deadline has passed. Each candidate and one or, if necessary, more observer(s) named by the candidate shall be entitled to be present during all phases of the preparation, mailing, and counting of ballots and to challenge ballots. All ballots shall be accounted for and retained, together with other records pertaining to the election, for a period of 12 months following the election.

(d) Those candidates who receive a majority of the votes cast by eligible voters shall be declared the winners and shall be installed in office by the LIUNA General President or [their his/her](#) designee within 72 hours of the conclusion of the ballot count. The newly elected officers will be administered the following oath of office.

I, \_\_\_\_\_, do solemnly pledge on my honor to recognize and comply with all of the provisions of the Constitution of the National Postal Mail Handlers Union, a Division of the Laborers' International Union of North America, AFL-CIO, and with all rules, regulations, policies, practices, and decisions adopted in furtherance of the administration of the Mail Handlers Union and to honestly and faithfully perform my duties for and on behalf of the membership of this Union.

#### **Section 5. Campaigning**

(a) No Union funds shall be expended, directly or indirectly, to promote or oppose any candidate for Union office. No Union facilities, equipment, stationery, supplies, or the seal and insignia of the National Union or any Local modification thereof may be used to further any candidacy. No appointed employee, agent, or elected officer shall be required to support the candidacy of any individual or slate.

(b) Each candidate shall be entitled to inspect the list containing the names and last-known addresses of all regular members employed by the Postal Service (or other employers) once within the 30-day period preceding the mailing of the ballots. The right to inspect shall not include the right to copy, but does include the right to compare the list with any personal list of members.

(c) The National Union shall be required to honor the reasonable requests of candidates or slates of candidates to send uncensored campaign mailings at ~~her/his or their~~ [the](#) expense [of the candidates or slates of candidates](#) utilizing any special mailing privileges available to the National Union. All candidates shall be treated equally with respect to the expense of such mailings which shall not exceed the actual cost of the mailings incurred by the National Union.

(d) A Special Election Publication, printed at Union expense, shall accompany each ballot mailed to eligible voters. It shall contain factual information concerning election/voting procedures together with any photographs and/or statements not exceeding 300 words that are furnished to the Election Committee at the National Headquarters by the candidates no later than 10 days prior to the scheduled date on which the ballots are to be mailed. Any group of candidates running as a slate shall be entitled to be identified on the ballot as members of a designated slate provided that notice is given by each such candidate no later than 10 days prior to the scheduled date on which the ballots are to be mailed.

## ARTICLE XII - National Convention

**Section 3.** Local Unions and subordinate body delegates to a National Convention shall be elected by secret ballot in accordance with rules adopted and promulgated by the National Executive Board. Such rules shall require that, in order to qualify as a candidate for delegate, a regular member shall be required to have been in continuous good standing in the National Postal Mail Handlers Union for a period of two years and in continuous good standing in ~~their~~~~his/her~~ Local Union for a period of two years immediately prior to nomination and current in the payment of dues; and ~~s/he~~ cannot have applied for or been employed in a supervisory or managerial capacity by the Postal Service (including any EAS position involved in discipline of employees or application of the National Agreement) for any time during that period, or by the USPS Office of Inspector General or the Postal Inspection Service (including as a confidential informant) for any time during that period. These requirements relating to continuous good standing, payment of dues, and applying for or being employed as a supervisor or manager also must be satisfied during the period from nomination as a candidate for delegate through the adjournment of the Convention.

All Local Union Presidents shall be delegates of their Local Union to any National Convention which may take place during their term of office. When serving as a delegate under this paragraph, the Local President may not vote in officer elections at the National Convention unless, during the most recent election of Local Union officers, the notices to regular members and/or ballots stated that by virtue of ~~their~~ ~~his/her~~ election as Local President or Vice President, the officer is automatically a Local Union delegate or alternate delegate (for the President) to all Conventions of this Union conducted during the term of office.

In the event that a Local Union is to be represented by a single delegate, either because the Local Union is entitled to send only one delegate or because the Local Union Council decides to send only one delegate, the Local President (or the Local Vice President as an alternate for the Local President) shall automatically occupy such position and no separate election of delegates shall be conducted. Such a single delegate may vote in officer elections held during the Convention only if, during the most recent election of Local Union officers, the notices to regular members and/or ballots stated that by virtue of his/her election as Local President or Vice President, the officer is automatically a Local Union delegate or alternate delegate (for the Local President) to all Conventions of this Union conducted during the term of office.

