

OFFICE & PROFESSIONAL EMPLOYEES
INTERNATIONAL UNION, LOCAL 459, AFL-CIO



**Local 459
CONSTITUTION**

and

BY-LAWS

as amended: July 13, 2021

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OFFICE & PROFESSIONAL EMPLOYEES INTERNATIONAL UNION

Local 459, AFL-CIO

Lansing, Michigan

CONSTITUTION AND BY-LAWS

as amended July 13, 2021

ARTICLE 1 - PREAMBLE

This Union declares for its objectives and aspirations the following: To organize all unorganized professional, paraprofessional, health services, technical, office and clerical employees; to secure terms and conditions of employment for its members consonant with the ideals of fair wages; to promote and encourage harmonious relationships between ourselves and our employers; to render all possible assistance to our fellow members in the American Federation of Labor and Congress of Industrial Organizations; and to have, in general, the same aims and purposes of the International Union provided for in its Constitution in the interests of all professional, technical, office and clerical employees.

ARTICLE 2 - NAME

This organization, located at Lansing, Michigan, shall be known as the Office and Professional Employees International Union, Local No. 459. This Union shall be and remain a chartered Local union of the Office and Professional Employees International Union of the American Federation of Labor and Congress of Industrial Organizations.

ARTICLE 3 - EXISTENCE

This Local Union cannot be dissolved while there are two hundred fifty (250) dues-paying members therein who desire to continue its existence. Upon the dissolution of this Union, all its properties and assets, including its funds, books, and records, shall become the property of the International Union, to be held by the International Union in trust for a period of one (1) year, during which time such property shall be returned to the Union if it is reconstituted. After such one (1) year period, such properties and assets shall become the property of the

International Union treasury to be used by the International Union for its general purposes.

ARTICLE 4 - JURISDICTION

Section 1. This Union shall embrace within its membership employees in any phase of professional, technical, office, clerical, and related work in the commonly accepted sense of that term coming within its jurisdiction established under the Constitution of the Office and Professional Employees International Union.

Section 2. This Union recognizes the right of the Executive Board of the International Union to determine jurisdiction between Local Unions and to settle all controversies respecting jurisdiction between Local Unions.

ARTICLE 5 - MEMBERSHIP

Section 1. No person shall be admitted to membership who advocates principles or lends support to organizations or movements whose purpose and objectives are contrary to the fundamental principles of the established governments of the United States, Canada, and Commonwealth of Puerto Rico, or in conflict with the policies of the International Union.

Section 2. All officers and full-time paid organizers of the International Union shall be ex-officio members of this Union with the privilege of participating in this Union's meetings, but not voting; provided, however, such officers and organizers shall retain and may exercise full rights of participation in this Union if they hold membership in this Union.

Section 3. Any member of this Union who secures employment under the jurisdiction of any other Union affiliated with the American Federation of Labor and Congress of Industrial Organizations not under the jurisdiction of this International Union, who is thereby required to become a member of such other Union, may retain her/his membership in this Union.

Section 4.

A. Except as detailed below all members shall be good-standing members and entitled to participate fully as members in the affairs of this Union until expelled, or suspended and not reinstated, or until such members have been issued withdrawal cards in accordance with the Constitution and By-Laws of this Union.

- B. Acting Supervisors, in the event any member becomes a Supervisor or serves as an acting Supervisor for thirty (30) calendar days or more within the meaning of the National Labor Relations Act or the Michigan Public Employees Relations Act (and is not a member of a Supervisor bargaining unit represented by this Union) that member may either continue dues and membership or make application for and receive a withdrawal card. However, if such member does not make application for and receive a withdrawal card, such member who holds an office/prior to becoming an Acting Supervisor, and who continues her/his membership shall have such office held for up to ninety (90) calendar days so that the member may resume serving in that office when the Acting Supervisor status ends.
- C. Voluntary Leaves in the event any member takes a voluntary leave of absence for more than thirty (30) calendar days from her/his bargaining unit position and does not make application and receive a withdrawal card, such member shall continue dues and membership including rights to participate in proceedings involving her/his bargaining unit.
- D. Involuntary Leaves In the event a member takes an involuntary leave of absence such as layoff, disability, or worker's comp, or in the event a member is terminated and the termination is being grieved, then such members' dues may be waived for up to twelve (12) months in accordance with Article 13, Section 1. That member shall continue all membership rights except rights to participate in proceedings involving her/his bargaining unit. In addition, such member shall not be eligible to be a candidate for any office.
- E. A chart is attached to this Constitution and By-laws (attachment B) for illustration purposes only to show the status of members on leaves of absences.

Section 5. Retired Members. Whenever any member is totally and permanently disabled and/or reaches retirement age and ceases active employment, they may apply to be placed on retirement member status. Retired members shall be required to pay dues of five dollars (\$5.00) per month, shall have the right to attend meetings and participate in deliberations, but shall not be entitled to vote and shall not be eligible to hold office or serve the Local in any elected capacity. Retired members shall be entitled to the OPEIU Union Privilege Program.

Section 6. Associate Members. Individuals may apply for membership as an associate member. The Executive Board shall determine whether to grant this membership. It may be granted to laid-off members, members promoted outside of a bargaining unit or to individuals who are not presently covered by a collective bargaining agreement. Associate members shall be required to pay dues equal to the minimum dues set for full time employees per month. Associate members shall have the right to attend meetings and participate in deliberations, but shall not be

entitled to vote and shall not be eligible to hold office or serve the Local in any elected capacity. Associate members shall be entitled to the OPEIU Union Privilege Program.

ARTICLE 6 - MEMBERSHIP MEETINGS

Section 1. Regular meetings of the membership of this Union shall be held on the second Tuesday of August and October in years in which the Executive Board election is held. Meetings shall be held at a time and at a place authorized by the Executive Board. Meetings of the membership of bargaining units shall be held on a regular basis as called by the President or her/his designee.

