

# CWA

## CONSTITUTION

AS  
AMENDED  
JUNE 2015



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PERMANENT RULES GOVERNING CONDUCT OF CWA  
CONVENTION AND INTERNAL APPEALS PROCEDURE

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## Preamble:

We, the Communications Workers of America, believing that as an integral part of society we are entitled to an equitable share in the products of our labor and realizing that our welfare can best be protected and advanced through the united effort of all workers, do, through this Constitution, under God, seek to form a more perfect means of securing for ourselves, and labor generally, full employment of the inherent rights and dignities which our institutions were ordained to preserve.

## ***Article I—Name***

This organization, hereinafter referred to as the Union, shall be known as the Communications Workers of America and shall be identified by the initials CWA.

## ***Article II—Jurisdiction***

The Union shall have jurisdiction of all communications work and of the persons engaged therein. The Union shall also include those workers who wish to become part of the Union regardless of their field of endeavor. There shall be no geographical limitation on the jurisdiction of the Union.

## ***Article III—Objects***

The objects of the Union shall be:

- (a) To unite the workers within its jurisdiction in a single cohesive labor union for the purpose of collective effort;
- (b) To improve the conditions of the workers with respect to wages, hours, working conditions and other conditions of employment;
- (c) To disseminate information among the workers respecting economic, social, political and other matters affecting their lives and welfare;
- (d) To advance the interests of the workers by advocating the enactment of laws beneficial to them and the defeat or repeal of laws detrimental to them;
- (e) To do all things which may be necessary or proper to secure for the workers the enjoyment of their natural rights.

## ***Article IV—Organizational Structure***

The structure of the organization shall consist of the following, all hereinafter described:

1. The Convention;
2. The Executive Board;
3. District;
4. Chartered Locals;
5. The Canadian Region

## ***Article V—Membership***

### ***Section 1—Eligibility***

- (a) All persons engaged in the communications field and other fields of endeavor, both public and private sectors, excepting those excluded by law, shall be eligible for membership in the Union.
- (b) All persons who are officers of labor organizations representing workers within the jurisdiction of the Union shall be eligible for membership in the Union.
- (c) Members of the Union who are on leaves of absence from their employment or who are employed on a full-time or part-time basis by the Union or a Local or who are or may be retired for any reason may continue to be active members.
- (d) No person, otherwise eligible for membership, shall be denied membership in the Union because of sex, race, color, creed or nationality.
- (e) No person, otherwise eligible for membership in the Union, shall be admitted to membership if the person has been fined, suspended or expelled by a Local in this Union, until the person has complied with the terms of such fine, suspension or expulsion.

### ***Section 2—Applications***

- (a) Membership in the Union shall be obtained and maintained through membership in a chartered Local of the Union.
- (b) Each application for membership shall be accompanied by the initiation fee established by the Local which shall not be less than two dollars (\$2.00) nor more than five dollars (\$5.00), without approval of the Executive Board.
- (c) The Union's portion of an initiation fee shall be one dollar (\$1.00). Each Local shall pay the Union its portion of initiation fees in such manner as required by the Convention or the Executive Board.
- (d) The Executive Board may waive the Union's portion of the initiation fee. A Local may waive its portion of the initiation fee with approval of the Executive Board.
- (e) In the event an application for membership is denied, the initiation fee shall be refunded to the applicant.

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

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

### *Section 3—Transfers*

(a) The Executive Board shall establish rules and procedures for the transfer of the membership of a member of the Union who changes employment from the jurisdiction of one Local to another.

(b) The transferred member shall not be required to pay an initiation fee if the transfer is initiated not later than thirty (30) days after the effective date of the change in employment.

(c) The member shall be granted such transfer of membership if the member is in good standing.

(d) All Locals shall be supplied with certificate of transfer forms by the Union.

(e) Members of a Local who are or may be retired for any reason, or who are, or who may be on leaves of absence, may elect to continue to be active members or to assume the status of associate members. In the event any such person elects to become an associate member, the person shall lose voting privileges but shall not be required to pay dues.

### *Section 4—Termination*

(a) Membership in the Union shall be terminated when any member shall accept a position which would render the person ineligible for membership, except that a member who temporarily assumes such a position may retain membership for a period not to exceed thirty (30) days, provided during such period such member shall not hold any office within the Union.

(b) Membership may be terminated by expulsion as provided in this Constitution.

(c) A withdrawal card shall be issued by the Local upon application of a member in good standing leaving the jurisdiction of the Union. Should the holder of a withdrawal card later return to the jurisdiction of the Union, that person shall not be required to pay an initiation fee if such card is presented to the Secretary of the Local having jurisdiction of the member within thirty (30) days of that person returning to the Union's jurisdiction. Failure to present the card within the time limit specified herein shall void the rights and privileges granted by such withdrawal card.

(d) Membership in the Union shall be terminated following receipt of a member's written request sent to the Local of the Union in which the membership is maintained.

### *Section 5—Retired Members' Chapter*

(a) All CWA Council Lifetime members shall be eligible to join in a CWA Retired Members' Chapter.

(b) Application for membership in a Chapter shall be made to the Retiree Chapter.

(c) Each member of a Chapter shall pay the membership dues established by the Chapter.

(d) Chapters shall be units of the Union and shall be chartered by the CWA Executive Board.

(e) Chapters shall be identified by number.

(f) Application for Charter shall be in writing upon forms provided by the Secretary-Treasurer of the Union and shall be signed by at least five (5) persons eligible for membership in the Chapter.

(g) Chapters shall adopt bylaws which are consistent with this Constitution and the programs of the Union.

### ***Section 6—Retired Members’ Council***

(a) All dues paying members of the Union in good standing who are or may be retired by reason of age or disability shall be eligible to become CWA Retired Members’ Council Lifetime members.

(b) The Retired Members’ Council shall be a unit of the Union and shall consist of lifetime members.

(c) The Council shall adopt bylaws and rules consistent with federal and provincial laws, the Constitution and policies of CWA.

