

APWU of Rhode Island
Constitution and By-Laws

Updated and Revised
September 2009

APWU of Rhode Island

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Article I – Title and Organization

Section 1.

This organization shall be named the American Postal Workers Union of Rhode Island and shall be the State Union of the American Postal Workers Union, AFL-CIO, and hereinafter shall be referred to as the APWU of Rhode Island.

Article II – Objectives

Section 1.

The objectives of this body shall be to federate the Locals and Members-at-Large of the APWU employed within the State of Rhode Island into a State Federation for the social, economic, educational, and representation of APWU bargaining unit employees that are not represented by a local within the state.

Section 2.

Experience has demonstrated that the trade union movement as exemplified by the AFL-CIO is the best and most practical method of advancing the interest of all wage earners, hence we believe in affiliation with and do hereby affiliate with the AFL-CIO.

Section 3.

Our goal is the amalgamation of all the Postal Unions into one industrial Union and affiliation of this amalgamated body with the AFL-CIO.

Article III – Membership

Section 1.

Any Rhode Island Local or any Member-at-Large employed in a Rhode Island Postal Installation, and in good standing with the APWU, AFL-CIO, shall be eligible for membership in the APWU of Rhode Island.

Section 2.

- (a) Any person may be elected to honorary membership in this Union by two-thirds vote of any convention, provided that the name of the person proposed for honorary membership shall be submitted to the Secretary thirty (30) days or more before the convention.
- (b) The Executive Board in meeting shall review the name(s) submitted for honorary membership. They may accept or reject any nomination submitted. An accepted nomination by the Executive Board will be presented to the convention delegates for election. The names of honorary members shall be incorporated into the constitution without voice or vote.

Article IV – Affiliation

Section 1.

The Rhode Island APWU is affiliated with the following: The American Postal Workers Union, AFL-CIO, Postal Press Association – APWU; National APWU Postal Press Association; Rhode Island AFL-CIO.

Article V – Conventions

Section 1.

On the first Sunday in each November of every year. The Rhode Island State APWU will call a meeting to convene, in order to decide, if to hold the Annual Rhode Island State APWU Convention in conjunction with the Five other New England States, at a place determined each year at the American Postal Workers Union New England Presidents Conference and Individual State Conventions.

Section 2.

- (a) The convention shall be conducted by the APWU of Rhode Island. Minutes shall be kept of all pre-convention meetings. An Annual Operating budget shall be adopted at each Convention for the following year. Excluding Convention Expenses (see Section 2b).
- (b) The expenses for the APWU of RI's Annual convention shall not exceed \$400.00. Should the estimated expenses be more than the \$400.00 annually Allotted, the APWU of RI Executive Board must either convene or be polled for an increase in the budgeted \$400.00 Annual Convention expense. The must be a simple Majority to approve an increase in the Annual \$400.00 Convention expense. The increase must be reported to General Membership at the Convention.
- (c) The Annual State Convention shall be conducted at a place decided by those members present at the previous convention by simple Majority vote .
- (d) The Executive Board is required to prepare a budget of the expenditures that are anticipated to be spent out of the State Treasury. That budget must be approved by the membership at the Annual Convention. Any Deviation from the approved Annual Budget must be approved by either convening or polling the Executive Board a simple majority will be all that is needed to increase the Budget for the year. The increase and the reason for the increase will be reported at the APWU of RI's Annual Convention In February.

Section 3.

Each delegate to a convention shall register and shall be charged a registration fee of \$15.00(fifteen dollars). Fifteen dollars of this fee shall be retained by the State Organization The APWU of Rhode Island shall also give the Host Local up to \$150.00 (one hundred and fifty dollars)as an incentive for hosting the State Convention.

Article VI – Representation at Convention

Section 1.

Representation at the convention shall be one vote for every five members in good standing. Delegates to State Conventions must be forwarded 60 (sixty) days prior to Convention to State Treasurer along with Verification that delegates are members in good standing.

Section 2.