Section 2. No action of the membership shall be deemed valid or binding unless such action is taken by the membership at a regular or special meeting held pursuant to the provisions of this Constitution and By-Laws. A quorum must be present for the membership to take any action except where this Constitution and By-Laws allows for the members present at the meeting to take a specific action.

Section 3. A special meeting of this Union may be called by the Executive Board if it deems such action necessary or a special meeting of the Union may be called upon a request submitted to the President by not less than three percent (3%) of the members in good standing. In addition, a special meeting may be called by the members for the sole purpose of reviewing a decision by the Executive Board to arbitrate or not to arbitrate a particular grievance if such a request is submitted by at least three quarters of the members in good standing of the bargaining unit in which the grievance arose.

Section 4. The Local shall send out notices both electronically and by U.S postal mail for all meetings - regular and special - to Stewards for distribution to members and for posting at least seven (7) calendar days before any such meeting convenes. The notice for any special meeting shall include any agenda items on which action may be taken.

Section 5. Three percent (3%) of the members in good standing shall constitute a quorum for any regular or special meeting. In addition, a special quorum shall be declared for any regular or special meeting if there are two percent (2%) of the members in good standing with members in attendance from at least ten (10) different bargaining units represented by this Union.

Section 6. Only members fulfilling the requirements of good standing of this Constitution and By-laws shall be eligible to attend meetings of this Union and to participate to the extent set forth in those Articles: except that invited guest of the Executive Board or of this

Union may attend and participate to the extent of the purpose for which they are invited but shall not vote.

Section 7. Special meetings of this Union shall be held on the next second Tuesday of the month which is at least two (2) weeks after the request is submitted. Such meetings shall be held at a time and at a location authorized by the Executive Board. At the time that a Special meeting of this Union is called, the agenda for that meeting shall be specified. Action may only be taken at Special meetings on agenda items which are specified at the time the meeting is called by the Executive Board or requested by the members.

ARTICLE 7 - OFFICERS AND DUTIES

Section 1.

- A. The Union shall have the following officers: President, Vice-President, Secretary-Treasurer, Recording Secretary, and three (3) Trustees.
- B. All Officers, stewards and employees of this Local Union shall be bonded under a bond approved by the Secretary-Treasurer of the International Union.
- C. Every officer and employee of this organization, other than an employee performing exclusively clerical or custodial service, shall file with the Secretary of Labor, U.S. Department of Labor, a signed report, where necessary, conforming in all respects to the requirements of Section 202 of the Labor-Management Reporting and Disclosure Act of 1959 and all pertinent rules and regulations thereunder.

Section 2. President. The President shall preside at all General Membership meetings and Executive Board meetings, shall preserve order during its deliberations, sign all checks drawn on the treasury, appoint all committees not otherwise ordered, authorize employment of temporary employees, supervise all Local employees, transact such other business as may be necessary to the proper functioning of this Union and shall have such other powers and duties as are provided for in this Constitution and By-Laws.

Section 3. Vice-President.

- A. The Vice-President shall perform the duties of the President in the absence of that Officer, and, in case of resignation or death of the President, shall perform the duties of the President until such vacancy is filled by the next regular election as provided for in this Constitution and By-Laws. They shall also preside when called upon to discharge her/his duties. They shall also be

chairperson ex-officio of all standing committees and shall have such other powers and duties as are provided for in this Union's Constitution and By-Laws.

- B. They shall act as Chairperson of the Trustees and is required to call meetings of the Trustees in accordance with this constitution and by-laws. They shall have the right to require the presence of all necessary officers at such meeting including the Secretary-Treasurer.

Section 4. Secretary-Treasurer. The Secretary-Treasurer shall perform the following duties:

- A. They shall keep all financial accounts of this Union and shall maintain correct and proper accounts of all its members. They shall collect all dues, assessments, and fines from members of this Union. They shall make all disbursements for this Union as provided for in Article 14 of this Constitution and By-Laws. They shall keep a correct record of all monies received and expended and prepare financial statements by calendar months to be submitted to the Secretary-Treasurer of the International Union monthly, and to the next regular membership meeting of the Local Union.
- B. They or her/his designee shall deposit all funds of this Union in a financial institution recommended by the Trustees. They shall submit all her/ his records to the Trustees for audit and approval whenever called upon to do so, and, upon the expiration including funds, books, and records of this Union. Before turning over such properties and assets to her/his successor, they must see to it that such successor is properly bonded. They shall turn over all properties and assets, national Union or her/his duly authorized representative when properly called upon to do so.
- C. They shall transmit monthly to the secretary-Treasurer of the International Union all financial obligations owing to the International Union not later than the fifteenth (15) day of the following month. They shall follow such accounting and reporting procedures as shall be formulated by the Secretary-Treasurer of the International Union. They shall be required to make monthly reports to the Secretary-Treasurer of the International Union of all dues-paying members on forms prescribed by the Secretary-Treasurer of the International Union.
- D. They shall be required to include in each monthly report the name and address of all newly initiated and reactivated members; and members who have withdrawn, died, or have been suspended, including members automatically suspended after three (3) months delinquency in dues, or expelled.
- E. A petty cash fund shall be established by the Executive board and shall be maintained by the Secretary-Treasurer to pay immediate necessary petty cash demands upon this Local Union. Replenishment

of this fund shall be by check, as needed, the amount being the total paid-out vouchers for prior disbursements.