(d) A Council Executive Board shall be elected which will consist of one representative from each of the CWA Districts and three Sector/Division members who shall be elected from the Media Sector (consisting of the Printing, Publishing and Media Workers Sector, NABET-CWA and TNG-CWA), the IUE-CWA Division and the AFA-CWA Sector. The District representatives on the Council Executive Board shall be elected by secret ballot among the Council Lifetime members within the appropriate CWA District. The Sector and Division representatives shall be elected by secret ballot among the Council Lifetime members who retired from the Media Sector (consisting of the Printing, Publishing and Media Workers Sector, NABET-CWA, and TNG-CWA), the IUE-CWA Division, and the AFA-CWA Sector. Within the Council, Districts 2 and 13 shall not be combined until the end of the 2012 term. Terms of office shall be consistent with those of International officers. The elections shall be conducted in accordance with Council bylaws, federal and provincial laws and this Constitution. Any challenge to the Council Executive Board elections or Council officers’ elections shall be resolved in accordance with the Council bylaws.

(e) The officers of the Retired Members’ Council shall be an Executive President, Executive Vice President and Secretary-Treasurer or Secretary and Treasurer. Such officers shall be elected from the Council Executive Board in accordance with Council bylaws. The term of the office for Council officers shall be four years or until their successors have been duly elected and qualified.

(f) The Council Executive Board members shall also serve as delegates to all CWA Conventions during their term of office and shall each carry one (1) vote. As delegates to the CWA Convention, Council Executive Board members shall have the right to vote in elections of the CWA President and Secretary-Treasurer.

(g) The Council shall concern itself with organizing the unorganized, and the social, economic, educational, legislative, and political developments and concerns of its members and the CWA. Consistent with CWA policies and this Constitution, the Council shall engage in organizing, political, legislative, educational, civic, social, economic, and community activities to advance and enhance the interests of its membership and the CWA.

## ***Article VI—Dues, Fines and Assessments***

### ***Section 1—Membership Dues***

(a) Each member of the Union shall pay the membership dues established by the member’s Local. Membership dues shall be collected in the manner as determined by the Convention or the Executive Board.

(b) Locals shall establish membership dues.

(c) The Convention may establish minimum membership dues.

### *Section 2—Per Capita Dues to Union*

(a) The Convention shall establish per capita dues to the Union. Locals shall be required to pay the per capita dues to the Union within the time and in the manner set forth by the Convention or the Executive Board.

### *Section 3—Local Special Assessments*

(a) Locals may levy a special assessment in cases of emergency or when income from dues and initiation fees is inadequate to finance necessary expense of the Local.

(b) Before a Local may levy a special assessment it shall:

(1) Give the reason for the assessment to the member's subject thereto;

(2) Obtain approval by majority vote by secret ballot of the members in good standing voting at a general or special membership meeting, after reasonable notice of the intention to vote upon such question, or by majority vote of the members in good standing voting in a membership referendum conducted by secret ballot.

### *Section 4—Union Special Assessments*

(a) A special assessment may be levied by the Convention. A special assessment may be initiated by the Executive Board, and submitted to referendum in accordance with Article XXII.

(b) The sums collected by assessments under this Section shall be used only for the purposes of the assessments, except that any unexpended surplus of such assessment shall be allocated to the contingency fund of the Union and may be reallocated by the Convention.

(c) A complete record of all monies collected by assessments under this Section shall be kept by the Secretary-Treasurer of the Union, and shall be available for inspection by duly authorized representative(s) of any Local.

### *Section 5—Non-Payment of Dues*

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

### *Section 6 – The Canadian Region*

This Article applies to members of the CWA-SCA Canadian Region, which consists of all CWA Locals within the boundaries of Canada. However, in keeping with the financial autonomy of the Canadian Region, per capita dues paid by Canadian members will remain in Canada and will be administered by CWA-SCA Canada to fund Canadian programs and operations. The Canadian Region shall submit to the International Union its proportionate share of the common costs of the CWA-SCA Sector. CWA-SCA Canada and its Locals will continue to participate in the Members' Relief Fund and the CWA Defense Fund and be governed by the rules

applicable to those funds. CWA-SCA Canada will also be eligible to participate in appropriate Strategic Industry Funds and will also be governed by the rules applicable to those funds.

## **Article VII—Governing Authority**

### **Section 1**

The affairs of the Union shall be governed by its membership in the following manner:

- (a) By the Convention as the highest governing authority of the Union, subject to the right of referendum of the membership;
- (b) By the Executive Board exercising the authority of the Convention between Biennial Conventions, in accordance with the Constitution and the mandates of the Convention, subject to the right of appeal to the Convention, the referendum and the recall. As provided more fully in Article IX, Section 7, commencing immediately after the 2011 CWA Convention, all appeals pending in non-Convention years may be heard and resolved by delegates to a Local President's meeting to be called by CWA Secretary-Treasurer. Except as provided in Article XIII, Section 6, the decisions of the Executive Board must be complied with before the right to appeal can be exercised and such decisions shall remain in effect until reversed or modified;
- (c) By the President as the principal executive officer of the Union, who shall have the authority to carry out the policies of the Union in accordance with the Constitution and the mandates of the Convention and the Executive Board, subject to the right of appeal to the Convention, the referendum and the recall. As provided more fully in Article IX, Section 7, commencing immediately after the 2011 CWA Convention, all appeals pending in non-Convention years may be heard and resolved by delegates to a Local President's meeting to be called by CWA Secretary-Treasurer;
- (d) By the Locals of the Union conducting their affairs in accordance with this Constitution and Local Bylaws and Rules which they may adopt so long as they do not contravene any provision of this Constitution.

## **Article VIII—Conventions**

### **Section 1— Biennial Conventions**

Beginning in 2011, the Union shall meet in Biennial Conventions at a place selected by the Executive Board or the Secretary-Treasurer when authorized by the Executive Board to do so.

### **Section 2— Special Conventions**

- (a) Special Conventions may be called by the Executive Board and shall be called upon the request of twenty percent (20%) of the Locals representing twenty percent (20%) of the membership of the Union.
- (b) The date and place of Special Conventions shall be specified on the calls thereof.
- (c) Action of a Special Convention shall be confined to the matters for which it was called.