**Section 7.** Each member of the National Executive Board shall be entitled to one (1) vote at a National Convention and shall be accorded all of the privileges of fully-accredited delegates, except that a Board member shall not be permitted to vote in any election of officers at the National Convention ~~unless~~, during the most recent election for members of the National Executive Board, ~~theys/he~~ ~~were~~ ~~was~~ elected by secret ballot, or if unopposed, by acclamation, to serve as a member of the National Executive Board.

**Section 9.** The National President shall be in charge of all National Convention arrangements, and on behalf of the National Executive Board, ~~s/he~~ shall prepare a report to the delegates on the activities and accomplishments of this Union between National Conventions. The National President shall have the authority to establish such committees in advance of a National Convention for such purposes as ~~the National President s/he shall~~ deems necessary. Committees shall include, but not be limited to, an Arrangements Committee, a Credentials Committee, a Committee to Elect the Election Committee, a Rules Committee, a Constitution Committee, and a Resolutions Committee. The National President shall serve, ex-officio, as a member of all committees ~~and, S/he~~ shall appoint one or more Sergeants-at-Arms and other officers of the National Convention as ~~the National Presidents/he~~ deems necessary. ~~S/he~~The National President shall preside at the National Convention personally or by designee.

### **ARTICLE XIII - Local Unions and Other Subordinate Bodies**

**Section 1.** This Union shall consist of Local Unions and other subordinate bodies. The National President, subject to the approval of the National Executive Board, shall have the authority to issue Local Union and subordinate body charters on such terms and conditions as s/he shall deem appropriate. No such charter shall be issued where there is in existence a Local Union having jurisdiction over the Postal Service facility where there are employees within this Union's jurisdiction. The National President, subject to the approval of the National Executive Board and by majority vote of the members of each affected Local Union, shall have the authority to amalgamate or de-amalgamate, affiliate, and otherwise alter existing Local Unions where ~~the National Presidents/he~~ deems such action necessary or advisable, and such authority shall not be limited by any other provision of this Constitution or of the Uniform Local Union Constitution.

## ARTICLE XVII - Trials of National Officers

**Section 1.** Charges that a National officer has violated ~~his or her~~their obligations as a member or officer shall be made in writing and signed by the member(s) preferring the charges. The charges shall be duly sworn to and attested by a notary public and must state the exact nature of the alleged offenses and, so far as possible, the times and places the alleged offenses took place, and the specific provisions of this Constitution or public law that have been violated. The charges shall be endorsed by at least five Local Union Councils and shall be submitted to the National Secretary-Treasurer unless the charges are against the National Secretary-Treasurer~~him or her~~ in which case they shall be submitted to the National President.

## ADDENDUM 1984 CONSTITUTION OF THE NATIONAL POSTAL MAIL HANDLERS UNION, AS AMENDED

## ARTICLE XII - Representation at LIUNA Conventions

**Section 3.** Any regular member of this Union is eligible to be a delegate of their~~his/her~~ Local Union, provided they~~he~~ shall have been a regular member in continuous good standing for at least two (2) years in this Union and is current in the payment of his/her dues; and provided further that she~~they~~ cannot have been employed in a supervisory or managerial capacity by the Postal Service (including any EAS position involved in discipline of employees or application of the National Agreement) at any time during the two years immediately prior to nomination, or by the USPS Office of Inspector General or by the Postal Inspection Service (including as a confidential informant) for any time during that period. In addition, any member who applies for or accepts a supervisory or management position with the Postal Service (including any EAS position involved in discipline of employees or application of the National Agreement) or with the USPS Office of Inspector General or the Postal Inspection Service shall immediately resign their~~his/her~~ position as a delegate of their~~his/her~~ Local Union and, failing to do so, the position shall be declared to be vacant.

**Section 5.** After receipt of the Convention Call from the General Secretary-Treasurer, each Local Union shall arrange for the conduct of a nomination meeting. No less than seven (7) days prior to said nomination meeting, notice thereof shall be mailed to each good standing regular member of the Local Union at their~~his/her~~ last known address, and such notice shall list

the number of delegate positions to be filled from the Local Union and the time and place of such nomination meeting.