Members-at-Large who are elected as Delegates to the State Convention will have one (1) vote for every five MALs they represent.

Section 3.

No Locals shall be represented by proxy. Delegates must be full dues paying members of the Local they represent.

Section 4.

Alternates may be seated in the absence of the delegates upon presentation of proper credentials as alternates for the regular delegates.

Article VII – Officers, Committees, Nominations & Elections

Section 1.

- (a) The elective officers of the APWU of Rhode Island shall consist of the following: President, Executive Vice President, Secretary-Treasurer, Legislative Director, Director-Clerk Craft, Director Maintenance Craft, Director-Motor Vehicle. In addition, each Local shall elect two (2) additional members to the executive Board.
- (b) The Craft Director for the Clerk, Maintenance, and Motor Vehicle Crafts shall be elected from only those locals having members of the respective crafts (in accordance with Article VI Section 1.)

- (c) Trustees. The Convention shall elect three trustees who shall audit the books at least once a year and report ins findings in writing at each convention.
- (d) Any member of the State Executive Board who shall voluntarily hold, accept or apply for any managerial or supervisory position, EAS position or the PASS program or any other supervisory program, for any period of time, whether one day or a fraction thereof, either detailed, acting, probationary or permanently after being elected or appointed to any office, shall immediately vacate that office.
- (e) Any Executive Board Member who fails to attend three (3) successive Executive Board meetings without valid reason being accepted by the Board, may be subject to charges for failing to perform the duties of the position. Whenever possible, notification of an absence must be made to the President or other Executive Board Member prior to the scheduled Executive Board meeting.

Section 2.

- (a) The President, Executive Vice-President, Secretary Treasurer and Legislative Director shall be elected by secret ballot at each odd-year convention, with a plurality vote of those voting being necessary for election.
- (c) The Director-Clerk Craft, Director-Maintenance Craft, and Director-Motor Vehicle Craft shall be elected by secret ballot at each odd-year convention, with a plurality vote of their allotted delegate votes by craft being necessary for election. The voting structure for Craft Directors will be determined by the number of members the locals have in each craft and the percentage they pay as per Article VIII Section 1, if it applies.

Section 3.

- (a) The delegates From the State to the National Convention shall be President, with all necessary and reasonable expenses paid by RI State APWU

Section 4.

- (a) Any employee eligible to be a member of the American Postal Workers Union who voluntarily holds a managerial, supervisory or EAS position with responsibility for issuing or recommending discipline, or applying or interpreting the National Agreement for the equivalent of a two week period in a year shall be ineligible to hold office at any level of the American Postal Workers Union (APWU) or to be a delegate to any convention held by the APWU or any subordinate body of the APWU, so long as the employee continues to serve in such position and for a period of one (1) year from the time the employee vacates such position.
- (d) Any member who has submitted an application to a managerial, supervisory, or EAS position with responsibility for issuing or recommending discipline or for applying or interpreting the National Agreement shall withdraw such application prior to acceptance of nomination for any office in the APWU.

Section 5.

- (a) Nominations for all elective offices shall be made from the floor during the morning session of the convention and no other nominations shall be received after the close of the morning session.
- (b) At the beginning of the election process of the afternoon session of the convention, the current secretary-treasurer shall cast a single ballot for all unopposed candidates, upon which those candidates shall be considered duly elected.
- (c) The President shall appoint an election committee who shall establish rules for the election process consistent with Title IV of the Labor Management and Disclosure Act of 1959, as amended (LMRDA) and the APWU National Constitution.

Section 6.

The Election Committee shall count only such ballots as shall be cast for candidates duly nominated in accordance with the provisions of the Constitution.

Section 7.

Contested elections shall be by secret-ballot. Such ballots shall be printed with spaces provided for the names of the candidates to be filled in, and the election shall be conducted by an Election Committee, none of whom shall be candidates for any elective office.

Section 8.

The Election Committee shall count the ballots in accordance with the provisions of the Constitution and shall report to the Convention. Candidates receiving the plurality of the votes cast shall be declared duly elected.

