



# **CWA1104 BYLAWS**

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## **PREAMBLE**

We, the members of Local 1104, Communication Workers of America, AFL-CIO, the Telephone Traffic Union Upstate, Local 1112, Communication Workers of America, AFL-CIO, and the Graduate Student Employees Union, Local 1188, Communications Workers of America, AFL-CIO, establish bylaws for the just government of our merged local union so that we may provide for the economic well-being of our members, for secure and satisfying

work, and for the respect to which we together aspire as the educators, service workers and providers of telecommunication services, through our efforts and those of other local unions of the Communications Workers of America, AFL-CIO.

## **ARTICLE 1 -- NAME**

This organization shall be known as Local 1104, Communications Workers of America, AFL-CIO and shall hereinafter be referred to in these bylaws as the Local Union.

## **ARTICLE 2 -- OBJECTIVES AND PURPOSES**

The objectives and purposes of the Local Union shall be:

- a. To unite within the Local Union all persons eligible for membership and to provide a Local Union through which the members may advance their best interests as employees and to promote better working conditions, better wages and protections and for the purpose of mutually providing for their general welfare.
- b. To engage in collective bargaining on behalf of the employees within the jurisdiction of the Local Union.
- c. To provide for the processing and administration of grievances and arbitrations as provided for in collective bargaining agreements.
- d. To inform the membership of all issues and concerns which may affect them.
- e. To encourage and foster legislation and regulations on federal, state and local levels advantageous to labor in general and telecommunications, education and service workers in particular, and, to protect against and help to defeat and prevent legislation and regulations on the federal, state or local levels detrimental to labor in general and telecommunication, education and service workers in particular.
- f. To encourage and assist Local Union members to take part in all of the various forms and levels of democratic government.
- g. To encourage and assist Local Union members in improving the lives of their fellow citizens through active participation in community and charitable services.
- h. To cooperate with other labor organizations in common efforts to promote the aims and purposes of labor.

- i. To organize telecommunication, education, service and all other workers.
- j. To promote actively the general welfare of the Local Union and the employees so represented.

### **ARTICLE 3 -- DEFINITIONS**

- a. The words "Local Union" means the combination of Local 1104, Communication Workers of America, AFL-CIO, telephone Traffic Union Upstate, Local 1112, Communications Workers of America, AFL-CIO, and the Graduate Student Employees Union, Local 1188, Communications Workers of America, AFL-CIO.
- b. The word "Company" means any company employing Local Union members.
- c. The word "State" means the State of New York.
- d. The word "SUNY" means the State University of New York.
- e. The words "Research Foundation" means the Research Foundation of the State University of New York.
- f. The word "Employer" means any company employing Local Union members and also means the State, SUNY or Research Foundations employing Local Union members.
- g. The term "Member" means any person duly accepted into membership in the Local Union as is provided herein.
- h. The term "Business Agent" means any member elected by a Division to represent the members of the Division from which elected.
- i. The term "Steward" means any member elected by a voting section or appointed by the President with the concurrence of the Executive Vice President of that Division, to represent the members of the home office, plant, campus or location from which elected or appointed.
- j. The: term "Voting Section" means the members in an office, plant, campus or location as designated herein.
- k. The term "Division" means:
  - 1. the Education Division for members initially from Local 1188 who are graduate

student employees at SUNY or the Research Foundation;

2. the Operator Services Division for members initially from Local 1112; and

3. the Telecommunications division for members initially from Local 1104.

The Executive Board shall have the authority to add new bargaining units into one of the Divisions. Members from a single bargaining unit shall always remain in a single division and shall not be divided among two or more Divisions.

I. The term "Officers" shall mean the President, three Executive Vice Presidents, and the Secretary-Treasurer.

m. Each Division shall have an Executive Vice President who shall be elected by vote of the members from all Divisions.

n. The term "Executive Board" shall mean a body consisting of the Officers.

o. The feminine, masculine and neuter import one another.

p. The singular imports the plural.

q. Any word or terms defined in the Bylaws and not here defined shall have the meaning attributed to it.

r. A "Supervisory" position is one that permits the holder to hire or fire employees or effectively recommend hiring or firing.

## **ARTICLE 4 -- ELIGIBILITY TO HOLD OFFICE**

To be eligible for nomination, election and/or appointment as an Officer, Business Agent or Steward, a member must have paid dues to this Local Union or to Locals 1104, 1112 or 1188 for one year immediately preceding the date of the election or appointment.

## **ARTICLE 5 -- MEMBERSHIP**

### **Section 1 -- Eligibility**

All non-supervisory employees of any telecommunication, education and service field or other fields of endeavor, who are not otherwise excluded by law, are eligible for membership in this Local Union regardless of age, sex, race, nationality, creed, color or religion.

### **Section 2 -- Application**

Membership in this Local Union shall be obtained after filing with the Local Union an official application of membership card, and upon the approval of a membership committee authorized to accept or reject membership on behalf of the Local Union,

subject to Article V, Section 2 of the CWA Constitution.<sup>1</sup> Once admitted to membership, the applicant shall be entitled to all rights, powers, benefits and privileges which are provided to the membership pursuant to the Local Union Bylaws and the CWA Constitution. The applicants shall likewise assume all of the obligations and restrictions upon membership as provided in the CWA Constitution and Local Union Bylaws.

### **Section 3 -- Transfers**

The transfer of membership from this Local Union to the jurisdiction of another local and from another local to the jurisdiction of this Local Union shall be made in accordance with Article V, Section 3 of the CWA Constitution.<sup>2</sup>

### **Section 4 -- Termination**

Membership in the Local Union shall be terminated by:

- a. Resignation submitted in writing to the Secretary-Treasurer.
- b. Transfer out of the jurisdiction of the Local Union.
- c. Transfer or promotion to a type of employment under which an employee is ineligible for membership, except that a member who temporarily assumes such position may retain membership for a period not to exceed thirty (30) days, provided during such period member shall not hold any office within the Local Union.
- d. Failure to pay or be in arrears of Local Union dues, in accordance with Article VI, Section 5 of the CWA Constitution.<sup>3</sup>
- e. Expulsion or misconduct as provided for in Article 19, Section 1 of the CWA Constitution.<sup>4</sup>

## **ARTICLE 6 -- STRUCTURE AND GOVERNMENT OF LOCAL UNION**

### **Section 1 -- Local Union Structure**

The Structure of the Local Union shall be as follows:

- a. Voting Sections, Chief Stewards and Stewards
- b. Divisions and Business Agents
- c. Officers and Executive Board
- d. Convention delegates

### **Section 2 -- Voting Sections**

- a. Voting Sections shall consist of offices, plants, campuses or other work locations

as from time to time may be determined or changed by the Executive Board.

b. The number of Stewards allocated to each Voting Section: offices, plants, campuses or locations having one to fifty (1-50) employees shall have two (2) Stewards. Offices, plants, campuses or locations having fifty-one (51) to one hundred twenty five (125) employees shall have three (3) Stewards. Offices, plants, campuses or locations having one hundred twenty six (126) employees or more shall have four (4) Stewards. In such offices, plants, campuses or locations that are merged or integrated, the stewards in office at the time of merger or integration shall continue as Stewards until the next General Stewards election or set of appointments, or until changed or modified by the Executive Board.

c. When an office, plant, campus or location will be closed within a short period of time after a Steward's term of office ends, such Steward will continue to serve until the office, plant, campus or location terminates, but no longer than one year.