### **Section 3—Convention Call**

- (a) Biennial Convention

The Secretary-Treasurer of the Union shall notify in writing all Locals of the date and place of the Biennial Convention not later than ninety (90) days in advance of the opening date of the Convention.



(b) Special Conventions

The Secretary-Treasurer of the Union, within twenty (20) days following the receipt by the Secretary-Treasurer of a sufficient request or direction for a Special Convention, shall issue a call for a Special Convention to be held not later than thirty (30) days after the date of the call.

*Section 4—Composition of Conventions*

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

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

(b) Locals shall elect their delegates in accordance with paragraph (a) on the basis of the average number of members on which dues were paid or collected by the International for the twelve (12) months ending the fifth month preceding that in which the Convention begins its session. Locals chartered less than twelve (12) months preceding the fifth month shall each be averaged according to the number of months chartered. Locals chartered after the fifth month preceding the Convention shall be allowed to elect delegates in accordance with this Section on the number of members in the Local at the time it was chartered; provided, however, that duplicate representation because of shift in membership from one Local to another shall not be allowed.

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

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

(e) No Local will be entitled to representation at the Convention and its delegates shall not be seated if the Local is considered to be more than ninety (90) days delinquent in any per capita payments to the International Union at the time of the Convention, except those locals that have established and remained current on a formal payment arrangement with the International Union.

Locals shall be notified of such delinquency not less than ninety (90) days prior to the first day of Convention.

(f) Locals who would see a decrease in voting strength under Section 4 (b) due to participation in a strike authorized in accordance with Article 18 shall not be penalized and shall have their entire membership in the affected bargaining unit recognized for purposes of calculating local's voting strength for the CWA Convention.

## *Section 5—Method of Voting*

- (a) A Local delegate shall have one vote in the Convention, District Meeting, a meeting of a bargaining unit, a national unit or sector, except on a roll call vote.
- (b) A roll call vote of the Convention, a District Meeting, a meeting of a bargaining unit or a sector may be had upon the request of twenty percent (20%) of the delegates.
- (c) Voting by roll call shall be by per capita vote with each delegate casting the number of votes assigned to the delegate by the delegate's Local and approved by the Credentials Committee and the Convention. A Local may designate one or more of its delegation to attend a District Meeting, a meeting of a bargaining unit, a national unit meeting, or a sector meeting in accordance with its Local bylaws and the voting strength shall be equally divided among the delegates so designated. On roll call votes, a delegate shall cast one vote for each member in good standing as assigned to the delegate by the delegate's Local and approved by the Credentials Committee and the Convention.

## *Section 6—Certification of Delegates*

Each Local shall certify to the Secretary-Treasurer of the Union, not less than five (5) days prior to the opening of a Biennial or Special Convention, on credential forms provided by the Union, the names, addresses and voting strength of its delegates and alternates, if any, and the name of the Chair of its delegation.

## *Section 7—Powers of Convention*

The Convention shall have the power to:

- (a) Pass upon the credentials and seating of delegates;
- (b) Establish the policies to be followed by the Union;
- (c) Interpret and amend this Constitution;
- (d) Establish the number of Locals and Districts, and determine their jurisdiction and boundaries;
- (e) Cause the issuance and revocation of Local Charters subject to the provisions of Article XIII, Section 5;
- (f) Determine the number of Vice Presidents and/or At-Large Executive Board Members;
- (g) Cause the selection of delegates to AFL-CIO and CLC Conventions;
- (h) Do all things necessary for the proper disposition of any matter which may come before it for consideration.

## *Section 8—Order of Business*

The Order of Business at a Convention shall be as follows:

1. Call to Order;
2. Report on Credentials;
3. Reading of Convention Rules;
4. Reports of Officers and Executive Board of the Union;
5. Report of Committees;

6. Unfinished Business;
7. Nomination and Election of Officers;
8. Installation of Officers;
9. New Business;
10. Adjournment.

The order of business may be suspended by a two-thirds (2/3) vote of the delegates present.

### ***Section 9—Committees of Convention***

The Executive Board shall have the authority to appoint those committees which are not required by this Constitution or the Convention to be elected; and which may be necessary to promote and achieve the objectives of the Convention and the Union.

### ***Section 10—Expenses of Convention***

The Union shall pay the normal and usual expenses incident to the meetings of the Convention together with the expenses of the Executive Board and of those other members or agents whose attendance at the Convention may be required by the Executive Board. The Locals shall pay the expenses of their respective delegates.

### ***Section 11—Attendance, Individual Members***

Any member of the Union in good standing may attend the general meetings of the Convention as an observer.

### ***Section 12—Officers at Conventions***

Officers of the Union and Executive Board members shall not be selected as delegates to the Convention. They shall have the privilege of speaking on the Convention floor, but shall not have the right to vote.

### ***Section 13—Convention Rules and Procedures***

The Convention shall be governed by the CWA Constitution, Rules adopted by the 10th Annual Convention, and amendments to the Rules which may be adopted by future conventions. In situations where neither the CWA Constitution nor Rules adopted by the Convention are applicable, the Convention shall be governed by Robert's Rules of Order.

## ***Article IX—Executive Board***

### ***Section 1***

The Executive Board of the Union shall consist of the following:

- (a) The President;
- (b) The Secretary-Treasurer;
- (c) The Vice Presidents (District; Telecom and Technology; Public, Health Care and Education Workers; TNG-CWA Sector; NABET-CWA Sector; IUE-CWA Division, and AFA-CWA Sector).
- (d) The Printing, Publishing and Media Workers Executive Officer;

(e) Four At-Large Diversity Executive Board Members. The four At-Large Diversity Executive Board members shall represent four separate geographical areas within CWA as follows:

(1) At Large Diversity Executive Board Seat (Northeast Region): Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Newfoundland, Nova Scotia, Prince Edwards Island, New Brunswick, Ontario, Quebec, London, Frankfurt.