Section 9.

The Constitution and Resolution Committee shall convene and meet the night before the State Convention as directed by the President, and expenses (one meal) for the committee will be paid for by the State Union.

Article VIII – Finances

Section 1.

A per Capita tax of \$4.00 annually, payable on a Quarterly basis, shall be paid for each member of whom a national per capita tax is paid to the American Postal Workers Union.

Section 2.

Locals must be paid in full as per Section 1 above prior to registration at the State Convention.

Article IX – Duties of Officers

Section 1.

- (a) The President shall preside at all Conventions and at all meetings of the Executive Board; shall appoint all committees; shall be a member of all committees except the Election and Finance Committees; shall fill all vacancies during their term; shall fill all offices for which there may be no candidates; shall act as President of the Executive Board.
- (e) The President is authorized to run the day-to-day business of the State Organization and is authorized to approve up to \$200.00 per month for administering the same. Anything over \$200.00 per month requires prior approval of the Executive Board.

Section 2.

- (a) The duties of the Executive Vice President to assist the President in the performance of his or her duties, and he/she shall direct the Human Relations Program.
- (b) In the event of the death of, or resignation of the President, the Executive Vice President shall become the President for the remainder of the term.

Section 3.

The Secretary-Treasurer shall keep records of the Union, shall act as the Convention Secretary and Secretary of the Executive Board; shall collect the per capita tax due and shall pay all bills

chargeable against the Union. He or she shall give a written financial report at the Convention.

Section 4.

In the event that the State President or Secretary-Treasurer is incapacitated or unable to attend any Executive Board meetings, conventions, etc., the Executive Vice President will act as a second co-signer on all Rhode Island APWU checks.

Section 5.

The duties of the Craft Directors will be to work under the direction of the President and to answer calls from locals and members dealing with their craft.

Section 6.

- (a) The President of the Rhode Island APWU shall receive an annual salary of \$500.00 (five hundred dollars) per year.
- (b) The Executive Vice-President shall be paid the sum of \$300.00 (three hundred dollars) annually.
- (c) The Secretary-Treasurer shall be paid the sum of \$600.00 (six hundred dollars) annually.

Section 7.

The President shall authorize LWOP as necessary to members of the Executive Board Finance Committee (Section 8 (a)). LWOP requests shall be submitted to the Secretary-Treasurer on a voucher. Attached to the voucher shall be the hours requested and specific reasons for the request. Lost benefits such as annual leave, sick leave, and holiday pay caused by accumulated LWOP while on authorized State Union business, shall be reimbursed to the affected officer.

Section 8.

- (a) The Executive Board shall select a Finance Committee consisting of the President, Secretary-Treasurer and four members of the Board that will have the authority to approve all expenditures between Executive Board meetings. The entire Board will be notified of the Committee's decisions.

Section 1. The Executive Board is authorized to transact all business relating to the State Union in the interim between Conventions, and shall meet no less than three times during this period.

Article X – Quorums

Section 1.

A majority of the members of the Executive Board shall constitute a quorum of meetings of the Executive Board.

Section 2.

Ten delegates from member Locals plus a quorum of the Executive Board shall constitute a quorum at the Convention.

Article XI – Prohibitions

Section 1.

No criticism, reflections, arguments or debate touching any member's creed, color, sex, age, religion, or nationality will be allowed.

Article XII – Executive Board Meetings

Section 1.

- (a) The Executive Board shall meet three times a year.
- (b) Additional meetings can be conducted by conference call, and votes can be obtained also by roll call.
- (c) The date, time, and place shall be decided by the President.

Article XIII – Appeals System

Section 1.

The following procedures shall apply in the event that charges are levied against an Officer, Member, or any Local of the APWU of Rhode Island:

- (a) The party preferring the charges shall do so by writing specific and detailed charges to the President.
- (b) The highest ranking Officer not charged shall be responsible for appointing the Trial Board from the Executive Board. The Hearing will be in accordance with the APWU National Constitution and Bylaws.
- (c) The Trial Board will submit their findings in writing to the Executive Board of the APWU of Rhode Island, who will render a decision and take appropriate action, if necessary.