- F. The Secretary-Treasurer shall be properly bonded by a bonding company under a bond approved by the Secretary-Treasurer of the International Union.
- G. The Secretary-Treasurer shall, during her/his term in office, check the requirements of Section 201 (a) of the Labor-Management Reporting and Disclosure Act of 1959 to ascertain whether any changes have occurred which will cause the information required to be filed to be reported to the Secretary of Labor, U.S. Department of Labor, at the time of filing annual financial reports as required in sub-section (h) of this Section and as required by Section 201 (b) of the Labor-Management Reporting and Disclosure Act of 1959.
- H. They shall file annually with the Secretary of Labor, U.S. Department of Labor, a financial report containing the following information in such detail as may be necessary to disclose this Union's financial conditions and operations for its preceding fiscal year:
 - 1. Assets and liabilities at the beginning and end of the fiscal year;
 - 2. Receipts of any kind and the sources thereof;
 - 3. Salary and other direct or indirect disbursements (including reimbursement expenses) to each officer and to each employee who, during the fiscal year, received more than ten thousand dollars (\$10,000) in aggregate from this Local Union;
 - 4. Direct and indirect loans made to any officer, employee, or member, which aggregated more than two hundred fifty dollars (\$250) during the fiscal year, together with a statement of purpose, security, if any, and arrangements for repayment;
 - 5. Direct and indirect loans to any business enterprise, together with a statement of the purpose, security, if any, and arrangements for repayment; and,
 - 6. Other disbursements made by it including the purposes thereof; all in such categories as the Secretary of Labor, U.S. Department of Labor, may prescribe.

7. Any other financial reports or changes in the amounts reported as required by law.
- I. They shall make available the information contained in the above-mentioned reports to all the Local Unions' members.
- J. The Secretary-Treasurer shall preserve all records in accordance with provisions of Section 206 of the Labor-Management Reporting and Disclosure Act of 1959 which have been turned over to them until these records are at least five (5) years old. They shall turn over to her/his successor all such records to be kept until they are at least five (5) years old.

Section 5. Recording Secretary. The Recording Secretary shall document the Minutes of all Meetings and proceedings of the Union and the Executive Board.

Section 6. Trustees. The Trustees shall meet as needed at a time designated by the Vice-President who will act as Chairperson of the Meeting. The Trustees duties at the meeting will be to examine the financial records and report any discrepancies to the Union and the Secretary-Treasurer of the International Union.

In the event the Vice-President is unable to call a trustee meeting in accordance with the above, the President shall call the meeting and act as Chairperson.

ARTICLE 8 - EXECUTIVE BOARD

Section 1. The Executive Board shall consist of the President, Vice-President, Secretary-Treasurer, Recording Secretary, three (3) Trustees, plus the Members-at-Large representing the various units as indicated below.

Section 2. The Executive Board shall have Members-at-Large elected in the following manner. Each bargaining unit with at least one hundred (100) members shall have one Member-at Large to be elected by the members in the bargaining unit. There shall be one Member-At-Large to

represent all the bargaining units with less than one hundred (100) members to be elected by the members in the bargaining units with less than one hundred (100) members. The elections for Members-at-Large shall take place at the same time and in the same manner as the election of officers.

Section 3. Regular Executive Board meetings shall be held on the second Tuesday of each month at a time and at a place designated by the Executive Board. Other Executive Board meetings shall be called by the President, as needed. The presence of at least one (1) of the following: the President, the Vice-President, the Secretary-Treasurer, the Recording Secretary, and the presence of at least fifty percent (50%) of the entire Board shall constitute a quorum, and such quorum shall have power to transact all business of the Executive Board.

Section 4. The Executive Board shall conduct the affairs of the Union in the intervals between General Membership meetings. It is empowered to authorize and perform all acts for the conduct of the Union's business between such Membership meetings. These shall include:

- A. The Executive Board shall authorize employment of service representatives or organizers as it deems necessary for the proper conduct of the Union's business and shall determine the compensation for such employees in accordance with the collective bargaining agreement and any Executive Board policies.
- B. The Executive Board shall authorize employment of such clerical assistance as it deems necessary for the proper conduct of the Union's business and shall determine the compensation for such employees in accordance with the collective bargaining agreement and any Executive Board policies.
- C. The Executive Board may engage legal counsel and determine the compensation for such services.
- D. The Executive Board shall determine which grievances shall be arbitrated.
- E. The Executive Board shall determine which staff shall service which bargaining units. The Executive Board may authorize the

President to make such determinations subject to its review from time to time.

- F. The Executive Board shall act as the Trial Board of the Union.
- G. The Executive Board shall determine compensation for all officials of the Union.
- H. The number of Stewards for each bargaining unit and their apportionment among the various departments shall be as determined by the Executive Board if not set by the collective bargaining agreement for that unit.
- I. The Executive Board shall have the power to add to the Executive Board representatives from units with over one hundred (100) members that are organized during their term of office.

Section 5. Any officer or member of the Executive Board as enumerated in Section 1 of this Article who fails to attend three (3) successive meetings, without being excused from such attendance by the Executive Board, shall be deemed to have forfeited his office, and the Executive Board, pursuant to Article 23, may appoint a successor for the balance of the unexpired term; provided, however that if the office of the President is thus declared vacant, the Vice-President shall perform the duties of the President until such vacancy is filled by an election as provided in Article 9.

Section 6. Draft minutes of any Executive Board meeting shall be available for review no later than two (2) weeks following the meeting. Specific details which could violate a member's confidentiality or could disclose bargaining strategy may be protected

Section 7. The membership may discuss, modify, or overturn any action of the Executive Board but any such decision must be done at a membership meeting at which a quorum is present, and which is held or properly requested within one (1) calendar month of the Executive Board action.

Section 8. A bargaining unit shall be considered to have one hundred (100) or more members for purposes of Article 8 Section 2 if

it has one hundred (100) or more members for the six (6) full consecutive months prior to the nominations of Officers. If after the election of Officers, a bargaining unit adds members so that its membership is one hundred (100) or more for six (6) consecutive months, then that bargaining unit shall be entitled to a Member-At-Large seat which shall be filled in accordance with Section 4 (I). If after the election of Officers, a bargaining unit loses members so that it has fewer than one hundred (100), then that bargaining unit shall retain its Member-At-Large seat until the next election.

ARTICLE 9 - CONDUCTING ELECTIONS OF THE EXECUTIVE BOARD

Section 1. It shall be the aim of the Union to elect the Executive Board the most capable members of the various groups comprising the Membership of the Union.

No person shall serve as an officer, trustee, member of the Executive Board, service representative, organizer, or other such employee if such service violates section 504 of the Labor-Management Reporting and Disclosure Act of 1959.