(2) At Large Diversity Executive Board Seat (Southeast Region): Alabama, Delaware, District of Columbia, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, North Carolina, Pennsylvania, Puerto Rico, South Carolina, Tennessee, Virginia, West Virginia.

(3) At-Large Diversity Executive Board Seat (Central Region): Arkansas, Illinois, Indiana, Kansas, Michigan, Missouri, Ohio, Oklahoma, Texas, and Wisconsin.

(4) At-Large Diversity Executive Board Seat (Western Region): Alaska, Arizona, California, Colorado, Hawaii, Idaho, Iowa, Nevada, Minnesota, Montana, Nebraska, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington, Wyoming, Alberta, British Columbia, Manitoba, Northwest Territories, Nunavut, Saskatchewan, Yukon Territory, Hong Kong, Narita Tokyo.

(f) The Director of CWA-SCA Canada.

## *Section 2*

(a) Except in the case of the President, if a vacancy should occur among the members of the Executive Board, the Executive Board shall designate a successor, having the same constitutional qualifications as the member whose place the person takes and that person shall serve until the next regular Convention, at which time a successor shall be elected for the balance of the unexpired term, if any.

(b) If the office of President becomes vacant, the Executive Board shall designate a successor from among the Executive Board, who shall serve until the next regular Convention at which a successor shall be elected for the balance of the unexpired term, if any.

(c) Notwithstanding paragraph (a) or Article XV, Section 2(e), if a vacancy should occur among the Vice Presidents or PPMWS Executive Officer at least one year prior to the start of the next regular Convention, such vacancy shall be filled by means of a special election of a successor for the balance of the unexpired term. Such election shall be conducted by the Secretary-Treasurer within 60 days after the date of start of the vacancy, under rules approved by the Executive Board. Ballots shall be cast by the presidents of the eligible locals, carrying the voting strength that such locals were assigned at the last regular Convention.

(d) The President shall vote in Executive Board meetings only in the event of a tie vote.

## *Section 3*

The Executive Board shall meet not less than two (2) times a year. In the event the President shall refuse to call a meeting of the Executive Board when requested to do so by one-third (1/3) of its members, the Secretary-Treasurer of the Union shall call such a meeting.

## *Section 4*

The Executive Board shall have the authority to:

(a) Issue Local Charters;

- (b) Remove any officer of a Local only on clear proof of fraud or dishonesty after sworn charges have been made and after a fair trial and opportunity for appeal as provided in this Constitution;
- (c) Terminate the service of full-time representatives other than elected representatives of the Union. Such persons dismissed shall have the right to be heard by the Executive Board and a final appeal to the Convention. As provided more fully in Article IX, Section 7, commencing immediately after the 2011 CWA Convention, all appeals pending in non-Convention years may be heard and resolved by delegates to a Local President's Meeting.
- (d) Have an independent audit made of the books of the Secretary-Treasurer of the Union not less than once each year and to publish to the membership the results of such audit;
- (e) Cause an inspection to be made of the financial records of any Local and order an independent audit of the books of any Local when convinced that such audit is necessary and proper to protect the membership of the particular Local and the interest of the Union and to publish to the members affected the results of such audit; the cost of such audit to be borne by the Union;
- (f) Establish and maintain organizing, publicity, educational and research departments and to establish and maintain such other departments as the Convention may authorize to promote the purposes of the Union. In no such case shall less than ten percent (10%) of the overall annual budget of the National Union be dedicated to organizing, effective July 1, 1997.
- (g) Approve the employment of personnel not elected which may be necessary to carry out the objectives and to effectuate the policies of the Union and to fix the compensation of such personnel within the limitations of the budget approved by the Convention;
- (h) Approve strikes called by a Local or Locals and render financial and other assistance in connection therewith as hereinafter more fully set forth;
- (i) Call for strikes in the manner specified in this Constitution;
- (j) Call a meeting of any Local or its governing board, in which meeting the Executive Board or its representatives may participate, when the Local has been requested to call such a meeting and has refused or failed to do so. The Executive Board may take this action only under one or more of the following conditions:
  - (1) When so directed by the Convention;
  - (2) When the Executive Board has received written charges that the Officers of a Local are withholding from their members information necessary for the effectuation of current policy or the achieving of important objectives of the Union;
  - (3) When a Local is pursuing a course of action which, if continued, would warrant its expulsion or the appointment of a temporary administrator as provided in Article XIII.
- (k) The Executive Board shall interpret this Constitution, except as it may have been interpreted by the Convention, subject to referendum;
- (l) The Executive Board may order the repeal of any Bylaw or Rule of a Local inconsistent with this Constitution. The affected Local may appeal to the Convention. However, the order of the Executive Board shall be effective pending such appeal. As provided more fully in Article IX, Section 7, commencing

immediately after the 2011 CWA Convention, all appeals pending in non-Convention years may be heard and resolved by delegates to a Local President's Meeting.

### *Section 5*

The Executive Board shall have authority to establish and dissolve organizing committees upon such terms and conditions as may be deemed for the best interest of the Union. Such organizing committees may be granted all of the rights and privileges of Locals under this Constitution. No organizing committee shall be granted jurisdiction which conflicts with that of any chartered Local of the Union.

### *Section 6*

The Executive Board shall have authority to provide for the affiliation of any labor organization with such rights and privileges and under such terms and conditions as may be acceptable to the Executive Board, subject to the right of appeal to the Convention. The rights, privileges, terms and conditions of affiliation shall not be required to be uniform for such affiliated labor organizations. As provided more fully in Article IX, Section 7, commencing immediately after the 2011 CWA Convention, all appeals pending in non-Convention years may be heard and resolved by delegates to a Local President's Meeting.

