

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.

PREAMBLE

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

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

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

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

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Resolution No. 1 of the 1992 National Convention

ADDENDUM

ARTICLE I - Name

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

ARTICLE II - Headquarters

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

ARTICLE III - Seal and Insignia

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



This seal and insignia shall constitute and be the official mark of this Union and of all its subordinate bodies; however, nothing contained herein shall prevent any Local Union from designing and adopting a modification to this seal and insignia for identification of the Local Union. All subordinate bodies shall be subject to the orders and instructions of the National President respecting the publication and use of the seal and insignia of this Union.

ARTICLE IV - Objectives

Section 1. The objectives of this Union shall be to unite for their own advancement and betterment, and for the advancement of the

United States Postal Service, regardless of race, color, creed, nationality, religion, age, sex, sexual orientation, or physical or mental handicap, all postal mail handlers and such other employees who come within the Mail Handlers craft or jurisdiction, including but not limited to all operations directly or indirectly related to postal and mail handling operations, whether performed by employees of the United States Postal Service or any other employer, and all other federal employees (whether or not postal employees) who wish to affiliate as associate members of this Union.

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

Section 3. This Union shall seek to achieve a safer and healthier work environment and better working conditions for postal employees. It will seek to educate its members and the general public in the history of the labor movement and the struggle for democratic unionism. This Union will engage in legislative and other efforts to obtain the enactment of laws to protect and enhance the welfare of workers, and to repeal laws which it believes are unjust to labor.

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

ARTICLE V - Membership

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

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

The National Postal Mail Handlers Union shall be entitled to retain **fifty-one cents (\$0.51)** per pay period as per capita tax on such dues of associate members who are on dues check off. In the case of associate members who are not on dues check off, and who are not postal employees, the National shall receive **ten dollars (\$10.00)** per year associate membership fee from the forty-two dollar (\$42.00) associate membership dues per year. The Local may pay the **ten dollars (\$10.00)** per associate member dues prior to January 31st. The National shall have the right to deduct the associate member fee from the Local dues check off on a quarterly basis should the Local fail to pay its associate members fee.

Membership by a Federal employee in any other affiliate of LIUNA shall constitute associate membership in this Union for the purpose of participation in the Mail Handlers Health Benefit Plan and any other National or Local Insurance or Benefit Plan which may be established.

Section 3. An individual shall obtain membership in this Union by executing and submitting to this Union or a Local Union thereof an application for membership or a dues deduction authorization form.

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

Section 5. Members who have retired from employment and who at the time of retirement were 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. Associate members are members of this Union and shall be entitled to participate in activities of the Union and of its subordinate bodies affecting their rights as associate members or as members of Union

benefit plans; provided, however, that associate members shall not be entitled to vote or serve as officers or delegates, or to attend those portions of Local Union meetings not affecting their rights as associate members or as members of Union benefits plans.

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

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

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

ARTICLE VI - Officers

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

Section 2. The National Secretary-Treasurer shall be the chief

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

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

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

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

Section 6. Effective January 1, 2004, the salary of the National President shall be **\$159,500.00** per year, and **also effective January 1, 2004,** the salary of the National Secretary-Treasurer shall be **\$149,500.00** per year; they shall also receive the customary fringe benefits and shall be reimbursed for all reasonable and necessary expenses incurred in connection with and in the performance of their duties. Whenever the membership receives a percentage raise in a National Agreement, these salaries of the National President and the National Secretary-Treasurer shall be increased by the same percentage. The National Executive Board shall be empowered to provide the National President and Secretary-Treasurer with reasonable accommodations in the Washington, D.C. area in connection with the performance of their official duties and responsibilities and to make annual adjustments in their salaries to account for the increase in the cost-of-living, said adjustments not to exceed the percentage of increase in the National Consumer Price Index published by the Bureau of Labor Statistics of the U.S. Department of Labor.