**Section 7.** Each Local Union shall mail a written notice to each regular member at ~~their~~his/her last known address, informing the regular member of the date, place, and time of the election of delegates and the number of delegates to be elected, such notice to be mailed no later than fifteen (15) days prior to the date of election.

**Section 9.** The General Secretary-Treasurer shall furnish each Local Union and the National Union, as applicable, original and duplicate credentials in such number as shall be required. After receipt of such credentials, the Local Union or National Union shall then send the original credential to each duly elected delegate. Each delegate shall register with the Committee in order to be duly accredited and entitled to a seat in the Convention, and as such delegate, shall be entitled to cast one ~~(his or her)~~ vote.

**Section 12.** Any regular member in good standing desiring to protest the nomination or election of the delegate or delegates to the Convention from ~~their~~his/her Local Union must mail ~~their~~his/her protest to the General Secretary-Treasurer, in care of Headquarters, not later than thirty (30) days after the election. The General Secretary-Treasurer shall acknowledge such protest and advise the member of the place and date where and when the Credentials Committee will meet to hear, pass upon, and determine the protest.

## **Uniform Local Union Constitution**

### **ARTICLE I - Affiliation and Jurisdiction**

**Section 3.** This Local Union shall have the right to establish and enforce its own bylaws, rules, regulations, policies and practices as it deems necessary or appropriate to fulfill the purposes for which it was chartered; provided that such bylaws, rules, regulations, policies, and practices do not conflict with this Constitution or the Constitution of the National Postal Mail Handlers Union or its rules, regulations, policies, or practices and lawful orders and decisions. Such bylaws, rules, regulations, policies, or practices of this Local Union shall be subject to review by the National President for a period not to exceed ninety (90) days from the date submitted. If after such review, the National President, in ~~his/her~~their judgment, believes that such bylaws, rules, regulations, policies, or practices are not proper or in conformity with the intent, objects, or purposes of the Constitution, regulations, practices, policies, and lawful orders of the National Postal Mail Handlers Union, ~~the National Presidents/he~~ may modify or annul the same. Decisions of the National President regarding the foregoing shall be appealable as provided for in the Constitution of the National Postal Mail Handlers Union.

## ARTICLE III - Membership

**Section 8.** It shall be the obligation of members of this Local Union:

I. To pay membership dues of this Local Union as provided for in this Constitution and the Constitution of the National Postal Mail Handlers Union and, for an employee of the Postal Service, to notify the Local Union of a failure of the Postal Service to properly deduct the full amount of ~~their~~his/her dues.

## ARTICLE IV - Officers

### **Section 5.** Duties of Officers.

#### A. Local President

1. ~~S/he shall~~Shall preside at all meetings of this Local Union and exercise all of the authority and responsibility of chairperson.
2. ~~S/he shall~~Shall preside as chairperson at all meetings of the Executive Board of this Local Union, the Council of this Local Union, and also at all sessions of the Executive Board sitting as a Trial Board except when s/he has been disqualified under Article X, Section 3, of this Constitution.
3. Together with the Treasurer, ~~s/he~~ shall sign all checks or orders for the payment of monies from this Local Union's accounts, and sign all official documents of this Local Union, except as herein otherwise provided. Neither the Local President nor the Treasurer shall pre-sign any check before the date, the name of the payee, and the amount have been entered on the check.
4. ~~S/he s~~Shall call special meetings of this Local Union or of the Executive Board or Council of this Local Union, when requested to do so by the Executive Board of this Local Union.
5. ~~S/he~~ shall appoint Sergeants-at-Arms, Auditors, and such committees as the Local Presidents~~he~~ shall deem necessary for conducting the affairs of this Local Union.
6. ~~S/he~~ shall furnish bond in such sum as the Executive Board of this Local Union shall determine, or as is required by law, to indemnify this Local Union against possible financial loss.
7. ~~S/he~~ shall sign all authorized credentials of delegates of this Local Union.
8. ~~S/he~~ shall ensure that the affairs and business of this Local Union are being properly conducted.
9. ~~S/he~~ shall be chairperson, ex-officio, of all Local Union Committees.
10. ~~S/he~~ shall ensure that the provisions of all agreements are enforced and respected by all persons affected or bound thereby. All instances of non-compliance which are not amicably adjusted shall be reported to the Executive Board of this Local Union.
11. ~~S/he~~ shall have the power to appoint, remove and supervise shop stewards. Such shop steward appointments/removals must be submitted in writing (specifying name, installation and tour of duty) to the respective postmaster/installation head. Normally, a member may not be appointed as a steward within two years of working in or being detailed to a supervisory or management position with the Postal Service, the USPS Office of Inspector General, or the Postal Inspection Service; an exception, however, may be made in unusual circumstances at the discretion of the Local President.