No person employed by this Local Union as a regular part-time or full-time service representative, organizer or support staff and covered by a collective bargaining agreement shall serve as an officer, trustee, or a member of the Executive Board.

Section 2. The Executive Board shall be elected by the Membership by secret ballot and shall hold office for a term of three (3) years unless removed for cause or until their successors have been elected and installed in office. Elections will be held in October. A candidate elected as President will also serve as a delegate to the OPEIU convention.

Section 3. No person shall be elected or appointed to an office in or as an Executive Board member of this Union unless they has been a member of this Union in continuous good standing as outlined in Section 19 of this Article for at least the preceding twelve (12) months, except that if a person is from a recently organized bargaining unit whose membership was not required to pay dues during all of the preceding twelve (12) months, the person shall be eligible for election or appointment to that bargaining unit's Member-At-Large seat if she/he has been a member in

continuous good standing since the effective date of the collective bargaining agreement for her/his bargaining unit.

Section 4. Notice of such meeting shall be given to all members in good standing at their last known physical and email address not less than fifteen (15) calendar days prior to the date of such meetings. The notice shall include the procedure for making nominations, the requirement for seconding nominations, the requirement to accept nominations and the fact that the member elected as President will automatically serve as a delegate to the OPEIU convention.

The nominations shall be declared open at the regular Membership meeting to be held in the month of August every three (3) years. The members present shall be allowed to conduct the nominations. All nominations must be seconded in order to be valid. A nomination for an officer must be seconded by a member not from the same bargaining unit as the person making the nomination in order for the nomination to be valid.

All persons nominated shall indicate their acceptance or declination: 1) verbally if present at the meeting; otherwise, 2) in writing no later than 7:00 pm one (1) week after nomination.

Section 5. An Election Board of three (3) members from different bargaining units shall be elected by the members present at the regular Membership meeting after nominations for the Executive Board have been closed except when there are no positions in which two (2) or more members have been nominated. No candidate in a contested election shall serve on an Election Board. The Election Board shall oversee the Union office staff performing any work required for the election.

Section 6. The Election Board is charged with the duty of conducting the regular election of officers and Executive Board Members of the Union. It shall make such regulations as will assure the members of a fair and honest election. Any candidate shall have the right to have an observer at the polls and at the counting of the ballots.

Section 7. The Election Board shall have the duty of enforcing the right to vote of the members and shall see that such right of franchise is not interfered with or hindered by anyone.

Section 8. The elections shall take place at the regular Membership meetings in the month of October every three (3) years by the members present. The polls shall stay open for a thirty (30) minute period or until all members present have had an opportunity to vote whichever is longer. Notice of such meetings and a list of the candidates nominated for each position shall be mailed to all members in good standing at their last known physical and email address not less than fifteen (15) calendar days following the nominations. If there are no positions in which two (2) or more members have been nominated, this notice may be sent to stewards for posting in accordance with Article 6, Section 4, instead of to all members. If the only position(s) in which two (2) or more members have been nominated are Member-At-Large positions, this notice may be sent to members in bargaining units eligible to vote, instead of to all members.

Section 9. The ballot shall allow members to vote for individual candidates. Two (2) or more candidates shall be allowed to run as a slate. A slate is free to choose any wording for the slate designation up to five (5) words. Candidates running as a slate shall be identified on the ballot according to their affiliation with a particular slate. The slate designation shall be near each candidate's name on the ballot. However, a duly nominated candidate shall have the right to run as an independent candidate. Such candidates shall be identified with "Independent Candidate" near her/his name on the ballot unless no candidates are running as a slate.

Section 10. No member of this Union shall be permitted to vote unless they are in good standing in the Union as outlined in Section 19 of this Article. The Election Board shall examine the membership status of all members before permitting them to vote or opening any absent voter's ballot cast in accordance with Article 28 and shall compare the said status with lists to be supplied by the Secretary-Treasurer or designee.

Section 11. No votes for any member who is not duly nominated and listed on the ballot may be counted by the Election Board. (No sticker or write-in candidates.)

Section 12. There shall be no voting by proxy or mail ballot except as specified in Article 28.

Section 13. Only Election Board members or observers may challenge the right of a person to vote. Any person who's right to vote is in dispute, shall still be allowed to vote, but her/his ballot shall be placed in an unidentifiable envelope and sealed. This envelope shall be placed

in another envelope and labeled with the member's name and the reason for the challenge. If the total number of challenged ballots could affect the outcome of the election, then the Election Board shall review the reason for each challenge and decide if the ballot should be counted. Those ballots determined to be valid by the Election Board shall be added to the total votes cast for each candidate.

Section 14. No member shall hold more than one (1) of the offices specified in Section 1 (a) or Section 2 of Article 7 at one and the same time.

Section 15. In the event an election results in a violation of Section 7 of this Article, the person involved who is elected to the office with the highest rank shall be declared elected, and another election shall be held for the other office or offices affected. For purposes of this sub-section, the rank of offices shall be determined by the order named in Section 1(a) of Article 7. In case the violation involves candidates for Trustee, the rank among Trustees shall be determined by the number of votes received.

Section 16. The candidates receiving the greatest number of votes for the respective office shall be declared elected.

Section 17. After an election has been held and the report of the Election Board has been rendered, all election records and ballots shall be turned over to the Secretary-Treasurer for safekeeping among the records of the Union for not less than one (1) year. The election records cannot be opened unless authorized by the Union.

Section 18. All officers and Executive Board members shall be inaugurated at the next regular Executive Board meeting following the election and shall assume office subject to the provisions of Article 10. Before entering the duties of their respective offices, the newly elected officers shall subscribe to the following installation obligation:

"I _____, do solemnly pledge my word and honor before these witnesses that I will, to the best of my abilities, perform the duties of my office. I will at all times devote my efforts to further the objectives and best interests of my Union."

Section 19. Good Standing

- A. An employee in a position represented by Local 459 is not a member in good standing if the employee has not submitted either an application for membership form or an authorization for payroll deduction form and paid at least one (1) months dues.