### **Section 3 -- Divisions**

The Local Union shall be made up of the Telecommunications Division consisting of members of Local 1104, the Operator Services Division consisting of members of Local 1112, and the Education Division consisting of members of Local 1188. New bargaining units shall be placed in one of the Division by vote of the Executive Board. Members of a single bargaining unit shall remain in one Division and shall not be divided among two or more Divisions.

### **Section 4 -- Business Agents**

Business Agents shall be selected from each Division. The Education Division shall have five Business Agents, the Operator Services Division shall have four Business Agents until August 2002, when there shall be three, and the Telecommunication Division shall have five Business Agents. Business Agents shall be selected by vote of the members of the Division which they serve.

### **Section 5 -- Officers and Executive Board**

The Officers shall consist of the President, three Executive Vice Presidents and the Secretary-Treasurer, and shall constitute the Executive Board. The Officers shall be elected by the membership as a whole.

### **Section 6 -- CWA Delegates**

The President, three Executive Vice Presidents and the Secretary-Treasurer shall be delegates to the conventions of the Communications Workers of America, and all nominating petitions and ballots shall so state. In the event the local is entitled to

additional delegates under Article VIII, Section 4 of the CWA Constitution,<sup>5</sup> nominations and elections for those additional delegates will be held at the same time as the officer elections. Convention Delegates will serve terms of three years. A minimum number of 100 nominations with at least 25 nominations from each Division will be required for a candidate to appear on the ballot as a Convention Delegate.

## **ARTICLE 7 -- FINANCIAL STATEMENTS**

The Local Union's financial statements (LM-2s) shall be available to members upon request.

The Executive Board shall have full authority to retain a Certified Public Accountant to review all financial records, matters and audit the books of the Local Union, and to establish and maintain records for the Local Union, including State and Federal Reports.

## **ARTICLE 8 -- SITE OF UNION HEADQUARTERS**

There shall be established a Local Union Headquarters and Local Union offices for the purposes of conducting any and all business that shall at any time come before the Local Union. The sites of the Local Union Headquarters and the Local Union offices shall be determined by the Executive Board.

## **ARTICLE 9 -- OFFICERS AND THEIR DUTIES**

### **Section 1 -- The Officers of the Local Union**

The Officers of the Local Union shall be:

- a. President
  
- b. Three Executive Vice Presidents
  
- c. Secretary-Treasurer

The officers of the Local Union shall by virtue of their election as such be members of the Executive Board and shall have a right to vote at all Executive Board meetings.

### **Section 2 --Duties of the President**

The Duties of the President shall be:

- a. The President shall be the Chief Executive Officer of the Local Union and is charged with the obligation of carrying out the provisions of the Constitution<sup>6</sup> and bylaws and the mandates of the Executive Board.

- b. The President shall preside at all meetings of the Executive Board and shall have the power to call special meetings of the Executive Board on his/her own motion or if requested to do so in writing signed by a quorum of the Executive Board.
- c. The President shall appoint the members of committees established for specific purposes from time to time as established by the Executive Board. The President shall be an ex officio member of all Local Union Committees.
- d. The President shall appoint Stewards in the Education and Telecommunications Divisions with the concurrence of the Executive Vice President of those Divisions.
- e. The President shall be available for the processing of grievances whenever they are unable to be settled or whenever at the President's discretion it is desirable or necessary for the President to participate.
- f. The President shall have the authority to employ professional help and legal counsel with the approval of the Executive Board.
- g. The President shall approve all vouchers.
- h. The President shall perform all other duties required by these bylaws and the CWA Constitution,<sup>6</sup> and incident to the office.

### **Section 3 -- Duties of the Executive Vice Presidents**

The duties of the Executive Vice Presidents shall be:

- a. Assist the President in carrying out the decisions of the Executive Board.
- b. The President shall appoint an Executive Vice President who shall preside at all meetings in the absence of the President.
- c. The President shall appoint an Executive Vice President to assume the duties of the President in the latter's absence or inability to act due to illness. In the event of resignation or permanent incapacity of the President to serve, one of the Executive Vice Presidents shall be chosen by majority vote of the Executive Board as President until a successor President is elected and shall perform all duties required by these bylaws and the CWA Constitution.<sup>6</sup>

### **Section 4 -- Duties of the Secretary-Treasurer**

The Duties of the Secretary-Treasurer shall be:

- a. The Secretary-Treasurer shall maintain or be responsible for the records and

communications of the Local Union.

b. The Secretary-Treasurer shall keep minutes of all meetings of the Executive Board.

c. The Secretary-Treasurer shall answer correspondence as directed by the Executive Board.

d. The Secretary-Treasurer shall receive all funds of whatever nature payable to the Local Union and shall issue receipts for the same and deposit all such funds in a depository or depositories approved by the Executive Board.

e. The Secretary-Treasurer shall have custody of all certificates and other evidences of deposit, including bank pass books.

f. The Secretary-Treasurer shall keep true and correct books of account containing a complete record of all funds received and expended. The Secretary-Treasurer and all persons handling funds of the Local Union at the direction of the Secretary-Treasurer, or the direction of the Executive Board, shall be bonded in accordance with the law. All bonding expenses shall be paid for the Local Union.

g. The Secretary-Treasurer shall pay, or cause to be paid, approved bills and vouchers of the Local Union and shall have authority to sign checks of the Local Union. Two signatures must appear on all vouchers and checks, and shall be signed by the President and Secretary-Treasurer or other Executive Board Member duly authorized by the Executive Board to sign checks.

h. The Secretary-Treasurer shall prepare, or cause to be prepared, a financial statement which shall contain specific items setting forth the expenses of the Local Union, the expenses of the committees, the salaries paid to Officers and such other material as is usual and incident to such statements. Copies of such reports shall be forwarded to each member of the Executive Board quarterly.

i. The Secretary-Treasurer shall perform all other duties required by these bylaws and the CWA Constitution.<sup>7</sup>

## **Section 5 -- Compensation**

The President, the Executive Vice Presidents and the Secretary-Treasurer, as employees of the Union, shall be compensated for time spent in performance of their duties. Officer salaries shall be established by the Executive Board. Other

employees or special assistance and legal counsel shall be compensated in amounts established by the President and approved by the Executive Board.

To maintain continuity of leadership from past Executive Boards to the newly elected Executive Board, the past Executive Boards will remain available for consultation for a minimum of two weeks with appropriate compensation where necessary.

## **ARTICLE 10 -- DUTIES OF THE EXECUTIVE BOARD**

The duties of the Executive Board shall be:

- a. The Executive Board shall be the policy making body of the Local Union.
- b. The Executive Board shall meet at least four times a year on a date designated by the Executive Board. The President may call special meetings when it is deemed necessary or advisable. Special meetings may be requested in writing by a quorum of the Executive Board. Upon such a request the President shall designate the time and place of the meeting.
- c. The Executive Board shall be the final authority to interpret the provisions of the bylaws.
- d. The Executive Board shall determine which unsettled grievances shall be processed to arbitration and determine how to handle or resolve other disputes.
- e. The Executive Board shall have the authority to add or merge voting sections.
- f. The Executive Board shall have the authority to place new bargaining units into one of the Divisions. Members of a single bargaining unit must remain in a single Division and shall not be divided among two or more Divisions.
- g. The Executive Board shall have the authority to prosecute or defend on behalf of the Local Union any action at law or in equity before any court, tribunal or administrative body as it may deem necessary for the protection or the advancement of the Local Union.
- h. The Executive Board shall have authority, consistent with the CWA Constitution and Article 20, Section 3 of these bylaws, to call a strike not otherwise prohibited by the New York State Civil Service Law, but only if it has received the approval of a majority of the members who vote thereon. It shall have authority to terminate a strike when it deems it appropriate in accordance with the CWA Constitution.<sup>8</sup>