12. S/he shall be charged with the responsibility of protecting the craft jurisdiction of this Local Union.

13. S/he shall use all proper and lawful means of organizing the unorganized within the territorial and craft jurisdictions of this Local Union.

14. S/he shall make a report of his/her activities at each meeting of this Local Union and of its Executive Board.

15. S/he shall have the authority to assign duties and responsibilities to, and request monthly reports from, each Branch President.

16. S/he shall seek to ensure that each branch conducts at least four (4) meetings each calendar year. Such meetings shall be held quarterly. In addition, the Local President-s/he shall seek to ensure that there is a stewards' meeting in each branch at least four (4) times each calendar year. Branch or steward meetings may be conducted concurrently or separately. The Local President, after consultation with the Branch President (if any), may decide to waive one or two of these quarterly branch meetings and/or one or two of these quarterly steward meetings each calendar year. Any waiver of these quarterly meetings shall not be in consecutive quarters.

17. S/he shall ensure that all literature received from the National Office of the National Postal Mail Handlers Union is distributed to each Branch President; and s/he shall be responsible for literature being posted timely on each branch bulletin board.

18. The Local PresidentS/he, or a designee, shall visit each branch of this Local, **where practicable**, at least once every six (6) months. Upon such visit, the Local Presidents/he shall tour the workroom floors of the branch office.

19. The Local PresidentS/he, or a designee, shall have the authority to file grievances at Steps 1 and 2 in any postal installation or branch facility within this Local's jurisdiction.

20. S/he shall make a written quarterly report to the National President on the activities of this Local.

21. The Local President shall be a delegate of this Local Union to any Convention of the National Postal Mail Handlers Union which may take place during his/her term of office. In the event that this Local Union is to be represented by a single delegate, either because the Local Union is entitled to send only one delegate or because the Local Union Council decides to send only one delegate, the Local President shall automatically occupy such position and no separate election of delegates shall be conducted. Such a single delegate may vote in officer elections held during the Convention only if, during the most recent election of Local Union officers the notices to regular members and/or ballots stated that by virtue of his/her/their election the Local President, the officer is automatically a Local Union delegate to all Conventions of this Union conducted during the term of office.

22. S/he shall have the authority to employ such technical, administrative and clerical assistance as shall be necessary for the efficient conduct of the affairs of this Union, subject to the subsequent approval of the Local Executive Board.

23. S/he shall have the authority, when s/he deems it necessary between meetings of the Local Union Executive Board, to conduct a poll of the Local Union Executive Board by telephone, facsimile, electronic transmission, telegraph, or by mail. Any such poll shall be sent to each Branch President no more than twenty-one (21) days after being conducted. Such poll shall be read at the next meeting of the Executive Board and shall be included with the minutes of the next Executive Board meeting.

24. S/~~he~~ shall be authorized to incur ordinary and necessary business expenses in connection with the conduct of ~~their~~~~his~~/~~her~~ office subject to the subsequent approval of the Local Executive Board. However, nonrecurring expenditures in excess of \$5,000 and expenditures for office rent, equipment costing in excess of **\$2,000**, etc., must have prior approval of the Executive Board.

25. S/~~he~~ shall be responsible for authorizing payment of all bills incurred by the Local subject to the provisions of subsection 24 herein.

#### B. Vice President

1. In the absence of the Local President at any regular or special meeting of this Local Union, the Executive Board or Council of the Local Union, the Vice President shall perform the functions and duties of the Local President.

2. In the event the Local President remains in office but is unable to attend a National Postal Mail Handler Union Convention due to temporary incapacity, the Vice President shall assume the President's role as a delegate. In these circumstances, the Vice President may vote in officer elections at the National Convention only if, during the most recent election of Local Union officers, the notices to regular members and/or ballots stated that by virtue of his/her election as Vice President, the officer is automatically an alternate delegate (for the President) to all Conventions of this Union conducted during the term of office.

