

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

August 23-28, 2004

Additions or revisions made by the delegates attending the NPMHU's 2004 National Convention are set forth in **bold** print.

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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, AFL-CIO (LIUNA), is hereby established in order to accomplish the goal of gathering under one banner all those who work at the mail handler craft and 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 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 appealable 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.

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) or employees of the District of Columbia who wish to affiliate as associate members of this Union.

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, 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 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 I 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, who do not qualify for regular membership in this Local Union, may be admitted to associate membership in this Local Union upon the payment of its regularly required monthly dues, or on such other terms and conditions 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, and 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, 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 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.

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 Handler 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;

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 only one state - in which state the mail handler complement is 100 or less - may, at the discretion of the Local Executive Board, establish or eliminate a State Executive Board Member position for that state.**

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 check 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.
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 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.

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, 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.**

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 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, by virtue of his/her election by secret ballot, or if unopposed, by acclamation, 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, the Local President shall occupy such position and no separate election of delegates shall be conducted; provided, however, that during an election of Local Union officers the notices to regular members must state that by virtue of his/her election the Local

President is automatically a Local Union delegate to all Conventions of the National Postal Mail Handlers Union conducted during his/her 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 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 \$500, 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 is unable to attend a National Postal Mail Handler Union Convention due to incapacity, the Vice President shall assume the President's role as a delegate provided that when s/he was elected, the ballot reflected this possibility.

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 therefore.

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.

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.

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. S/he shall promptly report to the National Postal Mail Handlers Union all transfers by members into or out of this Local Union; and all members to be suspended.

8. 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.

9. 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.

10. 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.

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

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 twenty-one (21) 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 should review and formally vote on all disbursements of the Local Union since its last vote on disbursements. This vote on disbursements should 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 twenty-one (21) 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. The results of such audit shall be made available to the membership of this Local Union.

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 good standing in the

National Postal Mail Handlers Union for a period of two years and in 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 a supervisory capacity by the Postal Service for any time during that period, and provided further that, effective January 1, 2003, s/he also cannot have been employed in or applied for a managerial capacity by the Postal Service, or by 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 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 s/he has not been regularly employed at the calling during the entire year immediately prior to nomination, provided further that, effective January 1, 2002, 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 full-time 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.

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.

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 management position with the Postal Service shall, within fourteen (14) days of that application or acceptance, 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 for all of the offices and positions to be filled by election. Regular members **in good standing** shall be entitled to make nominations by mail by sending copies of such nominations to this Local Union by registered, certified or express mail. Such nominations must be received prior to the nomination meeting and shall be read by the Judges of Election at the nomination meeting.

B. At least twenty-one (21) 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 by mail, including the time and place for making such mail nominations.

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 more up to 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 Judge of Elections, a member shall thereafter be disqualified from running for office in the election. Judges shall be in charge of the conduct of the 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 their state.

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.

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.

The official ballots, once printed, shall remain in the custody of the Judges of Election.

F. Each candidate is entitled to an observer appointed from among the members of this Local Union who 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 an observer 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 regular members of the Local Union employed by the Postal Service 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. 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 16 or more days prior to the date on which valid ballots must be received, the following shall be mailed to all regular members in good standing:

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 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 business reply envelope (see Appendix F).

B. The return address of the 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 Post Office Box by the Judges of Election in the presence of the Observers.

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 reply envelope must be checked against the list of eligible voters to determine eligibility.
2. The 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 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 election will be held among the tied candidates only.**

G. Upon completion of the election, the Judges of Election shall certify the results of the election and shall promptly post a notice of the results 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 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, or employed by the Postal Inspection Service (or as a confidential informant), shall 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.

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

Section 4. All non-recurring expenditures over \$5,000 shall require the 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 or became known, by filing written charges in duplicate with the Recording Secretary of this Local Union. 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. 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 charged may not participate in this consultation. If all members of the Executive Board are charged, the Recording Secretary shall notify the National President who shall appoint, 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 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 with notice and reasons for that determination, including notification of his/her 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 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.

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 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	Term of Office
1 Local President and Delegate to Conventions of the National Postal Mail Handlers Union	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 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)

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 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. Make an [X] in the box at the side of each candidate of your choice.

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 envelope addressed to the Local Union Judges of Election.

7. Affix your name to the larger envelope addressed to the Local Union Judges of Election.

8. Seal the larger 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)

9. If the returned envelope does not contain your name, your ballot(s) will be VOID. Your vote is secret. Your name will serve the purpose of checking only. 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 National Postal Mail Handlers Union

o _____
o _____

o _____
o _____
Vice President and Alternate Delegate
o _____
o _____
o _____
o _____

Recording Secretary
o _____
o _____
o _____
o _____

Treasurer
o _____
o _____
o _____
o _____

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

(Insert State)
o _____
o _____
o _____
o _____

APPENDIX C

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

(insert state)

MAIL HANDLER LOCAL NO. _____

State Names of Candidates

State Executive Board Member
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 _____