- i. The Executive Board shall provide for the review or audit of the books of the Local Union and for the bonding of all persons required to be bonded by law.
- j. The Executive Board shall have authority to approve the President's selection of professional or legal aid.
- k. The Executive Board shall have the authority to establish committees from time to time for those purposes deemed necessary or desirable.
- l. The Executive Board shall have all other duties and obligations required of it by these bylaws or the CWA Constitution or reasonably inferred from them.
- m. The Executive Board shall adopt suitable rules to govern the procedure of its meetings and shall decide all questions insofar as consistent with these bylaws.
- n. An Executive Board member from each Division shall constitute a quorum. No business shall be transacted in the absence of a quorum. Each member of the Executive Board shall be entitled to cast one vote. A majority of those voting shall be required to approve any matter by the Executive Board.
- o. The Executive Board shall have the authority to call regular or special meetings of the membership of the Local Union.
- p. Any procedures not defined in these Bylaws shall be determined by a majority of the Executive Board.

## **ARTICLE 11 -- VACANCIES**

### **Section 1 -- Vacancies of Officers**

A vacancy in the office of the President shall be filled by an Executive Vice President selected by the Executive Board. A vacancy in the office of the Executive Vice President or Secretary-Treasurer shall be filled by a Division Business Agent as selected by majority vote of the Executive Board. Such designation shall be for a period of sixty (60) days, at which time an election will be held, which would allow the Local Union membership to vote for the officer. Such elected term will be for remainder of the unexpired term.

### **Section 2 -- Vacancies of Business Agents**

A vacancy in the position of Business Agent will be filled by the President with the concurrence of the Executive Vice President of that Division. Such designation shall

be for a period of sixty (60) days, at which time an election will be held which will allow the membership of the voting sections serviced by the Business Agent to vote for the Business Agent. Such elected term will be for the remainder of the unexpired term.

## **ARTICLE 12 -- BUSINESS AGENTS**

Each Division shall select Business Agents to service its members. A Business Agent is authorized to act on behalf of the Local Union as the occasion warrants in dealing with representatives of employers in all matters of individual or group interest. The Business Agents shall be selected by vote of the members in the voting section of the Division which the Business Agent services, and shall serve a term of three years.

The Education Division will have five Business Agents, initially designated as the Albany, Binghamton, Buffalo, Stony Brook, and At-Large Business Agents. The Operator Services Division will have three Business Agents, initially designated as the Western, Northeastern and At-Large Business Agent. An additional At-Large Business Agent position will exist until August 2002. The Telecommunications Division will have five Business Agents, initially designated as Central Office, Avaya & Non-Telephone, Clerical, Installation & Repair, and Const. & Real Estate.

## **ARTICLE 13 -- CHIEF STEWARDS**

The Executive Board may create or designate Chief Steward positions to represent certain voting section(s). The Chief Stewards will be elected by the members whom they represent. The duties of the Chief Stewards will be designated by the Executive Board. Initially there will be Chief Stewards in the Education and Telecommunications divisions.

## **ARTICLE 14 -- ELECTION OF UNION OFFICERS AND BUSINESS AGENTS**

### **Section 1 -- Elections**

Election of Officers and Division Business Agents shall take place each three (3) years. Commencing December 1, 2002 terms of the office shall be for a three year period commencing December 1 of each term period and ending November 30th of each succeeding three (3) year period. The nominations and elections shall be conducted by an Election Committee appointed by the Executive Board. Members of the Election Committee shall not be candidates for office. The Election Committee shall consist of at least four members and a Chairperson. Nominations for the office of President, Executive Vice President, Secretary-Treasurer and Division Business Agents shall take place in September with an election on or before November 23. Newly elected Officers and Division Business Agents shall take their respective offices on December 1 of the year of their election.

## **Section 2 --Nominating Petitions**

- a. During the month of September of an election year, nomination petitions for Officers and Business Agents shall be made available to prospective candidates and any member who so requests at locations to be determined by the Executive Board. Petitions for each Executive Vice President and Division Business Agent position must clearly indicate the specific Division area and/or voting section for which the individual is being nominated.
- b. Petitions shall be returned to the general office of the Local Union in the self-addressed envelope supplied to the member for that purpose. The Election Committee, upon determining the name of the nominees, shall notify each nominee of the nomination. Declination of nomination shall be addressed to the Election Committee of the Local Union at the Local Union office. If the nominated candidate fails to notify the Local Union that he/she declines to be a candidate within 10 days of notification, the candidate shall be deemed to have consented to be a candidate.
- c. For the offices of President, Secretary-Treasurer and Executive Vice President, petitions with a minimum number of 300 signatures, with at least 100 signatures from each Division, are required for a candidate to appear on the ballot.
- d. For the office of Division Business Agent a minimum number of 75 signatures are required from the area and/or voting section in the Division in which the candidate is seeking a position to be deemed a candidate and appear on the ballot.

## **Section 3 -- Designation of Office**

A member may not be a candidate for more than one office. A member nominated for more than one office or position who fails to select the one office or position for which such member desires to stand for election, shall be included on the ballot for one office or position only and such office or position shall be designated by the Executive Board. A member's failure to designate the office for which he/she will run within 5 days of notification of the nomination shall be deemed consent for the Executive Board to make such designation.

## **Section 4 -- Ballots/Votes**

- a. After October 1st of the year of the election, the Election Committee shall cause to be prepared a ballot containing the names of the candidates for office of the President, Secretary-Treasurer, Executive Vice Presidents and Division Business Agents. The ballots shall clearly indicate the precise Division for each Executive Vice President and Division and Area for the Business Agent positions. The Election Committee shall then conduct a secret mail ballot election by mailing the ballots to

the members last known home addresses as they appear on the books of the Local Union with instructions for the method of voting. Each member may vote for one candidate for President, one candidate for Secretary-Treasurer, and one candidate for each of the Executive Vice President positions, totaling five. Members will also vote for Business Agent for the member's Division, area and voting section. The mailing of the ballots shall be under the direction of the Election Committee which shall designate the person or persons who will mail the ballots. The instructions shall inform the member in clear concise language as to how to mark the ballot. Ballots must be returned to the address on the envelope by the date designated in the voting instructions. All ballots must be returned by mail by the date and time designated on the ballot to be eligible to be counted.

b. The Election Committee shall count the ballots by November 23rd at a time and place designated by the Committee. Upon completion of the tally of the ballots, the Election Committee shall certify the results of the ballot count and transmit their certified report to the Secretary-Treasurer of the Local Union on the day of the completion of the count of the ballots. The report shall be signed by the Election Committee members.

c. Each candidate shall be entitled to be present or to have an observer present at the time that the ballots are counted, at their own time and expense.

d. No write-in votes will be allowed.

e. For the offices of President, Executive Vice President for each Division, and Secretary-Treasurer, the candidate receiving the majority of votes cast shall be deemed elected. In the event no one nominee receives a majority on the first ballot, a run-off election shall be conducted and two nominees receiving the greatest number of votes on the first ballot shall be the nominees on the second ballot. If no one nominee receives a majority on the first ballot and there is a tie for second place, a run-off election shall be conducted and the person receiving the greatest number of votes on the first ballot and the two persons who tied for second place shall be the nominees on the second ballot.

f. The Business Agent candidates for each Area in each Division receiving the highest number of votes cast in that Area of the Division, shall be deemed elected to the office of Business Agent.

g. The result of the election shall be made known to the membership. Winning candidates shall be notified by mail.