3. The Vice President shall perform such other duties as may be assigned by, and work under the supervision of, the Local President.

#### C. Recording Secretary

1. The Recording Secretary shall maintain copies of the minutes of all meetings. The minutes of all meetings shall be part of the records of this Local Union and shall be kept at the Local Union headquarters.

2. S/~~he~~The Recording Secretary shall submit ~~his~~/~~her~~/~~their~~ records to a Certified Public Accountant for inspection and review once every year for the purpose of auditing the financial records of this Local Union, and to the National Secretary-Treasurer or a deputy or representative appointed by the National Secretary-Treasurer for such purpose, when requested.

#### D. Treasurer

1. All monies payable to this Local Union shall be turned over to the Treasurer, who shall give a proper receipt therefor.

2. S/~~he~~ shall make and keep a proper record of all such monies received and deposit same in the name of this Local Union in such banks or depositories as the Executive Board shall determine.

3. S/~~he~~ shall at each meeting of this Local Union make a written, detailed, financial report of the monies received and disbursed since his/her last report to a meeting. The written financial report to the Local Executive Board shall include detailed information about any required tax payments and/or filings to governmental authorities.

4. S/~~he~~ shall, together with the Local President, sign all checks or orders for the payment of monies from this Local Union's accounts. Neither the Local President nor the Treasurer shall

pre-sign any check before the date, the name of the payee, and the amount have been entered on the check.

5. ~~S/he~~ shall submit his/her books to the Certified Public Accountant for the purpose of auditing the financial records of this Local Union, and to the National Secretary-Treasurer or a deputy or representative appointed by the National Secretary-Treasurer for such purpose, when requested.

6. ~~S/he~~ shall pay to the National Postal Mail Handlers Union the required monthly per capita tax for those members who have paid their dues directly to this Local Union, not later than 30 days after receipt of such dues.

7. All records of financial transactions of this Local Union shall be in the custody of the Treasurer and shall be maintained at the Local Union headquarters.

8. ~~S/he~~ shall submit to the National President, on a quarterly basis, a detailed financial report of all receipts and disbursements, assets and liabilities of this Local Union.

9. The fiscal year of this Local Union shall commence on January 1st.

#### E. Branch President

1. ~~The Branch President~~ S shall be subject to the authority and direction of the Local President.

2. ~~Shall S/he shall~~ process grievances at Steps 1 and 2.

3. ~~S/he s~~ shall see that the local bulletin board is kept current.

4. ~~Shall S/he~~ shall be responsible for organizing members into this Local Union.

5. ~~Shall S/he shall~~ be responsible for having monthly or quarterly Labor Management meetings with the local installation head, and also shall be responsible for having regularly scheduled safety and health committee meetings.

6. ~~Shall S/he shall~~ have authority to administer existing contracts covering his/her branch subject to the supervision of the Local President.

7. ~~Shall S/he shall~~ assist the Local President or his/her designee in the negotiation of a Local Memorandum of Understanding.

8. ~~Shall S/he shall~~ submit a written monthly report to the Local President of all of the activities of his/her branch.

9. ~~Shall S/he shall~~ schedule (subject to the approval of the Local President) and call branch meetings as provided herein.

10. ~~Shall S/he shall~~ be responsible for any other duties assigned to him/her by the Local President.

11. ~~Shall S/he shall~~ supervise shop stewards within his/her branch, subject to the supervision of the Local President.

#### F. State Executive Board Member

The State Executive Board Member shall perform such other duties as may be assigned by, and work under the supervision of, the Local President.

### Section 6. Executive Board

The Executive Board shall consist of the Local President, Vice President, Recording Secretary, Treasurer and the State Executive Board Member(s).

Present language

Recommended language

G. No member of the Executive Board shall vote on any matter dealing with their  
own~~his/her~~ conduct as an officer.

**Section 10.** Upon the termination of their ~~his/her~~ office, each officer shall turn over the books, papers, records, and other property which thereby came into their~~his/her~~ possession, custody and control to their~~his/her~~ successor or to the Union.