Section 7. The Regional Vice Presidents shall be compensated at the rate of \$350 per day for attending National Executive Board meetings in addition to their travel and other reasonable and necessary

incidental expenses. Such compensation shall be in addition to any compensation received by virtue of being a Local Union officer or Union employee.

Section 8. Any officer or other Union representative who applies for or accepts 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.

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

ARTICLE VII - Duties of the National President

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

Section 2. The National President shall receive regular reports from all representatives of this Union and shall make frequent reports to the membership by publishing regular news bulletins. The National President shall have authority to employ such technical and clerical assistance as shall be necessary for the efficient conduct of the affairs of this Union. The National President shall be responsible for directing the Union's legislative, safety, legal and educational activities.

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

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

Executive Board members. The National President shall preside over all sessions of the National Executive Board as its Chairperson.

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

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

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

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

Section 9. The responsibilities which this Union has with respect to negotiating and executing collective bargaining agreements on behalf of this Union and the employees of the United States Postal Service represented thereby shall be discharged by the National President who shall designate a National Negotiating Committee to prepare collective bargaining proposals based upon submissions received from the Local Unions and conduct collective bargaining negotiations on behalf of this Union. The National President shall present to all bargaining representatives for the United States Postal Service a copy of Article V, Sec. 9 and of this section of this Constitution upon the opening of negotiations, and shall read both sections in their entirety aloud to the Postal Service negotiators before commencing negotiations. The National President shall convene a meeting open to Local Union Presidents and/or representatives of the National Postal Mail Handlers Union to receive their advice and counsel before agreeing to submit any bargaining dispute during National negotiations to an arbitrator for final and binding resolution. The Local Unions shall be kept informed of the progress of such negotiations. In addition, the National President shall be authorized to appoint or remove all National and Regional Contract Administration representatives and staff who shall be responsible to him or her in the conduct of contract administration and collective bargaining activities.

ARTICLE VIII - Duties of the National Secretary-Treasurer

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

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

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

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

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

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

Section 7. The National Secretary-Treasurer shall be required to maintain corrected Regular and Associate Membership and Mailing Lists,

effecting updates and changes within 30 days of receipt of changes, and shall distribute such corrected lists, if any, not less than monthly to the respective Locals.

ARTICLE IX Semi-Annual National Meetings

Section 1. There shall be established semi-annual National Meetings of the National Postal Mail Handlers Union. At these meetings, the National Officers shall meet with representatives of the Local Unions.

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

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

(i) The National Executive Board shall provide the attendees with its full financial report, outlining the current financial status of the National organization.

(ii) A report from the Contract Administration Department.

(iii) Discussions pertaining to any issue of legislation; safety, legal or educational activities; or any other issues or activities affecting the membership of this organization.

(iv) A report from the National Committee on the Future and any subsequent committees.

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

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

ARTICLE X - National Executive Board - Duties and Powers

Section 1. Between National Conventions, the National Executive Board shall be responsible for governing this Union, upholding its laws and policies and advancing its interests. Actions and decisions of the National Executive Board and its members shall be appealable to the

General Executive Board of LIUNA, which shall review the record and affirm or reverse and remand in writing at its next Board meeting.

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

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

ARTICLE XI - National Officer Elections

Section 1. Eligibility:

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

Section 2. Nominations/Primary Elections:

(a) Candidates for National Union office shall be nominated at the National Convention. A candidate shall not be entitled to simultaneously run for more than one office in this National Union. Any disputes concerning a candidate's eligibility shall be resolved by the Convention.

(b) In the event more than two candidates are nominated for any position on the National Executive Board, a primary election shall be conducted wherein each Convention delegate will be eligible to cast one

vote by secret ballot for any candidate for each position, and the two candidates receiving the most votes for each position shall be nominated. Delegates voting in the primary election shall cast weighted votes reflecting the entire number of votes to which their Local Union is entitled.