## **ARTICLE 15 -- ELECTION OF UNION STEWARDS**

### **Section 1 -- Elections**

Election of Union Stewards for the Operator Services Division shall take place every three years. The nominations and elections shall be conducted under the supervision of an Election Committee designated by the Executive Board. Members of the Election Committee shall not be candidates for office. Nominations for the elective Stewards shall take place during the month of February and the election during the month of March. Newly elected Stewards shall take their respective offices on April of the year of their election.

### **Section 2 -- Nominating Petitions**

By February of an election year, each number of the Operator Services Division shall receive a nomination petition by mail from the local Union headquarters. The petition will permit each member of the Voting Section in Operator Services to make their nomination for each elective Steward office by printing the names of the nominees on the petition. Each petition shall contain spaces for the nomination of the number of Stewards to each Voting Section as allocated in Article 6, Section 2.

The petition shall be returned to the general office of the Local Union in the self-addressed envelope supplied to the member for that purpose. Immediately upon determining the name of the nominees, each nominee shall be notified of nomination not later than February of the election year. A candidate's failure to notify the Local Union within 10 days of a candidate's notice of nomination that he or she declines to run for steward shall be a consent to be a candidate. Declination of nomination shall be addressed to the Election Committee of the Local Union at the Local Union office.

### **Section 3 -- Ballots/Votes**

a. After March 1st of the year of the election, the Election Committee shall cause to be prepared a ballot containing the names of the candidates for the office of Steward in each Voting Section of the Operator Services Division. The ballot shall be accompanied by a notice of election with instructions of method of voting and shall be mailed to the members' last known home addresses as they appear on the books of the Local Union. The mailing of the ballots shall be under the direction of the Election committee which shall designate the person or persons who will mail the ballots. The instructions shall inform the member in clear concise language as to how to mark the ballot. All ballots must be returned by mail by the date and time designated on the ballot to be eligible to be counted.

b. The Election Committee shall count the ballots by the last day of March, at a time

and place designated by the Committee. Upon completion of the tally of the ballots, the Election Committee shall certify the result of the ballot count and transmit their certified report to the Secretary-Treasurer of the Local Union on the day of the completion of the count of the ballots. The report shall be signed by the Election Committee members.

c. Each candidate shall be entitled to be present or to have an observer present at the time that the ballots are counted, at their own time and expense.

d. No write-in votes will be allowed.

e. The candidates receiving the most votes shall be deemed elected. In the event there is a tie for the office of Steward, a run-off election shall be conducted, and the person receiving the most votes cast from the run-off election shall be deemed elected to the office of Steward.

#### **Section 4 -- Appointment/Additional Elections**

Stewards for the Telecommunications and Education Divisions shall be appointed by the President. The Executive Board may also provide for the election of other Stewards or Business Agents to serve Divisions and/or voting Sections.

### **ARTICLE 16 -- AT LARGE CONVENTION DELEGATES**

The Election Committee shall cause to be prepared nomination petitions and ballots for Convention Delegates at the same time as Office elections using the same procedures. The six candidates receiving the highest number of votes from all Divisions shall be deemed elected at large, joining the five Officers of the Local Union. The delegates shall serve for three years. Should the Local Union be entitled to less than six additional delegates, the delegates with the highest number of votes shall represent the Local Union with the Officers.

### **ARTICLE 17 -- ELECTION CHALLENGES**

A challenge to the conduct of any election under these bylaws shall be made pursuant to Article XV of the CWA Constitution.<sup>9</sup>

### **ARTICLE 18 -- DUES AND FINANCES**

#### **Section 1 -- Dues**

Each member of the Local Union shall pay membership dues as follows:

Members from the Telecommunications and Operator Services Division shall pay dues totaling 2% of their base salary.

Effective January 1, 2002, members of the Education Division shall pay dues totaling 1.5% of their base salary.

Effective January 1, 2003, members of the Education Division shall pay dues totaling 1.75% of their base salary.

Effective January 1, 2004, members of the Education Division shall pay dues totaling 2% of their base salary.

### **Section 2 -- Assessments**

No assessment shall be made unless approved by secret vote of a majority of the members voting thereon.

### **Section 3 -- Union Funds**

a. The income of this Local Union shall be derived from dues, interest on investments, monies on deposit, fines and assessments, or other means approved by the Executive Board.

b. No funds of the Local Union may be expanded for any purpose other than the promotion of objectives of collective bargaining, mutual aid and protection, and the advancement of interests of the members.

c. Title to all property, funds, and other assets of the Local Union shall at all times be vested in the Local Union, and no Executive Board member shall have any proprietary right, title or interest therein.

d. The funds of the Local Union shall be invested to the extent and in such manner as is determined from time to time by the Executive Board.

### **Section 4 -- Audits**

The books of the Local Union shall be reviewed and/or audited no less than once a year by a CPA. Copies of the review or audit shall be, distributed to the Executive Board.

## **ARTICLE 19 -- TRIALS AND APPEALS**

### **Section 1 -- Persons Subject to Trial**

Members of the Local Union may be fined, suspended or expelled for any of the acts enumerated in Article XIX of the CWA Constitution.<sup>10</sup>

## **Section 2 -- Trials**

Any accused person shall be tried under the provisions of Article XX of the CWA Constitution.<sup>11</sup> A Trial Court of this Local Union, selected by the Executive Board pursuant to Article XX of the CWA Constitution, shall be composed of three (3) members of the Local Union.

## **Section 3 -- Appeals**

A member or officer of this Local, upon being found guilty by a Local Trial Court, may appeal as provided in Article XX, Section 4 of the CWA Constitution.

# **ARTICLE 20 --COLLECTIVE BARGAINING**

## **Section 1 -- Local Bargaining**

The Executive Board or its duly authorized representatives shall represent the Local Union in all relations with employers in matters concerning the adjustment of grievances and collective bargaining for employees represented by the Local Union.

The President or Executive Vice President representing a Division of the Local Union or their designee shall be the Chairperson and/or representative on all negotiating committees in that Division. Collective bargaining agreements shall be submitted to the membership for ratification. Approval of a majority vote of the members voting thereon shall constitute ratification. The President or Executive Vice President from the Division or their designee is authorized to sign the agreement when ratified.

## **Section 2 -- National Bargaining**

Nothing in these Bylaws shall preclude the Local Union from being represented in national bargaining by the Communications Workers of America, AFL-CIO.