## ARTICLE V - Qualifications for Office

In order to qualify as a candidate for any office in this Local Union, a regular member:

**Section 1.** Shall be required to have been in continuous good standing in the National Postal Mail Handlers Union for a period of two years and in continuous good standing in this Local Union for a period of two years immediately prior to nomination and current in the payment of dues, and s/he cannot have been employed in or applied for a supervisory or managerial position with the Postal Service (including any EAS position involved in discipline of employees or application of the National Agreement) for any time during that period, or by the USPS Office of Inspector General or the Postal Inspection Service (or as a confidential informant) for any time during that period.

The disqualification of a candidate for not being a member in continuous good standing for a period of two years immediately prior to nomination shall be waived for members on active military duty in a leave without pay status, provided that the waiver applies only to their period of active military duty. A member's eligibility for this waiver shall be decided by the Judges of Election, with an appeal available in the case of disqualification in accordance with Article VI, Section 2(D) of this Constitution.

**Section 2.** No person shall be eligible to hold any office in this Local Union if [that persons/he](#) has not been regularly employed at the calling during the entire two years immediately prior to nomination. "Working at the calling" shall be defined to include:

**Section 3.** A retired member shall not be deemed to have been working at the calling unless qualified under Section 2, B or C (above).

No person who has been debarred by a Local Union after trial, from holding office, shall be qualified as a candidate during the period of his/her debarment. In addition, no person who has been fined or financially penalized or ordered to return specified union property, after trial and the exhaustion of timely appeals, shall hold office or be qualified as a candidate until the fine or penalty has been paid or the specified union property has been returned.

A candidate shall not be eligible to run for office if s/he is a member of, or a sympathizer with, any organization that has for its purpose the overthrow of this Union or of the Government of the United States of America by force or violence, or who is unable to qualify under this Constitution or under the provisions of existing law.

A member shall not be eligible to hold office in this Local Union if s/he holds an office or administrative position (including shop steward) in another Postal Union.

**Section 7.** This Local Union shall have the authority to establish its own qualifications for office provided that such qualifications are made a part of the Local Union's bylaws which have been properly adopted by the Local Union Council and approved by the National President. The qualifications established by this Local Union must be consistent with the applicable laws, and shall be effective only after adequate notice to the regular membership. They shall not be

applicable to any candidate who is running for delegate to the National Convention or for Local President if by virtue of ~~their/his/her~~ election the Local President ~~s/he~~ shall automatically be a delegate to the National Convention.

**Section 8.** Any officer, shop steward, or other Union representative who applies for or accepts a supervisory or management position with the Postal Service (including any EAS position involved in discipline of employees or application of the National Agreement) or with the USPS Office of Inspector General or the Postal Inspection Service shall immediately resign ~~their-his/her~~ position with the Union and, failing to do so, the position shall be declared to be vacant.

## **ARTICLE VI - Nomination and Election of Officers**

**Section 2.** After the nominations have been completed:

F. Each candidate is entitled to one or, if the Judges determine necessary, more observers appointed from among the members of this Local Union. A candidate may be an appointed observer for ~~their/his/her~~ own election. Observers may be present at the preparation and mailing of the ballots, their receipt from the post office, and the opening and counting of the ballots, to ensure the rights of the candidate on whose behalf they are serving as observer ~~s/he serves~~ are protected. Upon qualifying the candidate, the Judges of Election shall notify each candidate of ~~their/his/her~~ right to have observers present at all times during the conduct of the election and shall give reasonable notice to the candidate and ~~their/his/her~~ observer, if known by the Judges, of the time and place of each phase of the balloting process. This provision shall apply regardless of whether the election is conducted by this Local Union or by an outside organization or agency.

H. Each candidate or slate of candidates shall be entitled to send uncensored campaign mailings at the candidate's or the slate of candidates' ~~his/her or their~~ expense utilizing any special mailing privileges available to the Local Union. All candidates shall be treated equally with respect to the expense of such mailings which shall not exceed the actual cost incurred by the Local Union to handle the mailings.

I. Any group of candidates running as a slate shall be entitled to be identified on the ballot as members of a designated slate provided that written notice is given by each such candidate to the Judges of Election no later than 10 days prior to the scheduled date on which the ballots are to be mailed. Slate names shall not include the name or number of the Local Union. Each individual voter, however, must be allowed to choose among individual candidates if the individual voter ~~s/he~~ does not wish to vote for an entire slate, and the voting instructions must specifically inform the voter that the voters ~~he~~ need not vote for an entire slate.