- B. An employee who has signed a form allowing the deduction of dues from her/his paycheck but who has not had any dues deducted, has not paid any dues, and does not meet this requirement.

- C. An employee who has had dues deducted from her/his paycheck has met this requirement even if the employer has not forwarded the dues to Local 459. (A paystub may be used as proof of deduction.)

An employee can meet this requirement by giving one month's dues directly to Local 459.

ARTICLE 10 - RECOUNT

Section 1. A recount may be ordered upon presentation to the President of a petition signed by seven percent (7%) of members of the Union in good standing. The petition must be presented to the President within fourteen (14) calendar days after the election and this petition shall enumerate the reasons why such members believe a recount should be held. Upon receipt of a valid recount petition, the President shall call a special membership meeting to elect a Recount Committee of disinterested members of the Union to conduct the recount. The membership meeting shall be scheduled no later than fourteen (14) calendar days following the receipt of the recount petition. The notice for such a meeting shall be in accordance with Article 6 Section 4. A Recount Committee of three (3) members from different bargaining units shall be elected by the members present at the special membership meeting.

Section 2. The installation of all newly elected officers, and Executive Board members subject to a recount shall not be held until a final disposition has been made on the petition for a recount and/or actual recount.

Section 3. No candidate elected or defeated nor Election Board member shall be eligible for membership on the Recount Committee. Any candidate or her/his observer shall be permitted to attend all meetings of the Recount Committee. The Committee shall report its findings to the members present at a special Membership meeting called by the President no later than fourteen (14) calendar days following the recount. The notice for such a meeting shall be in accordance with Article 6 Section 4. The candidates receiving the greatest number of votes as determined by the Recount Committee for the respective office shall be declared elected.

ARTICLE 11 - ELECTION OFFENSES

Section 1. Any member found guilty by the Trial Board, as outlined under Article 20 Section 4, of tampering with ballots, illegal voting, committing fraud, violence, coercion, or other conduct not included in the foregoing, which in any manner interferes with a member's right of franchise, shall be subject to expulsion, suspension, or fine by the Trial Board.

ARTICLE 12 - ELECTION OF STEWARDS AND ALTERNATES

Section 1. The election of Stewards and Alternates for each bargaining unit shall take place the month following the election of Officers of the Local Union. Stewards and Alternates shall be elected by each individual bargaining unit by secret ballot at a time(s), date(s) and method(s) called by the President or her/his designee. There shall be no voting by proxy or mail ballot. If a bargaining unit has more than one steward or alternate, the members shall vote for only the Steward and/or Alternate which shall service the department and/or shift in the bargaining unit for which they work.

Section 2. Stewards and Alternates shall hold office for a term of three (3) years unless removed for just cause or until their successors have been elected and installed in office.

Section 3. In lieu of conducting an election, the Executive Board shall have the authority to appoint a steward or alternate if only one (1) member is nominated for the position. The President shall be allowed to

appoint a temporary steward between Executive Board meetings. If a Steward resigns or is removed for just cause, the Alternate Steward shall serve as Steward until a new Steward is elected, until the President appoints a temporary steward or until a new Steward is appointed by the Executive Board.

Section 4. Unless specifically designated otherwise in a bargaining unit's contract, the Local Executive Board shall appoint Chief Stewards from among the stewards in that unit. The President shall make a recommendation to the Executive Board after consulting with the stewards from that bargaining unit. The President may appoint acting Chief Stewards, if necessary, until the Executive Board takes action.

The Executive Board shall have the authority to remove or replace Chief Stewards. The Executive Board shall consult with the President and the Stewards from that bargaining unit prior to removing or replacing a Chief Steward.

ARTICLE 13 - FINANCES

Section 1. Dues and Assessments

- A. **Regular Dues.** The regular dues of the membership shall be as follows:
- I. Members working full-time shall pay a monthly amount equal to 1.55 times the member's regular hourly wage.
 - II. Members working part-time shall pay a monthly amount equal to 1.30 times the member's regular hourly wage.
- B. **Minimum Dues.**
- I. Any member working full-time and earning less than \$11.94 as a regular hourly wage shall pay \$18.50 per month in dues.

II. Any member working part-time and earning less than \$10.19 as a regular hourly wage shall pay \$13.25 per month in dues.

III. Dues for members working per diem shall be determined by the provisions in the Collective Bargaining Agreement between our Local and that member's Employer. If that Collective Bargaining Agreement does not have specific provisions, any member working Per Diem and paid for at least $\frac{1}{2}$ the minimum number of hours worked by a part time employee in a month, shall pay dues of a part time employee for that month. Any member working Per Diem and paid for at less than $\frac{1}{2}$ the minimum number of hours worked by a part time employee in a month, shall not owe dues for that month.

C. Definitions.

I. A member's hourly wage is defined as the base wage received by the member. It does not include any overtime pay, shift premiums or other similar bonuses. Cost of Living allowances are not included unless rolled into the base wage.

II. A member's status as a full-time, part-time or per diem employee for purposes of dues shall be determined by the definition used in the Collective Bargaining Agreement between our Local and that member's Employer.

III. A member who does not have a regular hourly wage shall pay monthly dues of \$26.25.

D. Weekly & Biweekly Options

A bargaining unit may opt to pay dues on a weekly or biweekly basis instead of monthly. Units paying weekly shall pay an amount equal to the monthly dues times 12 divided by 52. (Monthly dues x 12 divided by 52 = weekly dues).

Units paying biweekly shall pay an amount equal to the monthly dues times 12 divided by 26. (Monthly dues x 12 divided by 26 = biweekly dues).

E. Changes in Status.

I. Members who changed from part-time to full-time (or vice versa) shall pay the dues for the status in which the greater number of calendar days were spent.

II. Members who received different regular hourly wages shall pay dues on the wage received for the majority of hours paid.

F. Leaves of Absence. Members who have worked 50% or more of their normal work schedule shall be required to pay their full dues. Members who have worked less than 50% of their normal work schedule shall not be required to pay dues. vacation time, paid sick leave or any other paid leave of absence shall be considered as time worked for purposes of this subsection. Partially paid leaves such as workers compensation or disability shall not be considered as time worked for purposes of this subsection. Dues shall not be waived for more than twelve (12) months under this subsection.