## **Section 3 -- GSEU Bargaining<sup>12</sup>**

a. Recognizing the unique legal situation relating to employees of the State of New York, the Local Union agrees that, notwithstanding any contrary provision in the CWA Constitution or these bylaws, GSEU, CWA Local 1188, continuing as the Education Division of the Local Union, shall continue to be denominated the exclusive bargaining agent for the bargaining unit consisting of State of New York graduate and teaching assistants. GSEU, CWA Local 1188/The Education Division shall at all times retain the sole authority to negotiate terms and conditions of employment, contracts, or memoranda of understanding, and to take, or refrain from taking, such lawful job actions or contractual enforcement actions regarding its members as it chooses. GSEU, CWA Local 1188/the Education Division shall at all times retain the authority to act as exclusive bargaining representative for employees it represents and to take such lawful actions as may, in GSEU, CWA

Local 1188/the Education Division's judgment, be required on behalf of employees it represents.

b. The decision of GSEU, CWA Local 1188/the Education Division, as made by the Executive Vice President of the Education Division, whether or not to take a particular grievance to arbitration or whether to file an improper practice charge that arises in the Education Division may be appealed for reconsideration in writing to the Executive Vice President of the Education Division within thirty (30) days of the decision. The Executive Vice President shall review the appeal and, within thirty (30) days, affirm, reverse or modify the previous decision. This decision of the Executive Vice President may be appealed to the Education Division as defined in Section 3c. below within thirty (30) days of the decision of the Executive Vice President. This body shall review the appeal and, within thirty (30) days, affirm, reverse or modify the decision of the Executive Vice President. The decision of the Education Division may be appealed to the membership of the Education Division by presenting notice of such appeal to the Education Division within thirty (30) days of the decision of the Education Division. The membership of the Education Division will be presented with such appeal within one year of the appeal by referendum or at membership meetings, the choice to be determined by the Education Division. The decision of GSEU, CWA 1188/the Education Division or the Executive Board whether or not to take a particular grievance to arbitration or whether to file an improper practice charge that arises in the Education Division shall not be subject to the CWA Internal Appeals Procedures.

c. For purposes of this section, GSEU, CWA Local 1188/the Education Division shall mean a decision-making body comprised of the Executive Vice President of the Education Division, Business Agents of the Education Division and Chief Stewards of the Education Division.

## **ARTICLE 21 -- REFERENDUM**

Should the Executive Board, by majority vote, determine that a referendum vote should be held by the members of the Local Union or by a Division of the Local Union, such referendum shall be by secret ballot mail vote or by secret ballot voting at membership meetings, the choice to be determined by the Executive Board. If such referendum is by mail, it shall be conducted in accordance with instructions mailed to the members. If such referendum is conducted at a membership meeting, the questions to be voted on shall be presented at the meeting.

## **ARTICLE 22 -- AMENDMENTS**

Amendments to these Bylaws may be made as follows:

a. May be made by any member and if approved by a majority of the Executive Board it shall be submitted to the membership for its vote. Such vote may be held at any regular election or by special election at the order of the Executive Board.

b. The Executive Board may by a majority vote of the Board initiate a proposed amendment. It shall be submitted to the membership for vote at such an election or referendum as the Board determines.

A proposed amendment to the bylaws must be approved by a majority of the total votes cast.

## **ARTICLE 23 -- MERGERS**

This Local Union may enter into voluntary merger agreements with other local unions by a majority vote of the members voting thereon.

## **ARTICLE 24 -- ADOPTION OF BYLAWS**

These bylaws shall become effective immediately upon their adoption by the majority of members voting thereon. All previous constitutions and bylaws shall no longer be effective and shall terminate.

## **NOTES**

The CWA1104 bylaws refer frequently to the CWA Constitution, which is available at [www.cwa.org](http://www.cwa.org). For brevity's sake, however, we have footnoted the CWA Constitution Articles referred to in these bylaws.

1 Article 5.2 (Application) of the CWA Constitution states,

(a) Membership in the Union shall be obtained and maintained through membership in a chartered Local of the Union.

(b) Each application for membership shall be accompanied by the initiation fee established by the Local which shall not be less than two dollars (\$2.00) nor more than five dollars (\$5.00), without approval of the Executive Board.

(c) The Union's portion of an initiation fee shall be one dollar (\$1.00). Each Local shall pay the Union its portion of initiation fees in such manner as required by the Convention or the Executive Board.

(d) The Executive Board may waive the Union's portion of the initiation fee. A Local may waive its portion of the initiation fee with approval of the Executive Board.

(e) In the event an application for membership is denied, the initiation fee shall be refunded to the applicant.

(f) Each Local shall establish a membership committee or membership committees which shall act upon applications for membership. Membership committees shall accept or reject such applications subject to the right of the Local to overrule the committee.

(g) A Local shall not establish qualifications for membership which contravene qualifications set forth in this Constitution.

2 Article 5.3 (Transfers) of the CWA Constitution states,

- (a)The Executive Board shall establish rules and procedures for the transfer of the membership of a member of the Union who changes employment from the jurisdiction of one Local to another.
- (b)The transferred member shall not be required to pay an initiation fee if the transfer is initiated not later than thirty (30) days after the effective date of the change in employment.
- (c)The member shall be granted such transfer of membership if the member is in good standing.
- (d)All Locals shall be supplied with certificate of transfer forms by the Union.
- (e)Members of a Local who are or may be retired for any reason, or who are, or who may be on leaves of absence, may elect to continue to be active members or to assume the status of associate members. In the event any such person elects to become an associate member, the person shall lose voting privileges but shall not be required to pay dues.

3. Article 6.5 (non-payment of dues) of the CWA Constitution states,

A member in default, without good cause, in the payment of any installment of dues for sixty (60) days from the date such amount becomes due, shall be automatically suspended from the rights of membership and, if the default continues without good cause for an additional thirty (30) days, after notice in writing by the Local Secretary, shall be automatically expelled from the Union. "Good Cause" shall be that which the governing body of the Local determines to be good cause.

4 Article 19.1 (Charges Against Members: Specifications of Offenses--Locals) of the CWA Constitution states,

Members may be fined, suspended and/or expelled by Locals in the manner provided in the Constitution for any of the following acts:

- (a)Making false material statements or withholding material information when applying for membership;
- (b)Wilfully refusing to pay dues or assessments properly established or fines properly imposed or other valid financial obligations to the Union or Local;
- (c)Wilfully violating the Constitution of the Union, Local Bylaws or Rules;
- (d)Disobeying or wilfully failing to comply with any lawful decision or order of the Union or Local;
- (e)Working without proper Union authorization, during the period of a properly approved strike in or for an establishment which is being struck by the Union or Local;
- (f)Instigating or knowingly participating in an unauthorized strike or slowdown;
- (g)Wilfully violating the adopted standards as to wages, hours or working conditions;
- (h)Misappropriating money or property of the Union or Local;
- (i)For such other offenses, equally serious, which tend to bring the Union or Local thereof into disrepute.

5 Article 8.4 (Conventions, Composition of Convention) states,

(a)Subject to the provisions of Section 12 of this Article, the Convention shall be comprised of the incumbent officers and Executive Board members of the Union and of delegates elected by the Locals in accordance with their respective Bylaws or Rules. Each Local shall be entitled to:

- (1)One delegate if the Local has less than two hundred (200) members in good standing;
- (2)Two delegates if the Local has two hundred (200) or more but less than four hundred (400) members in good standing;
- (3)Three delegates if the Local has four hundred (400) but less than six hundred (600) members in good standing;
- (4)One additional delegate for each four hundred (400) members or major fraction thereof above six hundred (600) members.

(b)Locals shall elect their delegates in accordance with paragraph (a) on the basis of the average number of members on which dues were paid or collected by the International for the twelve (12) months ending the fifth month preceding that in which the Convention begins its session. Locals chartered less than twelve (12) months preceding the fifth month shall each be averaged according to the number of months chartered. Locals chartered after the fifth month preceding the Convention shall be allowed to elect delegates in accordance with this Section on the number of members in the Local at the time it was chartered; provided, however, that duplicate representation because of shift in

membership from one Local to another shall not be allowed.

(c) Each Local may elect an alternate delegate for each delegate elected who shall attend the Convention in the event the delegate is unable to attend.