**Section 5.** All elected officers shall take the oath of office and be installed as promptly as practicable, not to exceed thirty (30) days, after the results of the election have been certified by the Judges of Election.

The presiding officer for installing newly elected Local Officers shall be the National President, or ~~their~~ ~~his/her~~ designee.

The oath of office shall be as follows:

I, \_\_\_\_\_, do solemnly pledge on my honor to recognize and comply with all of the provisions of this Uniform Local Union Constitution and the Constitution of its parent bodies where applicable, and with all of the bylaws, rules, regulations, policies, practices, and decisions adopted in furtherance of the administration of this Local Union and its parent bodies, and to honestly and faithfully perform my duties for and on behalf of the membership of this Union.

## ARTICLE VIII - Dues

**Section 3.** Members whose dues are not paid within 90 days after such dues are payable shall be automatically suspended. Dues shall be payable by the last day of each month. Each member of this Union shall be responsible for ensuring the timely payment of his/her/their membership dues. A member on leave from the Postal Service for whatever reason, e.g. LWOP and disciplinary suspension, is not relieved of his/her/their obligation to pay dues.

## ARTICLE X - Charges, Trials, and Appeals

**Section 2.** The Recording Secretary shall promptly notify the members of the Executive Board that charges have been filed. In addition, the Recording Secretary shall notify the accused or charged parties of the charges, by certified mail (return receipt requested), after which the accused or charged parties shall have thirty (30) days after receipt of the charges to respond to the Recording Secretary, in writing, on whether the charges are frivolous or procedurally defective. This notification must include a copy of the charges and must be mailed to the accused or charged parties at their last known address.

After the accused or charged parties have had the opportunity to respond, the Executive Board shall consult and by majority vote may dismiss the charges if it determines them to be frivolous or procedurally defective. (Any member of the Executive Board who is a **charging party or an accused or charged party** may not participate in this consultation. If all members of the Executive Board are charged, the Recording Secretary – having already notified the members of the Executive Board about the charges and having already given the accused or charged parties an opportunity to respond to the charges – shall notify the National President who shall appoint, within thirty (30) days, as set forth in the second paragraph of Section 3 of this Article, three members from outside the Local Union as the Trial Board, which, after consultation, shall determine within sixty (60) days whether the charges are frivolous or procedurally defective.) If a determination that the charges are frivolous or procedurally defective is made, the Recording Secretary or the Trial Board appointed by the National President, as applicable, will provide the charging party and the charged party with notice and reasons for that determination, including notification of the charging party's right to appeal such determination to the National President within fifteen (15) days of receipt of said notice. If an appeal is filed, the National President within ninety (90) days may affirm the determination of the Executive Board or the Trial Board, as applicable, or determine that the charges are not frivolous or procedurally defective, in which case the National President shall order the Executive Board or the Trial Board, as applicable, to schedule a hearing and trial.



When a hearing and trial are necessary, a copy of the charges shall be mailed to the accused, at ~~their~~~~his~~~~her~~ last known address. A written notice of the time and place where the hearing and trial will take place before the Trial Board shall be mailed to the accused and to the charging party, not less than fourteen days nor more than twenty-eight days from the date of said hearing and trial.

**Section 3.** The members of the Executive Board of this Local Union shall constitute the Trial Board; except that neither the charging party nor the accused nor any member directly interested or involved in the charges may sit as a member of the Trial Board.

In such case, the Local President of this Local Union shall appoint a substitute or substitutes from the members in good standing. If the Local President is to be disqualified, then the Vice President shall appoint a substitute or substitutes and if ~~the Vice Presidents~~~~he~~ is also to be disqualified, then the substitute or substitutes shall be appointed by the remaining Trial Board member or members. After the appointment of substitutes, the Trial Board shall have another opportunity to dismiss the charges if it determines by majority vote that they are frivolous or procedurally defective. In the event that the entire Executive Board is disqualified, the National President shall appoint a Trial Board of three members from outside the Local Union which shall hear the charges and shall make a recommendation to the National Executive Board or dismiss the charges if they are clearly without merit. These post-hearing actions of a Trial Board appointed by the National President shall be completed as soon as practicable, but in no event later than one hundred and eighty (180) days after the entire Trial Board's previous determination that the charges were not frivolous or procedurally defective.