Section 2. Dues Increases. All proposals for increases of dues must be presented to the Executive Board. If the Executive Board approves of such increase in dues, the motion shall be incorporated in its Minutes to be read to the next Membership meeting. There can be no vote or discussion on the subject of the dues increase at that meeting, but it shall be held over until the succeeding Membership meeting. The succeeding Membership meeting shall be scheduled at least two (2) calendar months following the reading of the Minutes to allow sufficient time for Absent Voter's Ballots to be requested, mailed to members, and returned. The meeting notice for the succeeding meeting shall contain a statement informing the members of the nature of the proposal and that a vote will be taken at that Membership meeting. A majority vote, by secret ballot, shall be required to constitute acceptance of the proposed dues increase. There shall be no proxy or mail ballot except as specified in Article 28. The votes shall be counted, and a report given to the members present. Notice of such meeting shall be given to all members in good standing not less than fifteen (15) days prior to the date of such meeting.

Section 3. Members Working for Two Employers In the event a member is working for two (2) different employers whose employees are both represented by this Union, the member shall owe dues according to the following: If the member has a full-time and a part-time job, the member shall pay full-time dues at the rate the member receives for the full-time job.

If the member has two (2) part-time jobs, the member shall pay full-time dues at the higher of the two (2) rates.

ARTICLE 14 - USE OF FUNDS

Section 1. The funds of this Local Union cannot be divided in any way among individual members and can be utilized only for valid Union purposes.

Section 2. The general fund shall be used for the payment of expenses incurred by this Union on behalf of its membership primarily for general administration, organizing, defense, service and contract administration, and a depository for its monies.

Section 3. All disbursements shall be made by check drawn on the general fund and shall be signed by the Secretary-Treasurer of the Union and countersigned by either the President or Vice-President of the Union.

Section 4. The fiscal year of this Union shall be twelve (12) month period ending with the last day of the month of December of each year.

Section 5. The per capita tax, Strike Benefit Fund, Convention Fund and other obligations owed by this Union to the International Union shall constitute a preferred claim and must be paid promptly by this Union each month prior to the payment of any other obligations of this Union.

Section 6. The Executive Board shall be authorized to continue the Political Action Committee and to have a portion of each dues deposited into a separate account to be used by the Committee. The executive Board shall establish the rules and regulations for the Committee and the use of the fund.

Section 7. The Executive Board shall be authorized to establish a Strike Fund and to have a portion of each dues deposited into the fund to be used for the members of this Union and to establish the rules and regulations for the use of that fund.

ARTICLE 15 - AUDITING OF FINANCIAL RECORDS

Section 1. An audit shall be conducted following the end of each fiscal year. No later than the month following the end of the fiscal year, the Executive Board shall select a certified public accountant to audit the financial records. The audit shall be submitted to the Executive Board and to the Secretary-Treasurer of the International Union. The report shall be read at the next regular membership meeting and available for review by any member.

ARTICLE 16 - CONFLICT RESOLUTION

Section 1. In the event of a conflict between two (2) or more members of this Local, it is the policy of the Local to urge resolution at the earliest time and at the lowest level. Members who are unable to resolve a conflict may approach their steward for help.

Section 2. If members have been unable to resolve a conflict with the help of the steward, or if the steward is involved in the conflict, they may approach their Service Representative for help.

Section 3. If a conflict still exists and if the Local President believes that the conflict could have an adverse impact on the Local or its members, the President may suggest voluntary mediation. If such mediation is offered, the President will offer the members a name or a list of names of neutrals. The neutrals may or may not be members of the Local. The President may urge but cannot require participation in mediation.

Section 4. If mediation is unsuccessful in resolving the conflict or if one or more parties to the conflict declines mediation, then a complaint may be filed and hearing procedures take place in accordance with Article 17.

ARTICLE 17 - COMPLAINTS AND HEARINGS

Section 1. A complaint may be filed against a member for any one of these specific offenses:

- A. Giving confidential information about Local affairs to non-members when such information hurts the Local or its members;
- B. Working for an Employer against whom the Union has declared a strike unless permission has been granted by the proper officer;
- C. Working for less than the rate of pay called for in the Contract with the Local;
- D. Working in the interests of any organization or union opposed to the interests of this Local;
- E. Causing or participating in a stoppage of work because of an alleged grievance or dispute without the authorization of the Local or its proper officers.
- F. Any election offenses as specified in Article 11.

Section 2. **Complaint Procedure.**

Complaints and appeals shall be filed and pursued using the International Uniform United States Disciplinary Procedure, International Appeal Procedure, and any other applicable policies or procedures adopted by the International. New or updated policies and procedures shall be made available to members by the Union upon request.

ARTICLE 18 - NON-DISCRIMINATION

Section 1. No applicant for membership or member shall be discriminated against because of race, color, creed, religion, age, sex,

marital status, height, weight, national origin, sexual orientation, gender identity or disability.

ARTICLE 19 - PROCEDURE AT MEETINGS

Section 1. The President of the Union shall act as Chairperson at all regular or special meetings of the Membership and Executive Board, except as otherwise provided in this Constitution and By-Laws. Robert's Rules of Order Revised shall apply at all meetings of this Union.

Section 2. It is provided further that any member requesting the Floor from the Chairperson shall make that request by stating her/his name and place of employment.

ARTICLE 20 - REMOVAL OF OFFICIALS

Section 1. All Officers, Trustees, Executive Board Members, Stewards and Alternates are deemed "officials" within the purview of this Article.

Section 2. Any official who has been found guilty of any of the following offenses shall be removed from office, and in addition may be expelled from Membership, or be forever barred from holding any office in the Union:

- A. Dishonesty in the conduct of his office, fraud, corruption, accepting any bribes or intimidation of any members;
- B. Abuse of office or gross negligence in the conduct of his office;
- C. Conduct unbecoming an official of this Union.