### *Section 7—Appeal Procedure*

- (a) The Executive Board of the Union shall establish reasonable appeal procedures within the structure of the Union to review complaints of members which allege violation of the Constitution, Local Bylaws or the rights and privileges of members.
- (b) Commencing immediately after the 2011 CWA Convention, any appeals arising in a non-Convention year may be heard and resolved by delegates to a Local Presidents' Meeting. The CWA Secretary-Treasurer shall provide 90 days' advance notice to Local Presidents. Appeals arising during a Convention year will continue to be heard and resolved by the Convention in accordance with the provisions of the CWA Constitution, the CWA Internal Appeals Procedures and past practice.
- (c) The meeting of Local Presidents to be held in non-Convention years to hear and resolve any pending appeals shall be attended by the President of each CWA Local in good standing and/or their designee. The President and/or his designee shall carry the same per capita voting strength as was certified for the Local at the prior year's Convention, calculated in accordance with the provisions of Article VIII.
- (d) Each Local delegate to the Presidents' Meeting shall have one vote. A roll call vote of the Presidents' Meeting may be had upon request of twenty percent (20%) of the delegates. Voting by roll call shall be per capita vote with each delegate casting the number of votes approved for the Local by the preceding Convention.
- (e) At the option of the appellant, final resolution of any appeal involving matters of internal CWA governance may be deferred until the next CWA Biennial Convention. Any appellant wishing to exercise such option shall notify the CWA Secretary-Treasurer of such intent in writing, no later than thirty (30) days before the non-Convention year Local Presidents' Meeting.

## ***Article X—Executive Committee***

There shall be an Executive Committee of the Union consisting of the President and the Secretary-Treasurer who shall have such administrative powers, duties and authorities as may be assigned by the Convention or the Executive Board.

## ***Article XI—Districts and the Canadian Region***

### ***Section 1***

The Districts established under this Constitution shall be administrative units of the Union.

### ***Section 2***

(a) Delegates representing the Locals within each District shall meet at least once every four years in conjunction with the Union Convention for the purpose of electing a Vice President.

(b) Representatives of Locals within each District shall meet at least once in each calendar year at the call of the Vice President.

(c) In addition, the Vice President shall call meetings of representatives of the Locals in particular states or other appropriate geographical areas within the District not less than once in each calendar year.

### ***Section 3***

District, State and Area meetings shall be conducted by the respective Vice Presidents or their authorized representatives. Attendance of Locals at such meetings shall be required.

### ***Section 4***

Representation at District meetings held in conjunction with Conventions shall be determined in accordance with the credentials approved by the Convention. Voting strength of representatives to other District, State and Area meetings shall be determined in accordance with the credentials approved by the most recent Convention.

### ***Section 5***

No Local shall have representation in more than one District. A Local whose jurisdiction crosses District lines shall be assigned to the District in which it maintains its Local headquarters.

### ***Section 6***

Expenses incidental to District, State and Area meetings shall be borne by the Union. Expenses of Local delegates to District, State or Area meetings shall be borne by the Locals.

### ***Section 7***

District, State and Area meetings shall review total Union programs established by the Convention or Executive Board, discuss matters of common interest and concern, and shall have the authority to initiate and approve programs and policies not in conflict with the programs and policies established by higher policy making levels within the Union, for implementation only within that District, State or Area. Dues and assessments, however, may be established and levied only by the Convention and Locals as provided in Article VI of this Constitution.

## *Section 8 — The Canadian Region*

CWA-SCA Canada shall operate as an autonomous entity within the TNG-CWA Sector and the CWA, through a Canadian Region, with regard to governance, policy and operational decisions affecting Canadian members. The Canadian Region will be financially self-sufficient and all expenses incurred by the operations of the Region will be borne by the Region. CWA-SCA Canada members will have all rights of membership in the Union and will be eligible for appointment to any Union Committees. CWA-SCA Canada will provide an annual audit report to the CWA Secretary-Treasurer. All financial records and other records pertaining to the Locals of CWA-SCA Canada will be maintained and administered by the Canadian Region. The Canadian Region shall abide by all provisions of the CWA Constitution.

## **Article XII—Duties of Officers and other Executive Board Members**

### *Section 1—The President*

- (a) The President, as the principal executive officer of the Union, shall have full authority to execute the policies of the Union as established under this Constitution. Should the President find that the policy of the Union has not been clearly formulated, the President shall poll the members of the Executive Board and the affirmative opinion of a majority of the Board shall have the force and effect of a decision reached in a meeting of the Executive Board and the results of the poll shall be entered in the minutes of the next meeting of the Board.
- (b) The President shall preside over the Convention and meetings of the Executive Board and Executive Committee of the Union.
- (c) The President shall call regular and special meetings of the Executive Board as required by the Constitution.
- (d) The President shall be the official spokesperson for the Union in all its external relations and may authorize counsel or other agents of the Union to speak for the Union in the President's place and stead.
- (e) The President shall recommend to the Executive Board the employment of such personnel as may be required in the President's opinion to effectuate the programs of the Union.
- (f) The President shall hold no other office in the Union and shall not be engaged in any other employment. The President shall receive the annual salary established for the office by the Convention, payable in twelve (12) equal monthly installments.

### *Section 2—The Secretary-Treasurer*

The Secretary-Treasurer shall act under the direction of the President and the Executive Board and shall:

- (a) Attend all meetings of the Convention, the Executive Board and the Executive Committee and shall cause a faithful record to be made of the proceedings;
- (b) Keep all contracts, books, records, monies, securities and all other property of the Union not otherwise given by this Constitution to someone else;
- (c) Have the custody of the Union Seal and cause it to be impressed upon such documents as the Executive Board of the Union shall direct;