Section 3. Election Committee:

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

The Election Committee shall meet immediately after the conclusion of the Convention and adopt and transmit to all candidates reasonable rules to govern the conduct of the election. The Committee shall be responsible for ensuring the integrity of the election process and for resolving all election protests. Its members shall receive \$300 per diem, plus expenses, when meeting to perform its official functions. The Committee shall be guided by the principle of maximum voter participation in a free, fair, open, democratic election process.

Section 4. Elections:

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

(b) All regular members in good standing who are employed by the U.S. Postal Service or by any other employer with operations directly or indirectly related to postal and mail handling or by the National Postal Mail Handlers Union or an affiliated organization within 60 days of the ballots being mailed shall be eligible to vote.

(c) The ballots shall be collected and counted by the AAA **or by another similar organization** promptly after the voting deadline has passed. Each

candidate and one observer named by the candidate shall be entitled to be present during all phases of the counting and to challenge ballots. All ballots shall be accounted for and retained, together with other records pertaining to the election, for a period of 12 months following the election.

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

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

Section 5. Campaigning:

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

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

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

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

later than 10 days prior to the scheduled date on which the ballots are to be mailed.

Section 6. Election Protests:

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

ARTICLE XII - National Convention

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

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

Section 3. Local Unions and subordinate body delegates to a National Convention shall be elected by secret ballot in accordance with rules adopted and promulgated by the National Executive Board. Such rules shall require that, in order to qualify as a candidate for delegate, a

regular member shall be required to have been in good standing in the National Postal Mail Handlers Union for a period of two years and in good standing in his/her Local Union for a period of two years immediately prior to nomination and current in the payment of dues, and s/he cannot have applied for or been employed in a supervisory capacity by the Postal Service for any time during that period, and provided further that, effective immediately, s/he also cannot have applied for or been employed in a managerial capacity by the Postal Service, or by the Postal Inspection Service (including as a confidential informant), for any time during that period. All Local Union Presidents by virtue of their election by secret ballot, or if unopposed, by acclamation, shall be delegates of their Local Union to any National Convention which may take place during their term of office. In the event that a Local Union is to be represented by a single delegate, the President shall occupy such position and no separate election of delegates shall be conducted; provided, however, that during the election of Local Union officers the notices to regular members stated that by virtue of her or his election as President or Vice President, the officer is automatically a Local Union delegate or alternate (for the President) to all Conventions of this Union conducted during her or his term of office.

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

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

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

Section 7. Each member of the National Executive Board shall be

entitled to one (1) vote at a National Convention and shall be accorded all of the privileges of fully-accredited delegates, except that they shall not be permitted to vote in any primary elections unless they otherwise were elected to serve as properly accredited Local Union delegates. Effective after the 1996 National elections, each member of the National Executive Board shall be entitled to one (1) vote at a National Convention and shall be accorded all of the privileges of fully-accredited delegates.

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

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

Section 10. The National Convention shall have authority to act upon the business of this Union, including the enactment of amendments to this Constitution. It shall require two-thirds (2/3) of the total delegate votes cast at a National Convention to enact a constitutional amendment. Such amendments shall become effective upon their adoption. For proposed amendments to this Constitution to be considered by a National Convention, such amendments must be submitted in writing by Delegates, Local Unions or other subordinate bodies in good standing, or regular members in good standing to the National President no later than thirty (30) days prior to the opening of the National Convention. Such proposed amendments shall be referred by the National President to the Constitution Committee for consideration and recommendation to the National Convention.

Section 11. Prior to and during a National Convention, the

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

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

Section 13. Prior to the convening of a National Convention there shall be furnished to each Local Union and each other eligible subordinate body original and duplicate delegate credentials. Upon receipt of such credentials, the President of each Local Union shall fill in the name of each Local Union's delegates to the National Convention and shall sign both the original and duplicate credentials. The President of each other eligible subordinate body shall follow the same procedure. The original credentials shall then be forwarded to the National President no later than twenty (20) days prior to the opening of the National Convention. The duplicate credentials shall be presented to the Credentials Committee by each delegate. A delegate shall be required to register with the Credentials Committee in order to be duly accredited and seated at the National Convention.