Section 3. No impeachment proceeding may be entertained unless there has been a petition filed with the Executive Board. Petitions regarding Officers, Trustees and Executive Board Members must be signed by twenty-five percent (25%) of the members in good standing of the appropriate bargaining unit(s). Petitions regarding Stewards and Alternates must be signed by fifty percent (50%) of the members in good standing of the portion of bargaining unit served by the Steward or Alternate. The petition shall state the specific offense with which the official is charged, as well as a brief statement sufficient to apprise the signatories of the charge being preferred.

Section 4. The Executive Board shall act as the Trial Board in all proceedings under this Article. Any official under charges by virtue of any impeachment petition shall be automatically barred from acting as a member of the Trial Board.

Section 5. The Trial Board shall follow the same procedure as provided for in Article 17 in any impeachment proceeding.

Section 6. Any official found guilty of violating any provision of this Article shall have the right to appeal to the International Union Executive Board at its next meeting. Pending any decision of such appeal, the determination of the Trial Board shall be final unless its decision is reversed in the manner provided for in Article 17 in this Constitution and By-Laws.

ARTICLE 21 - WITHDRAWAL AND MILITARY SERVICES CARDS

Section 1.

- A. Any member of the Union leaving the jurisdiction of this Union or the International Union may apply to the Executive Board for a withdrawal card. However, no withdrawal card can be issued unless the member has paid dues up to and including the month during which the withdrawal card is requested; and provided further, that such member is in good standing with this Union and the International Union.
- B. A withdrawal card shall be issued by this Union to any member requesting same who is leaving the jurisdiction of the International Union.

C. Whenever any member who is not in the employment of any employer who bargains with the Local Union or the International Union, the Local Union shall issue a withdrawal card to such member, subject to the provisions of this Section. This subsection shall not apply to any member who holds office in, or is employed by, the International Union, any of its local unions or councils, any federation or council of labor organizations with whom the International Union or any of its local unions is affiliated, or any central body with whom any local union is affiliated, or to any member entitled to benefits under any health, welfare, or pension plan whose continued coverage is conditioned upon union membership, or to any member who, in the regular course of employment has become retired, or to any unemployed member seeking dispatch to a union job through the facilities of the Local Union.

Section 2. Upon deposit of a withdrawal card, eligibility to vote or to run for office shall be the same as provided for in Article 5 and 9 governing the rights and privileges of members.

Section 3. Any person bearing a withdrawal card shall not be entitled to participate in the operation of this Union. A person bearing a withdrawal card who has complied with the jurisdiction of this Union, deposit such card, and shall be admitted to membership in this Union without payment of any initiation or other fee.

Section 4. Withdrawal cards shall be issued by the Secretary-Treasurer of this Union, and monthly reports of all such cards, issued, deposited, or canceled shall be made to the Secretary-Treasurer of the International Union.

Section 5. Members entering the armed services of the United States or Canada during emergency periods as determined by the Executive Board of the International Union and who are in good standing with all obligations to the International Union and this Union paid, including the month in which they entered the armed services, shall be issued military service cards which will continue their membership without the payment of dues or other fees for the period of the service required by such emergency periods and for an additional ninety (90) day period or until they again resume work within the jurisdiction of this Union, whichever comes first, except that such persons shall only accrue rights to benefits to the extent determined by this Union.

Section 6. All withdrawal and military service cards shall be secured by this Union from the Secretary-Treasurer of the International Union.

ARTICLE 22 - NEGOTIATIONS AND STRIKES

Section 1. Each bargaining unit shall determine the number of members of their negotiating team if it is not set by the collective bargaining agreement for that unit.

Section 2. Each bargaining unit shall elect by secret ballot the negotiating team for that unit. The election shall take place at a meeting called by the President or her/his designee. There shall be no voting by proxy or mail ballots.

Section 3. The Executive Board shall determine the compensation, if any, for members of the negotiating team.

Section 4. Any tentative agreement shall be ratified by a secret ballot vote of the bargaining unit. The ratification vote shall be determined by the President or her/his designee as to the time, place, and method. There shall be no proxy or mail ballots. A majority of the members voting must vote in favor of the agreement in order to ratify.

Section 5. This Union shall not call a strike against an employer or employers unless:

- A. A majority of the members employed by the employer or employers who are present at a meeting(s) called by the President or her/his designee for the purpose of discussing the proposed strike, vote by secret ballot to request a strike. There shall be no proxy or mail ballots; and
- B. The majority of the Executive Board votes to approve the strike; and
- C. The approval of the International Union is obtained.

Section 6. Strikes against any employer or employers may be terminated if a majority of those members of this Union employed by such employer or employers vote by secret ballot to terminate the strike and if a majority of the Executive Board concurs with this action.

Section 7. The Local President or her/his designee shall sign each collective bargaining agreement negotiated by representative of this Local Union.

ARTICLE 23 - VACANCIES IN OFFICE

Section 1. In the event any vacancy is created by the resignation or removal or an official of this Union (as defined in Article 20, Section 1), the Executive Board shall be empowered to appoint a successor to fill the balance of the unexpired term, and such appointee shall hold office until the next regular election for that office.

ARTICLE 24 - LIMITATIONS ON COMMITTEES

Section 1. In addition to other Committees and Boards established by this Constitution and By-Laws, this Union shall provide for such other standing Committees, and, from time to time such special committees, as may be proper and necessary to conduct the business of this Union.

Section 2. In establishing such other committees, the duties of the committee, the extent of its authority, and the permissible amount of expenditures that may be made by such a committee must be made a part of the Minutes. In any event, such committee shall not be permitted to exercise functions belonging to other committees or boards; and shall not exceed the authority granted to them by the Membership. The President shall be an ex-officio member of all committee.

Section 3. The President or her/his designee shall appoint members to any committee called for in a collective bargaining agreement or Letter of Understanding between this Union and an Employer.

ARTICLE 25 - AFFILIATIONS AND DELEGATES

Section 1. This Union shall be affiliated with the Educational Conference embracing its geographical jurisdiction as designed by the International Union Executive Board.