- (d) Any decision can then be appealed to the next Rhode Island APWU convention.
- (e) Any further appeal will be in accordance with the National Constitution.

Article XIV – Amendments

Section 1.

This constitution shall not be amended except by two-thirds majority of all votes cast at State Convention, or by a simple majority (50% +1) of votes cast in referendum vote. All amendments to this Constitution and these By Laws wishing to be voted on at a regularly scheduled Meeting or Convention must be submitted 60 days prior to all Locals and members at large.

Section 2.

For a referendum vote on any matter the parties seeking the referendum must be members in good Standing of the Rhode Island State Organization.

Must inform the Secretary-Treasurer in writing by Certified mail, 30 days in advance of the question being circulated for referendum. At which time the President of the State Organization would appoint an Election Committee of three (3) to consist of a (1) Warden, and two (2) Vice Wardens to oversee the referendum.

The Election committee will verify that each page of the petition has on it the Question and verify the Questions accuracy on each page as to the referendum question submitted to the Secretary-Treasurer. Each page of the Petition must have a place for Members Names (printed), members signature and the members Local or Post Office worked at, the Warden will initial, number and date each page in ink of a different color than the inks color of the petitions printing, prior to the pages being circulated for signatures. The Warden would retain copies of each prepared page for the record.

The referendum sponsors would need to collect the signatures of 1/3 all eligible members in good standing of the Rhode Island State Organization. The petitioners would have 8 (8) weeks from the Date the Secretary Treasurer receives notification of such referendum to acquire the 1/3 of members in good standing signatures, to cause Referendum ballots to be prepared by the Secretary-Treasurer. This will be done in accordance with The Department of Labors Guides located at,

<http://www.dol.gov/esa/olms/regs/compliance/elecbum.htm> .

Names that are illegible or cannot be verified will be disqualified upon majority vote of the election committee. The election committee will have final say in all issues raised in any election or referendum. All appeals will be made to the Election Warden who will have 60 days to adjudicate all matters in all elections and referendums. Once an Amendment has been adopted by referendum it can only be changed or rescinded by referendum.

By-Laws

Article I – Convention Procedure

Section 1.

The Order of Business shall be decided by the President

Call to Order

Prayer For our Sick or Departed members

Pledge of Allegiance to the flag

Reports: (Pres. , VP, Sec/Treas., Craft Dir., Committes,)

Resolutions for National Convention

New Business

Old Business

Good and Welfare

Adjourn

Section 2.

The Convention, by a majority vote, may transpose the order of business established by the President

Section 3.

Resolutions must be submitted to the Secretary Treasurer of the RI State APWU 60 (sixty) days prior to the even numbered years RI State convention. All questions, motions and resolutions must be proposed, seconded, and stated by the presiding officer before any debate be allowed upon them.

Section 4.

All questions, motions, and resolutions must be disposed as follows:

- (i) Adopted.

- (ii) Rejected
- (iii) Referred to the Executive Board
- (iv) Laid on the table

Section 5.

Only duly accredited delegates (or their alternates) shall be allowed the floor of the convention and shall be entitled to vote. One or more delegates may cast the entire vote of the Local represented by them.

Section 6.

No delegates shall speak twice on the same question if a delegate who has not spoken upon the question desires to be heard.

Section 7.

The proposer of any resolution or motion shall have the right to speak upon the resolution or motion, and no resolution or motion shall be disposed of unless the proposer thereof has had an opportunity to speak upon the resolution.

Article II

Section 1.

Amendments to the By-Laws shall be made in the same manner as amendments to the Constitution.

Article III – Rules of Order

Section 1.

Unless otherwise provided, Robert's Rules of Order, Newly Revised, shall govern the deliberation of the convention and the meetings of the Executive Board.