Where the charging party or the accused makes a request for a delay, the Trial Board may grant a postponement, for good cause shown. Such request must be made to the Recording Secretary in a timely manner, but, absent an extreme emergency, no later than seven (7) days prior to the scheduled Trial Board date, and shall be made in writing, by certified mail.

**Section 4.** The hearing and trial shall be conducted in an orderly, fair and impartial manner and should assure the full presentation of all the facts to the Trial Board.

The burden of proof shall be on the charging party. If the charging party fails to appear, the charges shall be dismissed. If the accused fails to appear, the Trial Board shall proceed with the hearing and receive all the facts and evidence available.

The charging party shall first present whatever evidence ~~they~~~~s~~~~he~~ possesses to substantiate ~~the~~~~his~~~~her~~ charges. The accused shall have the right to be present throughout the trial and to cross-examine the charging party and any ~~of his~~~~her~~ witnesses upon completion of their testimony.

**Section 6.** If either the charging party or the accused is aggrieved by the decision, within thirty (30) days of the notice of said action, ~~s/he~~they may appeal therefrom to the National Executive Board of the National Postal Mail Handlers Union. Such appeal shall be addressed to the National Secretary-Treasurer in writing and shall set forth in specific detail the grounds on which it is based. The appeal may also include any argument in support thereof which the appellant desires to advance. The National Secretary-Treasurer shall transmit to the opposing party a copy of the appeal and such party shall have a period of fifteen (15) days from receipt to reply thereto. Neither party with respect to their arguments shall include any new evidence.

After notice of such appeal from the National Secretary-Treasurer, the Local Trial Board shall then submit promptly to the National Secretary-Treasurer the following:

1. Copy of the charges;
2. Copy of the notice for hearing;
3. Record of the Trial Board hearing;
4. Copy of Report of the Trial Board; and
5. Copy of notification of the Trial Board's decision.

The National Executive Board shall make a decision based on the record. The decision of the National Executive Board shall be by majority vote of those participating and shall be final and binding unless changed on further appeal. The decision of the National Executive Board shall contain the Board's findings and conclusions. The National Secretary-Treasurer shall furnish a copy of the decision of the National Executive Board to each party to the appeal by certified mail.

**Section 7.** If the charged or charging party believes that any officer has failed to fulfill ~~their~~his/her duties and responsibilities under this Article within a reasonable period of time, such party shall request that the National President conduct an investigation of the officer's failure to act. If after the investigation has been made, the National President determines that officer has not properly fulfilled ~~their~~his/her duties and responsibilities under this Article, ~~the National Presidents~~he shall order the officer to take such action as is required by this Article. If the officer still fails to fulfill ~~their~~his/her duties and responsibilities, the National President shall then appoint a trial board of three members from outside the Local Union which shall hear the charges and shall make a recommendation to the National Executive Board which shall make its decision on the charges.

**APPENDIX**

Mail Handler Local NO. \_\_\_\_\_

\_\_\_\_\_  
(Address )

\_\_\_\_\_  
(City, State)

**NOTICE TO MEMBERS IN GOOD STANDING OF AND INSTRUCTIONS TO ELIGIBLE VOTERS.**

An election by secret ballot is being conducted among the eligible voters of Local \_\_\_\_\_ to fill the following offices:

Offices	Term of Office
1 Local President and Delegate to Conventions of the NPMHU and (if applicable) LIUNA	3 years
1 Vice President and Alternate Delegate	3 years
1 Recording Secretary	3 years
1 Treasurer	3 years
1 Branch President (where applicable)	3 years
Your State Executive Board Member	3 years

A ballot (or ballots), a secret ballot envelope, and a **postage prepaid** return address envelope are enclosed herewith. To vote, read carefully and carry out the following instructions:

**YOUR BALLOTS MUST BE MAILED IN TIME TO REACH MAIL HANDLER LOCAL UNION NO. \_\_\_\_\_ P.O. BOX NO. \_\_\_\_\_,**  
 \_\_\_\_\_, \_\_\_\_\_ NO LATER THAN \_\_\_\_\_ P.M.,  
 (City) (State, Zip) \_\_\_\_\_, \_\_\_\_\_, 20\_\_\_\_\_  
 (Date)

4. If a slate of candidates appears on the ballot, each individual voter is allowed to choose among individual candidates if [the voters/he](#) does not wish to vote for an entire slate.

## Notes

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