- (d) Supervise the maintenance of such membership lists as may be required by the International and shall cause the collection of per capita dues, initiation fees, assessments and all other monies due to the Union;
- (e) Cause the President of a Local to be notified whenever such Local becomes delinquent for a period of thirty (30) days in the payment of any financial obligation to the Union;
- (f) Cause the funds belonging to the Union to be deposited in a bank or banks approved by the Executive Board of the Union;
- (g) Cause the payment of proper bills and expenses of the Union, when evidenced by satisfactory statements or vouchers, by checks countersigned by the President or by such other persons who may be thereunto authorized by the Executive Board of the Union;
- (h) Invest the funds of the Union as instructed by the Convention or by the Executive Board in the absence of such instructions by the Convention;
- (i) Prepare, publish and distribute to the Executive Board a quarterly financial statement which shall list the total assets, liabilities, receipts and disbursements of the Union;
- (j) Make loans to locals when authorized by the Executive Board of the Union and when secured by promissory note or other evidence of obligation therefore drawn and signed by the Officers of the borrowing Local;
- (k) Cooperate with the auditor in the annual audit of the Secretary-Treasurer's books and such other audits as may be directed by the Executive Board;
- (l) Give bond in an amount to be determined by the Executive Board for the faithful performance of the trust in the Secretary-Treasurer reposed, the cost thereof to be borne by the Union;
- (m) Turn over all funds, books, records and all other documents and property of the Union in the Secretary-Treasurer's custody to the Secretary-Treasurer's successor in office;
- (n) Perform all duties imposed upon the Secretary-Treasurer by this Constitution and such other duties as shall from time-to-time be assigned to the Secretary-Treasurer by the Convention, the President or the Executive Board;
- (o) The Secretary-Treasurer shall hold no other office in the Union and shall not be engaged in any other employment. The Secretary-Treasurer shall receive the annual salary established by the Convention for the office, payable in twelve (12) equal monthly installments.

*Section 3—Vice Presidents—District; Telecom and Technology; Public, Health Care and Education Workers; TNG-CWA; NABET-CWA; IUE-CWA; and AFA-CWA Sectors*

The Vice President shall:

- (a) Act under the direction of the President and perform such duties as may be assigned by the President or the Executive Board;
- (b) Recommend to the President the employment of such personnel as may be required;
- (c) Recommend to the President that services of such personnel as may be assigned to the Vice President be terminated for cause;

(d) Supervise full-time and part-time personnel as may be assigned to the Vice President and employ and terminate the employment of clerical forces subject to the limitations of the budget;

(e) Preside at meetings;

(f) Hold no other office in the Union and shall not be engaged in any other employment. The Vice President shall receive the annual salary established for the office of the Vice President by the Convention, payable in twelve (12) equal monthly installments.

#### *Section 4—Vice Presidents—District, Telecom and Technology*

The Vice President shall:

(a) Appoint members of the bargaining committees in bargaining units to fill vacancies that may occur and that are not otherwise filled; and to appoint bargaining committees for bargaining units who have failed to select bargaining committees under the provisions of this Constitution;

(b) Supervise the negotiations of contracts and approve or authorize the approval of such contracts in accordance with Executive Board direction;

(c) Designate when necessary one or more Union representatives to assist in the negotiation of each contract negotiated;

(d) Designate when necessary one or more Union representatives to process grievances above the Local level.

#### *Section 5—Telecom and Technology Vice President*

For those bargaining units of Telecommunications employees other than AT&T, Verizon, Qwest and their subsidiaries and affiliates. The Telecom & Technology Vice President shall be responsible, under the direction of the Executive Board, for coordinating matters of common concern and interest with respect to contracts, wages, hours of employment and other working conditions within the units.

The Telecom & Technology Vice President shall be responsible for bargaining in those bargaining units which are system-wide or national in scope as determined by the Executive Board.

#### *Section 6—Public, Health Care and Education Workers Vice President*

There shall be elected a Public, Health Care and Education Workers Vice President who shall be responsible under the direction of the Executive Board for coordinating matters of common concern and interest with respect to contracts, wages, hours of employment and other working conditions within the units of public, health care and education workers.

#### *Section 7—CWA Printing, Publishing and Media Workers Sector Executive Officer*

The President of the Printing, Publishing and Media Workers Sector of CWA (PPMWS) shall also be the CWA Printing, Publishing and Media Workers Sector Executive Officer, who shall be responsible under the direction of the Executive Board for coordinating matters of common concern and interest with respect to contracts, wages, hours of employment and other working conditions with the units of the Printing, Publishing and Media Workers Sector.

The PPMWS Executive Officer shall:

- (a) Act under the direction of the President and perform such administrative and constitutional obligations as may be assigned by the President or the Executive Board;
- (b) Recommend to the President the employment of such personnel as may be required;
- (c) Recommend to the President that services of such personnel as may be assigned to the PPMWS Executive Officer be terminated for cause;
- (d) Supervise full-time and part-time personnel as may be assigned to the PPMWS Executive Officer and employ and terminate the employment of clerical forces subject to the limitations of the budget;
- (e) Preside at meetings;
- (f) Hold no other office in the Union and shall not be engaged in any other employment. The PPMWS Executive Officer shall receive the annual salary established for the office of the PPMWS Director by the Convention.

### *Section 8—TNG-CWA Sector Vice President*

The President of the TNG shall also be the TNG-CWA Sector Vice President who shall be responsible under the direction of the Executive Board for coordinating matters of common concern and interest with respect to contracts, wages and hours of employment and other working conditions with the units of the TNG-CWA Sector.

### *Section 9—NABET-CWA Sector Vice President*

The President of the National Association of Broadcast Employees and Technicians, the Broadcasting and Cable Television Workers Sector of the Communications Workers of America, AFL-CIO (NABET-CWA) shall also be the NABET-CWA Sector Vice President who shall be responsible under the direction of the Executive Board for coordinating matters of common concern and interest with respect to contracts, wages, hours of employment and other working conditions with the units of the NABET-CWA Sector.

### *Section 10—IUE-CWA Division Vice President*

The President of the IUE-CWA Division of CWA shall also be the IUE-CWA Division Vice President and shall be responsible, under the direction of the Executive Board, for coordinating matters of common concern and interest with respect to contracts, wages, hours of employment and other working conditions within the units of the IUE-CWA Division.

### *Section 11—AFA-CWA Sector Vice President*

The President of the AFA-CWA Sector of CWA shall also be the AFA-CWA Sector Vice President and shall be responsible under the direction of the Executive Board for coordinating matters of common concern and interest with respect to contracts, wages, hours of employment and other working conditions within the units of the AFA-CWA Sector.