Section 2. Where members are employed, this Union shall be affiliated with Central Labor Organizations, Councils, Department or Federations chartered by or affiliated with the American Federation of Labor and Congress of Industrial Organizations and/or the Office and Professional Employees International Union. However, the Executive Board may by majority vote decline to affiliate with a particular organization.

Section 3. Delegates to the aforesaid Central Labor Organizations, Councils, Departments or Federations shall be appointed by the President.

Section 4. Each delegate to a Convention of the Office and Professional Employees International Union must have been in good standing in the Local Union for at least twelve (12) months prior to the convening of the Convention. Each delegate shall be selected by a secret ballot vote of the Local Union except the President will automatically serve as a delegate. Notice of such meeting shall be given to all members in good standing not less than fifteen (15) days prior to the date of such meeting. The members present shall elect the delegate.

Section 5. Delegates shall attend the meetings or sessions of the body or assembly to which they have been delegated, faithfully represent this Union, and protect its interests, and properly present and support its declared policies and instructions. They shall report to this Union the proceedings of the organization to which they were delegates and perform such other duties as pertain to their office.

ARTICLE 26 - INTERNATIONAL CONSTITUTION

Section 1. The Constitution of the International Union shall be the paramount law applying to the government of this Union, and all provisions of said International Union Constitution insofar as the

same are or may be applicable to the affairs and activities of this Union are hereby, by reference thereto, incorporated into and made a part of this Constitution and By-Laws, and any provision contained herein which is contrary to or in conflict with the provisions of the International Union constitution shall be inoperative and of no effect except as the International President may otherwise specifically approve.

ARTICLE 27 - AMENDMENTS

Section 1. A proposed amendment to this Constitution may be introduced by the Executive Board, or by a petition containing the proposed amendment which has been signed by at least twenty-five percent (25%) of the members in good standing. Such petition must be presented at that meeting, but it shall be held over until the succeeding Membership meeting.

Section 2. The Executive Board shall include the proposed amendment in its Minutes to be read at the next Membership meeting. There can be no vote or discussion on the subject of the amendment at that meeting, but it shall be held over until the succeeding Membership meeting. The succeeding Membership meeting shall be scheduled at least two (2) calendar months following the reading of the Minutes to allow sufficient time for Absent Voter's Ballots to be requested, mailed to members, and returned.

Section 3. The meeting notice for the succeeding meeting shall contain a statement informing the members of the nature of the proposed amendment and that a vote will be taken at said meeting. There shall be no voting by proxy or mail ballot except as specified in Article 28. A vote of two-thirds (2/3) of those members voting shall be required to constitute acceptance of the proposed amendment to the Constitution and By-Laws except as provided in Article 13 - Section 4 (a) herein. The votes shall be counted and a report given to the members present.

Section 4. No amendment of this Constitution and By-Laws shall take effect until approval of the President of the International Union has been secured.

ARTICLE 28 - ABSENT VOTER'S BALLOT

Section 1. An Absent Voter's Ballot shall be allowed only for the election of the Executive Board, dues increases, and amendments to this Constitution and By-Laws and only according to the process below.

Section 2. A member may request an Absent Voter's Ballot by completing the form which is attachment A to this constitution and bylaws.

Section 3. Requests for an Absent Voter's Ballot must be received at the Union's office by no later than one (1) calendar month prior to the meeting date. If the person making the request is not a member in good standing (as defined in Articles 9 and 13) at the time of the request and at the deadline for requesting an absent voter's ballot, an Absent Voter's Ballot shall not be issued for that person. Absent Voter's Ballots shall be mailed with a return envelope and a plain envelope enclosed by no later than seven (7) calendar days following the deadline for requests for Absent Voter's Ballots. The return envelope shall have the member's name and address printed on the outside for purposes of validation of membership. The plain envelope shall be unidentifiable, used to contain the ballot, and shall be placed within the return envelope. The return envelope must be filled out and signed by the member.

Section 4. The members address on file with the Union office shall be used and it is the responsibility of each member to inform the Union of their current address.

Section 5. The Union shall rent a post office box to receive Absent Voter's Ballots - the returned ballots must be received by no later than 9:00 a.m. the day of the meeting.

Attachment A

OFFICE & PROFESSIONAL EMPLOYEES INTERNATIONAL UNION
Local 459, AFL-CIO
CONSTITUTION AND BY-LAWS
as amended July 13, 2021

REQUEST FOR ABSENT VOTER'S BALLOT

I request an Absent Voter's Ballots for the following vote:

I understand this form must be received by the Local 459 office by no later than one (1) calendar month prior to the meeting date.

If I do not receive the Absent Voter's Ballots at least seven (7) calendar days prior to the meeting date, I will call the Local office.

Signed: _____

Print Name: _____

Date: _____

Address: _____

Cell Phone: _____

Personal Email: _____

Attachment B

MEMBERS STATUS WHILE ON LEAVES
OF GREATER THAN THIRTY (30) DAYS

	MEMBER ON UNPAID INVOLUNTARY LEAVE (E.G., LAYOFF, SICK LEAVE, FIRED AND GRIEVING)		MEMBER ON UNPAID VOLUNTARY LEAVE (E.G., EDUCATIONAL LEAVE)		MEMBER IN TEMP. SUPERVISORY POSITION	
	PAYS DUES	DOESN'T PAY DUES (waived for up to 12 mos)	PAYS DUES	DOESN'T PAY DUES	PAYS DUES	DOESN'T PAY DUES
Eligible To Vote on Local Issues	YES	YES	YES	NO	YES	NO
Eligible To Vote on Bargaining Unit Issues	YES	NO	YES	NO	YES	NO
Eligible To Run for Office	YES	NO	YES	NO	NO	NO
Eligible To Hold Office Previously Elected To	YES	YES	YES	NO	NO (but position held for 3 mos)	NO

NOTE: This chart reflects a member's right to participate in internal Union affairs. It does not affect or reflect an employees' right under their contract.