(d) Each Local shall determine the number of its delegates. A Local delegation, however, shall not exceed the maximum number as provided in paragraph (a) of this Section. Each Local shall assign the number of votes to which it is entitled equally among its delegates, except as provided in Section 5. The number of votes which may be left over after such equal division shall be assigned to the Chair of the delegation of the Local.

6 This is too broad to summarize without citing nearly all of the CWA Constitution. Still, the core responsibilities described in the CWA Constitution are described in Article VIII, Section 9 (Authority, Duties and Obligations of Locals):

The authority, duties and obligations of chartered Locals, their officers and members, in addition to those otherwise set forth in the Constitution or in their respective Bylaws and rules, shall be:

(a) To represent the workers in their respective jurisdiction relating to Local matters;

(b) To actively implement all Union Programs and carry out the policies established by the District, State or Area meeting at which it is required to be represented;

(c) To abide by the Constitution, the decisions of the Convention, the Executive Board of the Union and the decisions resulting from the referendum procedure;

(d) To adopt Bylaws and Rules not inconsistent with this Constitution and to repeal, amend, or modify such Rules and Bylaws as may be inconsistent therewith, voluntarily, or at the direction of the Executive Board of the Union, subject to the right of appeal to the Convention;

(e) To establish and maintain actively functioning organizing, education, legislative-political, community services committees, and such other committees as may be necessary to effectuate the policies of the Local, the Union and the District, State or Area;

(f) To participate actively in the political and legislative processes on a city, state, provincial and national level, with special regard to legislation affecting the welfare of the members, and do all things reasonable and necessary to accelerate the adoption of laws which may be beneficial and to encourage defeat or cause the repeal of laws which may be detrimental to the workers;

(g) To respect picket lines of any Local of the Union engaged in a strike authorized and conducted in accordance with this Constitution;

(h) To provide for the bonding of Local Officers and other persons who handle Union funds and property;

(i) To hold Local meetings at such time, place and frequency as the members may decide by vote;

(j) To hold Local elections by secret ballot with provision of reasonable opportunity for all members to vote in accordance with the Bylaws or Rules established by the Local and this Constitution;

(k) To elect by secret ballot delegates and alternate delegates to the Union Convention as provided in this Constitution and to designate the Chair of such delegation;

(l) To establish a quorum and other rules of conduct of Local meetings;

(m) To maintain adequate files and records and have made an annual audit of the financial records of the Local by competent persons; make available Local financial statements to the membership at least annually; furnish to the Union's Secretary-Treasurer in acceptable form, an annual financial statement;

(n) To furnish the Vice President and Secretary-Treasurer of the Union with copies of Bylaws and Rules of the Local and copies of revisions as they may be made;

(o) To require participation of all Local officers and stewards in appropriate training schools and programs;

(p) To establish a program designed to keep rank and file members informed of Union activities;

(q) To process grievances through the step below the top level of the grievance procedure preceding arbitration, where applicable;

(r) To represent the members of the Local at all District, State or Area Meetings, and at quarterly meetings of Local Representatives with their International Staff, at such times and places as may be set by the Vice President, or the Vice President's accredited representative;

(s) To maintain an active internal membership development program;

- (t) To maintain an active organizing program and budget monies to support the Local's efforts as well as assisting the Union in reaching a goal of 10% of resources to be spent on growth.
- (u) To do all other things necessary for the proper disposition of matters which may come before the Local for consideration.

7 Article 8.11 of the CWA Constitution states,

All assets of a Local shall be considered a trust fund of the Union to be held and administered by the Local for the members of the Union belonging to the Local so long as the Local remains a chartered Local of the Union. If the Charter of a Local is revoked, its assets will become the property of the Local succeeding to the jurisdiction. If there is no succeeding Local, the assets shall become the property of the Union.

8 The CWA Constitution discusses strikes in Article 18:

Section 1-Authorization

A Local or group of Locals shall strike as provided in this Constitution. Approval of the Executive Board of the Union shall be obtained before strike action may be taken.

Section 2-Notification

After a strike vote has been taken by a Local or groups of Locals in a District and a strike is imminent, the Vice President shall notify the President of the Union in writing.

Section 3-Executive Board Action

(a) The Executive Board of the Union shall be advised by the President that a strike is imminent and shall immediately determine the action to be taken;

(b) Within ten (10) days after such notice has been received, the Executive Board of the Union shall determine whether strike action is approved;

(c) In deciding whether to approve strike action, the Executive Board of the Union shall consider all factors connected therewith. If approved, the Executive Board of the Union shall assist therein and direct the support to be given by the Union.

Section 4-Penalties for Unauthorized Strikes

(a) Any Local engaged in a strike which is called in violation of this Constitution or without approval of the Executive Board of the Union or the Convention may be denied financial, organizational or other assistance from the Union or any portion thereof.

(b) When a Local continues to engage in a strike that is not approved as provided in this Article or refuses or fails to terminate a strike when so ordered by the Convention or by the Executive Board of the Union, the Executive Board of the Union or the Convention may institute Charter revocation proceedings in accordance with Article XIII of this Constitution with respect to the offending Local.

Section 5-Convention Approval of Strike

A strike of a Local or group of Locals may be approved by the Convention.

Section 6-Procedure for Local Strike Vote

In taking a strike vote Locals shall act in accordance with the following minimum requirements:

(a) The Locals shall, upon reasonable notice, call a meeting of its members, wherever feasible, and present the issue or issues involved in the proposed strike;

(b) The members present at such meeting shall vote by secret ballot on the question of whether or not a strike shall be called;

(c) Where meetings cannot, feasibly, be called, a secret ballot shall be taken of the members, by mail or otherwise, on the question of whether or not a strike shall be called;

(d) A majority of the members voting shall determine whether or not a strike shall be called;

(e) Copies of notice of the result of strike vote shall be sent to the Vice President and to the President of the Union.

Section 7-Local Strike Assistance

When Locals, not directly involved in the negotiations, the breakdown of which has caused or is about to cause a strike, desire to aid the striking Local or Locals by strike action, they shall first notify the Vice President and President of the Union of such desire, and, if they receive approval by the Convention or the Executive Board, they shall proceed according to the provisions of Section 6 of this Article.

#### Section 8-Termination of Local Strikes within a District

(a) A Local or Locals engaging in a Local strike may terminate such strike in accordance with Local Bylaws and Rules and approval of the Vice President.

(b) The Convention or Executive Board may terminate such strike by majority affirmative vote.

#### Section 9-General, Inter-District or Intra-District Strike

A General, Inter-District or Intra-District strike of all Local or Locals in more than one District may be called following:

(1) Authorization by a majority of the Union members affected who vote on the question, by secret ballot, at special meetings or by mail ballot in those Locals where Local meetings are not feasible.

(2) Authorization by a majority of the Union members affected who vote on the question in a referendum conducted by the Union.

#### Section 10-Conduct and Termination of a General or Inter-District Strike

(a) Such strikes shall be conducted under the supervision of the Union and may be terminated by the Convention or Executive Board.

(b) The Convention or the Executive Board may terminate such strike by majority affirmative vote.

### 9 Article 15 (Elections) of the CWA Constitution states,

#### Section 1-Union Officers

The President, Executive Vice President and Secretary-Treasurer of the Union shall be elected separately by secret ballot of the delegates to the Convention following nominations made from the floor of the Convention. Beginning with the election of 1996 the term of office shall be three years or until their successors have been duly elected and qualified, except for the term of office of an Executive Vice President added by the Convention during a non-election year, such term of office shall expire at the same time as the terms of office of the other officers. For the 1992 Convention the Officers' term shall be extended for one year to the regular elections held at the 1996 Convention.