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

Section 15. Resolutions submitted for consideration of the National Convention must be received by the National President no later than thirty (30) days prior to the opening date of the National Convention. Such resolutions shall be referred to the Committee on Resolutions for consideration and recommendation to the Convention delegates for adoption, modification, or rejection thereof.

Section 16. Alternate delegates may be seated in the absence of regular delegates upon presentation of proper credentials and certification by the Committee.

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

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

Section 19. No member of this Union holding membership in any other organization whose aims are inimical to those of this Union may be seated as a delegate to a National Convention or elected as an official of this Union.

ARTICLE XIII - Local Unions and Other Subordinate Bodies

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

Section 2. Neither this Union or any subordinate body thereof shall be established or maintained on any racial, religious, national, or other discriminatory or restrictive basis; nor shall membership in this Union or any subordinate body thereof ever be conditioned or limited upon the basis of such discriminatory considerations. Mail Handler officers, agents, and members shall not discriminate against any specified group on the basis of race, religion, color, creed, sex, sexual orientation, age, physical or mental handicap, place of national origin, or political affiliation.

Section 3. All Local Unions and other subordinate bodies shall be responsible for timely payment of such per capita tax and assessments as

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

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

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

ARTICLE XIV - Dues and Per Capita Tax

Section 1. The per capita tax payable to this Union shall be **\$5.65 (five dollars and sixty-five cents)** per regular member per pay period.

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

Section 3. The dues of all regular members shall be **fifteen** dollars and fifty cents (**\$15.50**) per member per pay period. Each time that Mail Handlers receive a general negotiated or arbitrated wage increase (not including cost-of-living increases), the dues for each Local's regular members shall be increased by fifty cents (\$.50) per pay period, of which amount ten cents (\$.10) shall be deducted by the National as increased per capita tax. Such dues and per capita tax increase shall go into effect as soon as possible after the effective date of each general negotiated or arbitrated wage increase. However, only one such dues increase per calendar year will be allowed.

Such dues structure shall be maintained in order to permit each

Local Union to function effectively and represent its members adequately; however, a Local, to function efficiently and represent its members, may request the National Executive Board, with the approval of two-thirds of the Local Presidents, to forgo its per capita taxes for a specified period. These provisions should not be construed to restrict Local Unions from establishing a dues structure for its regular members in excess of, or less than, provided herein. A Local may request the National office to waive the fifty cent (\$.50) increase or any portion thereof. However, this waiver shall not affect the ten cent (\$.10) per capita tax increase.

Section 4. The per capita dues of associate members payable to this Union shall be forty-two (\$42.00) dollars per year for both postal and federal government associate members. In the case of postal associate members, the National Union shall be entitled to retain **fifty-one cents (\$0.51)** per pay period as a per capita tax for such associate members. That **fifty-one cents** per pay period per capita tax for those postal associate members who are on dues check off will be deducted from the dues check off payments made by the Postal Service to the National Postal Mail Handlers Union pursuant to the National Agreement. In the case of associate members who are not postal employees, the National shall receive **a ten dollar (\$10.00)** per year associate membership fee from the total forty-two dollar associate membership annual dues payable by those associate members. That amount shall be paid to the National Union in the course of the billing and collection of those annual associate member dues pursuant to the National Uniform Billing Program. The remainder of the forty-two dollar (\$42.00) annual associate members dues minus the cost of collection under the Uniform National Billing Program shall be returned to the Local Union on a regular periodic basis pursuant to the Uniform National Billing Program; provided, however, that the costs of collection shall be published and distributed annually to the Local Presidents, together with a complete explanation of increases which shall be approved by the National Executive Board.