### *Section 12—At-Large Diversity Executive Board Members*

Beginning thirty (30) days after the conclusion of the 2007 Annual Convention, four At-Large Diversity Executive Board Member seats shall be created. The four At-Large Diversity Executive Board Members shall:

- (a) Act under the direction of the President and perform such duties as may be assigned by the President or the Executive Board;
- (b) Be responsible, under the direction and with the assistance of other members of the Executive Board, for matters of common concern and interest affecting diversity at all levels within the union;
- (c) Attend meetings of the CWA Executive Board, in person or by telephone call, as may be scheduled by the President or the Executive Board;
- (d) Evaluate, in conjunction with other members of the Executive Board as assigned by the President, the membership balance within each geographical region represented by the four At-Large Diversity Executive Board seats; and
- (e) No full-time, permanent employee of the Union shall be eligible to run for or hold office as an At-Large Executive Board Member. At-Large Executive Board Members shall not be employees of the Union and shall receive no salary or other compensation from the Union for service as an At-Large Executive Board Member. At-Large Executive Board Members shall receive reimbursement for lost-time wages and expenses associated with attending Board meetings and performing other Board responsibilities as assigned by the President.

### *Section 13—Director, CWA-SCA Canada*

The Director of CWA-SCA Canada shall be responsible for coordinating matters of common concern and interest with respect to contracts, wages, hours of employment and other working conditions within the units of the CWA-SCA Canadian Region. The Director of CWA-SCA Canada shall act under the direction of the President and perform such administrative and constitutional obligations and duties as may be assigned by the President or the Executive Board. The Director of CWA-SCA Canada shall be a voting member of the CWA Executive Board. The Canadian Director shall act at all times in the best interests of the Union in accordance with the CWA Constitution.

## **Article XIII—Locals**

### *Section 1—Charter*

- (a) A Local shall be a unit of the Union and shall be chartered by the Executive Board.
- (b) Locals shall be identified by number.
- (c) Local jurisdiction shall be assigned and described at the time Charters are issued.
- (d) No Local Charter shall be issued which grants jurisdiction in conflict with that of another Local except as herein provided.

### *Section 2—Applications*

Application for Charter or change of jurisdiction shall be in writing upon forms provided by the Secretary-Treasurer of the Union and shall be signed by at least five individuals who are eligible for membership in the Local.

### *Section 3—Jurisdiction Changes*

- (a) The Convention or the Executive Board by an affirmative vote of three-fourths (3/4) may change the jurisdiction of any Local.

(b) Locals may combine or waive jurisdiction by an affirmative vote of a majority of those voting by referendum in each Local affected.

#### *Section 4—Jurisdiction Disputes*

(a) In jurisdictional disputes between Locals the District Vice President will make every reasonable effort to obtain an agreement among the involved Locals. If no agreement can be reached the matter will be resolved by the following procedure:

1. Upon agreement of the Locals involved, an election shall be conducted in accordance with rules and procedures adopted by the Executive Board and shall be conducted under the supervision of the District Vice President.
2. If the Locals will not agree to an election, the dispute shall be referred to an independent referee appointed by the Executive Board and approved by the Convention. The decision of the referee may be appealed to the CWA Convention within thirty days of receipt of the referee's decision. As provided more fully in Article IX, Section 7, commencing immediately after the 2011 CWA Convention, all appeals pending in non-Convention years may be heard and resolved by delegates to a Local President's Meeting. Such appeals shall be presented to the Convention or President's Meeting by the Appeals Committee. The only responsibility of the Appeals Committee shall be to convey the decision and opinion to the Convention or President's Meeting without making any recommendation.

(b) Where appropriate, the Secretary-Treasurer shall issue a revised charter reflecting the outcome of any of the above procedures.

#### *Section 5—Causes for Revocation or Suspension of Charter*

The Charter of a Local may be revoked or suspended by the Executive Board for:

- (a) Failure to meet any financial obligation to the Union within sixty (60) days after it is due;
- (b) Refusing or neglecting to install a successor to any Officer removed by the Union;
- (c) Refusing or neglecting to make returns and reports required by the Union;
- (d) Refusing or neglecting to bring a member to trial within thirty (30) days after being directed to do so by the Union;
- (e) Resorting to a civil suit or criminal action against the Union or any Officer thereof before exhausting remedies within the Union organization;
- (f) Refusing or neglecting to conform to or abide by any directions or decisions of the Convention, Executive Board or referendum vote of the membership;
- (g) Refusing or neglecting to conform to this Constitution or the policies of the Union as set forth by the Convention.

#### *Section 6—Procedure for Revocation*

The Charter of any Local shall not be revoked until the Local has been given proper notice of the charges against it and an opportunity to be heard in its defense. It may be represented by counsel. The Local shall be given at least ten (10) days to prepare its defense after receiving notice from the Secretary-Treasurer of the

Union of any charges. The hearing will be conducted before a member or members of the Executive Board of the Union who shall be required to make a report and recommendations thereon to the Executive Board. A vote of at least two-thirds (2/3) of the Executive Board of the Union shall be required for a finding of suspension or revocation of a Charter or any other penalty that may be imposed. In the event penalties other than suspension or revocation are imposed, such findings shall state that if the Local fails to comply with the finding or to appeal within the allotted time, its Charter will be automatically revoked. The findings shall be published to all Locals.

### *Section 7—Appeal of Revocation*

(a) A Local may appeal the findings of the Executive Board to the next Convention by giving written notice to the Secretary-Treasurer of the Union within thirty (30) days after the publication of the findings of the Executive Board of the Union. No findings shall become effective pending the disposition of the appeal. As provided more fully in Article IX, Section 7, commencing immediately after the 2011 CWA Convention, all appeals pending in non-Convention years may be heard and resolved by delegates to a Local President's Meeting.

(b) A two-thirds (2/3) vote of the Convention and/or the delegates voting on appeals at a Local President's Meeting to be held in non-Convention years, as provided in Article IX, Section 7, shall be required to sustain the finding of the Executive Board in the event such finding is appealed.