#### Section 2 - Vice Presidents

(a) District Vice Presidents shall be elected by a secret ballot, after nominations from the floor, at a meeting of delegates from the District. The Communications and Technologies Vice President, the Telecommunications Vice President and the Public Workers Vice President shall be elected by secret ballot, after nominations from the floor at meetings of delegates representing members of AT&T bargaining units, affected telecommunications bargaining units and public workers units respectively.

(b) The duly elected President of the Printing, Publishing and Media Workers Sector of CWA shall be the CWA Sector Vice President and shall be elected in accordance with the Sector Bylaws and the CWA Constitution. The duly elected President of the TNG-CWA Sector shall be the TNG-CWA Sector Vice President and shall be elected in accordance with the CWA Constitution and the merger agreement. The duly elected NABET-CWA President shall be the NABET-CWA Sector Vice President and shall be elected by delegates representing NABET-CWA members in accordance with the CWA Constitution and NABET-CWA Sector Bylaws.

(b) The term of office of Vice President shall be three years as of 1996 or until their successors have been duly elected and qualified except for the election of 1992 which shall be extended one year to the regular elections at the 1996 Convention.

(c) In the event a vacancy occurs in the Office of Vice President for any reason, an election shall be held at the next regular Convention for the purpose of electing a Vice President to fill the unexpired term except that a vacancy in the Office of the CWA Sector Vice President shall be filled in accordance with the Sector Bylaws.

#### Section 3-Local Officers

(a) Local Officers shall be nominated and elected during the months of September, October, November and December.

(b) Officers of a Local shall be at least President, Vice President, and Secretary-Treasurer or Secretary and Treasurer. Beginning with Local elections in 1987, no member shall be permitted to hold more than one such office.

(c) Beginning with the elections held in 1972, the term of office for Local Officers shall be three years or until their successors have been duly elected and qualified.

(d) In case of a vacancy in the office of Local President, the Local Vice President shall immediately

assume all responsibilities of that office; provided, however, that where a Local has more than one Vice President, the Local Bylaws or Rules shall provide the procedure for designating one of the Vice Presidents to immediately assume the responsibilities of the Office of President. Vacancies in other Local offices shall be filled either by appointment of the governing body of the Local, subject to approval of the appointment by the Local membership within sixty (60) days or by election in the same manner as that required for regular elections and within sixty (60) days. A Local may provide in its Bylaws or Rules for the appointment of a member to fill temporarily a vacancy until the office is filled by election. A Local may also provide in its Bylaws or Rules for filling a vacancy in the Office of President by election, and in such case, the Local Vice President, as provided above, shall assume all responsibilities of the Office of Local President until a successor Local President has been elected and qualified.

#### Section 4-General Provisions

(a)Locals shall adopt Bylaws or Rules to govern the nomination and election of officers, members of a governing body, delegates and alternate delegates; the appointment, selection or election of stewards and committee members; and the filling of vacancies. Locals shall select an election committee which shall conduct all elections and referenda in accordance with the Constitution, Local Bylaws or Rules, and Federal or Provincial Law. All questions concerning the conduct and challenge of elections shall be determined by the election committee subject to the right of appeal to the governing body and membership of the Local. The election committee shall tally the ballots in all elections and notify the membership of its tentative certification of the results. Absent a challenge to the election, the tentative certification shall become final ten days thereafter.

(b)Any challenge to the conduct of an election must be filed in writing with the election committee within 10 days of the tentative certification of the results. The election committee shall rule on any such challenges and shall within 20 days of the tentative certification of the results make a final determination or certification. Such determination or certification shall be subject to the right of appeal to the governing body and to the membership of the Local. Any appellant must exhaust the remedies available within this section. If the appellant has attempted to exhaust such remedies without obtaining a final decision within 60 days of the tentative certification of the results, the appellant shall have the right to file an appeal in writing with the appropriate geographical Vice President. Such an appeal shall be filed within 70 days of the tentative certification of the results.

(c)While a challenge to an election is pending, the officers certified by the election committee in its final determination shall be the elected officers of the Local. Those officers shall remain in office unless the election committee's determination is reversed by the Executive Board of the Union or a new determination is made pursuant to the results of a properly ordered rerun election.

(d)Only members of the Union in good standing shall be eligible to vote or hold elective office. No elected officer of the Union or of a Local shall take office unless the elected officer is eligible under the Constitution and Federal or Provincial Law.

(e)The election by Locals of officers, members of a governing body, and delegates and alternate delegates to the Union Convention shall be by secret ballot among the members in good standing. The nominee in any election receiving a majority of the votes cast shall be declared elected; provided, however, that Locals may provide in their Bylaws or Rules for the election of candidates by a plurality of the votes cast in any election, other than an election of Local President, Vice President, Secretary, Treasurer and Secretary-Treasurer.

(f)In the case of elections requiring a majority vote, if no one nominee receives a majority on the first ballot, a run-off election shall be conducted and the two nominees receiving the greatest number of votes on the first ballot shall be the nominees on the second ballot. If no one nominee receives a majority on the first ballot and there is a tie for second place, a run-off election shall be conducted and the person receiving the greatest number of votes on the first ballot and the two persons who tied for second place shall be the nominees on the second ballot.

(g)In the case of elections requiring a plurality vote, if a tie renders the election indecisive for any position, a run-off election shall be conducted and the nominees who tied for such position on the first ballot shall be the nominees on the second ballot.

#### Section 5-Order of Nomination and Election of Officers of the Union

The sequence of nomination and election of Union Officers shall be as follows:

- (a) President;
- (b) Executive Vice Presidents;
- (c) Secretary-Treasurer;
- (d) Vice Presidents.

10 Article 19 of the CWA Constitution states,

Section 1-Specifications of Offenses-Locals

Members may be fined, suspended and/or expelled by Locals in the manner provided in the Constitution for any of the following acts:

- (a) Making false material statements or withholding material information when applying for membership;
- (b) Wilfully refusing to pay dues or assessments properly established or fines properly imposed or other valid financial obligations to the Union or Local;
- (c) Wilfully violating the Constitution of the Union, Local Bylaws or Rules;
- (d) Disobeying or wilfully failing to comply with any lawful decision or order of the Union or Local;
- (e) Working without proper Union authorization, during the period of a properly approved strike in or for an establishment which is being struck by the Union or Local;
- (f) Instigating or knowingly participating in an unauthorized strike or slowdown;
- (g) Wilfully violating the adopted standards as to wages, hours or working conditions;
- (h) Misappropriating money or property of the Union or Local;
- (i) For such other offenses, equally serious, which tend to bring the Union or Local thereof into disrepute.

Section 2-Specifications of Offenses-Union

Members may be fined, suspended or expelled by trial courts selected by the Executive Board of the Union in the manner provided in the Constitution for any of the following acts:

- (a) Wilfully supporting or assisting any other labor organization in connection with a claim of jurisdiction in conflict with the jurisdiction of the Union;
- (b) Wilfully supporting or assisting any person, group of persons, or organization in any act or activities for the purpose of seeking or obtaining the replacement of the Union as collective bargaining representative.

Section 3-Suspension Pending Trial

An officer of the Union, member of the Executive Board, Local officer or other elected official against whom charges have been filed for conduct set forth in Paragraphs (a) and (b) of Section 2 of this Article may be suspended from office by a two-thirds (2/3) vote of the Executive Board pending final determination of the charges by a trial court or any appeal resulting from such trial, where such suspension is determined by the Executive Board to be in the best interest of the Union.