Section 5. Where Locals are responsible for collecting membership dues, they may deduct from the per capita dues owed to the National Union a pro rata portion which reflects the same cost of collection as last published and approved by the National Executive Board for the Uniform National Billing Program.

Section 6. Associate member dues shall be credited promptly each month to the Local Union having jurisdiction over the member's workplace.

Section 7. Each member of this Union shall be responsible for ensuring the timely payment of his or her membership dues. Members whose dues are not paid within ninety (90) days shall be automatically suspended from membership in accordance with the Uniform Local Union

Constitution.

Section 8. Annually, if funds permit, the apportionment, distribution, and allocation of the per capita tax shall be as follows: first, not less than six hundred thousand dollars shall belong to and be placed in a surplus trust account; second, not less than one million seven hundred thousand dollars shall belong to and be expended on the Contract Administration Department.

ARTICLE XV - Financial Affairs/Standards

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

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

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

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

ARTICLE XVI - Publications

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

ARTICLE XVII - Trials of National Officers

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

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

Section 3. The National Executive Board shall serve as the Trial Committee, but any member who has such a relationship to any of the parties or events involved in the proceeding as to prohibit making a fair and objective decision shall disqualify himself or herself. The remaining members shall designate from among the regular members in good standing a sufficient number of individuals necessary to bring the Trial Committee up to seven (7) members. In the event all members of the Executive Board disqualify themselves, the Trial Committee shall be comprised of seven Local Presidents chosen by lot from a pool of all Local Presidents with the exception of those whose Locals endorsed the charges. A fair and open selection process shall be conducted by those Presidents whose Locals have endorsed the charges after notice has been given to the charged individual(s) so that they may observe the lottery selection process. Decisions as to guilt and penalty, if any, shall be made by no less than five members of the Committee, provided however

that no officer may be suspended or removed from office except by a unanimous vote of the Committee.

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

ARTICLE XVIII- Exhaustion of Remedies/Appeals

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

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

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

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

ARTICLE XIX - International Union; Representation at LIUNA Conventions

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

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

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

ARTICLE XX - Amendments

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

ARTICLE XXI - Savings Clauses

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

Section 2. If any provision of this Constitution is declared invalid or is rendered inoperative by any competent authority of the executive, judicial, or administrative branch of a state or the federal government, the National Executive Board shall have the authority to suspend the operation of such provision during the period of its invalidity and to substitute in its place a provision which will be in accord with the intended purpose of the invalid provision. Such substitute shall be effective upon adoption and shall remain in effect

until the next Convention unless written objection is received from the LIUNA General Executive Board within ninety (90) days.

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

Resolution No. 1 of the 1992 National Convention

(Passed August 19, 1992)

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

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

ARTICLE XII - Representation at LIUNA Conventions

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

Section 2. The General Secretary-Treasurer shall, not later than the thirty-first (31st) day of the month of May of the Convention year,

mail to each Local Union in good standing of this Union a Convention call advising said Local Union of the opening date of the Convention and the city where the Convention is to be held. The Convention call shall also specify the number of delegates that each Local Union is entitled to elect as its representative to the said Convention. Such delegates are to be elected in accordance with the provisions herein.

Section 3. Any regular member of this Union is eligible to be a delegate of his/her Local Union, provided s/he shall have been a regular member in continuous good standing for at least two (2) years in this Union and is current in the payment of his/her dues; and provided further that s/he cannot have been employed in a supervisory capacity by the Postal Service at any time during the two years immediately prior to nomination; and provided further that, effective January 1, 2003, s/he also cannot have been employed in a managerial capacity by the Postal Service, or by the Postal Inspection Service (including as a confidential informant), for any time during that period. In addition, any member who applies for or accepts a management position with the Postal Service shall, within fourteen (14) days of that application or acceptance, resign his/her position as a delegate of his/her Local Union and, failing to do so, the position shall be declared to be vacant.

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

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

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

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

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

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

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

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

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

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