Section 4-Non-Immunity

No member of the Union shall be immune from penalty for committing any of the offenses set forth in this Article by reason of the position or office the member may hold in the Union or any Local thereof.

11 Article 20 of the CWA Constitution states,

Section 1-Persons Subject to Trial

- (a) Members of the Union, including Officers of Locals, shall be tried for any of the offenses listed in Article XIX as provided herein;
- (b) Officers of a Local may be removed or suspended from office pursuant to Article IX, Section 4, Paragraph (b) as herein provided, excepting that the Executive Board of the Union may conduct such trials after notice to the Locals involved, on its own initiative in the event of inaction by the Local. The procedure for such trial shall be in conformity with the standards set forth in Sections 2, 3, and 4 of this Article.

Section 2-Charges

- (a) Charges made against a member of the Union or an officer of the Local shall be in writing, signed and sworn to by the accuser. Charges of offenses described in Article XIX, Section 1, shall be filed with the recording officer of the Local of which the accused is a member. In the event the accused is such recording officer, the charges shall be filed with the President of the Local. Should both the

recording officer and the Local President be involved as a charging party or as a party charged, the charges shall be filed with the Secretary-Treasurer of the Union. All charges of offenses described in Article XIX, Section 2, shall be filed with the Secretary-Treasurer of the Union. In the event the accused is such Secretary-Treasurer, the charges shall be filed with the President of the Union. Trial procedures for all charges filed with the Secretary-Treasurer or the President of the Union shall be in conformance with Section 3(b) of this Article.

(b) Charges must be submitted within sixty (60) days of the time the accuser becomes aware of the alleged offense;

(c) Charges shall contain an allegation of the facts constituting the offense with which the accused is charged and the approximate date or dates said offense is alleged to have occurred.

#### Section 3-Trials

(a) The Bylaws or Rules of a Local shall specify the manner in which an accused person shall be tried and must conform with the following minimum standards:

(1) An unbiased court, composed of not less than three or more than seven persons, who shall be members of the Local, not parties to the proceeding, shall be selected by the governing body of the Local using a random selection process. The court shall be bound to render a decision and impose a penalty, if the accused be found guilty, without bias or prejudice, based on all the evidence presented;

(2) A prosecutor, who is a member of the Local, but not an accuser, shall be appointed by the governing body of the Local to assist the accuser in the trial and presentation of evidence. If, after investigation, the prosecutor is of the opinion that there is not probable cause to believe that a violation punishable under this Article has been committed, the prosecutor shall report the findings in writing to the governing body of the Local with a recommendation that the charge not be prosecuted. Copies of the findings and recommendations shall be delivered to the accuser and the accused. The recommendation shall become final unless appealed by the accuser within thirty (30) days after receipt using the procedures established pursuant to Article IX, Section 7, of this Constitution.

(3) If the prosecutor determines that probable cause does exist, the trial shall be held speedily with due notice to the accused;

(4) The accused shall have the right to select a member of the Local as counsel, the right to produce witnesses and present documentary evidence and to be heard on the accused's own behalf. The accused shall have the opportunity to cross-examine witnesses;

(5) All witnesses shall testify under oath;

(6) A decision shall be reached and written notice of the decision and penalty, if any, shall be given to the person charged within five (5) days after the close of the trial. The requirement of such notice shall be satisfied by personal service or certified mail receipt;

(7) A faithful and accurate record of the proceedings shall be made;

(8) The Local may suspend the accused pending the final decision on an appeal.

(b) Trials conducted by courts selected by the Executive Board of the Union must conform with the following minimum standards:

(1) An unbiased court composed of three persons, who shall be members of the Union not employed by the International Union as Staff personnel and not parties to the proceeding, shall be selected by the Executive Board from a Trial Panel composed of one elected member from each of the geographical Districts by secret ballot, after nominations from the floor at the meeting of the delegates from the District in conjunction with the Union Convention. Beginning with the elections held in 1971, members of the Trial Panel shall serve for three years or until their successors are elected and qualified. The court shall be bound to render a decision and impose a penalty, if the accused be found guilty, without bias or prejudice, based on all of the evidence presented. In the case of trials based on offenses specified in Article XIX, Section 2, a report shall be placed in the Union's official publication with the name of the accused and decision of the court and the names of the Trial Panel;

(2) A prosecutor, who is a member of the Union, but not an accuser, shall be appointed by the Executive Board of the Union to assist the accuser in the trial and presentation of evidence, and such prosecutor shall have the same authority and discretion granted to Local prosecutors under Section 3 (a) (2) of this Article;

(3) The trial shall be held speedily, with due notice to the accused, at a time and place determined by the trial court to be fair and reasonable to the accused;

- (4)The accused shall have the right to select a member of the Union as counsel, the right to produce witnesses and present documentary evidence and to be heard on the accused's own behalf. The accused shall have the opportunity to cross-examine witnesses;
- (5)All witnesses shall testify under oath;
- (6)Notice of the decision and penalty, if any, shall be given to the person charged within five (5) days after the close of the trial;
- (7)A faithful and accurate record of the proceedings shall be made;
- (8)The Executive Board of the Union may suspend the accused pending the final decision on an appeal.

#### Section 4-Appeals

(a)A member or officer of a Local upon being found guilty by a Local court may appeal as provided in this Section:

- (1)Have the right to refer the matter to a membership meeting of the Local, within thirty (30) days after being found guilty by a court, which may affirm or reverse the decision or reduce the penalty; provided that where a Local membership meeting is held by sections, units or areas, the appeal shall be to the governing body of the Local;
- (2)Have the right to appeal from the final decision of the Local to the Executive Board of the Union within thirty (30) days after such final decision of the Local;
- (3)The appeal to the Executive Board of the Union shall be directed, in writing, to the Secretary-Treasurer of the Union, who shall obtain the record of the case. The Executive Board shall review the case and affirm or reverse the decision or reduce the penalty or return the case for a new trial;
- (4)Have the right to appeal from the decision of the Executive Board of the Union to the next Convention by giving a notice of appeal in writing within thirty (30) days after the decision to the Secretary-Treasurer of the Union. If the Executive Board has failed to render a decision within thirty (30) days preceding the Convention, the accused may appeal directly to the Convention which may affirm or reverse the decision or reduce the penalty.

(b)A member or officer of a Local upon being found guilty by a court selected by the Executive Board of the Union shall have the right to appeal as provided in this Section:

- (1)Have the right to appeal from the decision of the trial court to the Executive Board of the Union within thirty (30) days after the date of the trial court's decision.
- (2)Have the right to appeal from the decision of the Executive Board of the Union to the next Convention by giving notice of appeal in writing to the Secretary-Treasurer of the Union within thirty (30) days after the decision. If the Executive Board has failed to render a decision within thirty (30) days preceding the Convention, the accused may appeal directly to the Convention which may affirm or reverse the decision or reduce the penalty.

(c)The thirty (30) day time limit provided in this section for filing of appeals from decisions of trial courts may be extended at the discretion of the body to which the appeal is being taken for an additional period not to exceed thirty (30) days, upon showing of justification by the party making the appeal.

#### Section 5-Determination of Appeal

Decisions on appeal shall be determined by majority vote.

12 This special clause refers to the GSEU's status as a Public Employee's Union of the state of New York, subject to New York State Civil Service Law, specifically, the Taylor Law.