### *Section 8—Temporary Administration*

(a) Should there be a final decision revoking the Charter of a Local, the Executive Board of the Union may temporarily take control of its affairs through a temporary administrator, who shall take such action, subject to the direction of the Executive Board of the Union, as may be necessary to guarantee the continuance of the Union and protect its interests.

(b) The Executive Board may appoint a temporary administrator to temporarily conduct the affairs of a Local after receiving a request from the Officers or membership of a Local for such action.

In the event the Local or its Officers shall object to the appointment of a temporary administrator, the President shall give notice in writing to the Local of the reasons which were the basis for the appointment of the temporary administrator; shall appoint a member of the Executive Board to hold a hearing for the purpose of determining the reasons for and the objections of the Local or its Officers to the appointment of a temporary administrator. The Local shall be entitled to reasonable notice of the time and place of the hearing which shall not be less than ten (10) days. The Local or its Officers may be represented by Counsel. At the conclusion of the hearing, the member of the Executive Board holding the hearing shall make a report with recommendations to the Executive Board which shall affirm, reverse or modify the appointment of the temporary administrator. The decision of the Executive Board may be appealed to the next Union Convention. After the 2011 CWA Convention, as provided more fully in Article IX, Section 7, all appeals pending in non-Convention years may be heard and resolved by delegates to a Local President's Meeting.

### *Section 9—Authority, Duties and Obligations of Locals*

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

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

- (b) To actively implement all Union Programs and carry out the policies established by the District, State or Area meeting at which it is required to be represented;
- (c) To abide by the Constitution, the decisions of the Convention, the Executive Board of the Union and the decisions resulting from the referendum procedure;
- (d) To adopt Bylaws and Rules not inconsistent with this Constitution and to repeal, amend, or modify such Rules and Bylaws as may be inconsistent therewith, voluntarily, or at the direction of the Executive Board of the Union, subject to the right of appeal to the Convention. As provided more fully in Article IX, Section 7, commencing immediately after the 2011 CWA Convention, all appeals pending in non-Convention years may be heard and resolved by delegates to a Local President's Meeting;
- (e) To establish and maintain actively functioning organizing, education, legislative-political, community services, women's, equity, and such other committees as may be necessary to effectuate the policies of the Local, the Union and the District, State or Area;
- (f) To participate actively in the political and legislative processes on a city, state, provincial and national level, with special regard to legislation affecting the welfare of the members, and do all things reasonable and necessary to accelerate the adoption of laws which may be beneficial and to encourage defeat or cause the repeal of laws which may be detrimental to the workers;
- (g) To respect picket lines of any Local of the Union engaged in a strike authorized and conducted in accordance with this Constitution;
- (h) To provide for the bonding of Local Officers and other persons who handle Union funds and property;
- (i) To hold Local meetings at such time, place and frequency as the members may decide by vote;
- (j) To hold Local elections by secret ballot with provision of reasonable opportunity for all members to vote in accordance with the Bylaws or Rules established by the Local and this Constitution;
- (k) To elect by secret ballot delegates and alternate delegates to the Union Convention as provided in this Constitution and to designate the Chair of such delegation;
- (l) To establish a quorum and other rules of conduct of Local meetings;
- (m) To maintain adequate files and records and have made an annual audit of the financial records of the Local by competent persons; make available Local financial statements to the membership at least annually; furnish to the Union's Secretary-Treasurer in acceptable form, an annual financial statement;
- (n) To furnish the Vice President and Secretary-Treasurer of the Union with copies of Bylaws and Rules of the Local and copies of revisions as they may be made;
- (o) To require participation of all Local officers and stewards in appropriate training schools and programs;
- (p) To establish a program designed to keep rank and file members informed of Union activities;
- (q) To process grievances through the step below the top level of the grievance procedure preceding arbitration, where applicable;
- (r) To represent the members of the Local at all District, State or Area Meetings, and at quarterly meetings of Local Representatives with their International Staff, at such times and places as may be set by the Vice President, or the Vice President's accredited representative;

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

### ***Section 10—Contract Responsibility***

No Local shall be authorized to make contracts or incur liabilities for the Union.

### ***Section 11—Assets***

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

### ***Section 12—Prohibition Against Incorporation***

No Local shall be or become incorporated under the laws of any state, territory or country unless otherwise required by law.

## ***Article XIV—Councils***

### ***Section 1—State and City Councils***

(a) State Councils may be established under the direction of the Vice President(s) in all states where the Union has a significant presence as determined by the Executive Board.

(b) In cities where there is more than one chartered Local, Councils may be established under the direction of the Vice President of the geographical District.

### ***Section 2***

Each Council shall consist of representatives of Locals within the state or areas of the respective Council.

### ***Section 3***

Councils shall operate under rules they may adopt which are approved by the Vice President(s).

### ***Section 4***

Councils shall be financed by participating Locals.

## ***Article XV—Elections***

### ***Section 1—Union Officers***

The President and Secretary-Treasurer of the Union shall be elected separately by secret ballot of the delegates to the Convention following nominations made from the floor of the Convention. Beginning with the election of 2011 the term of office shall be four years or until their successors have been duly elected and qualified.



## *Section 2—Vice Presidents and PPMWS Executive Officer*

(a) District Vice Presidents shall be elected by a secret ballot, after nominations from the floor, at a meeting of delegates from the District. Beginning with the 2011 CWA Convention, there shall be elected a Telecom and Technology Vice President for AT&T Legacy T, Avaya, Alcatel-Lucent, OFS and those bargaining units of telecommunications employees other than AT&T, Verizon, Quest and their subsidiaries and affiliates. The Telecom and Technology Vice President, and the Public, Health Care and Education Workers Vice President shall be elected by secret ballot, after nominations from the floor at meetings of delegates representing members of AT&T Legacy T, Avaya, Alcatel-Lucent, and OFS and affected telecommunications bargaining units and Public, Health Care and Education workers units respectively.

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

(c) Beginning with the election of 2008, each At-Large Diversity Executive Board Member shall be elected by secret ballot of the delegates to the Convention following nominations made from the floor of the Convention. Beginning with the elections held in 2011, the term of office for At-Large Diversity Executive Board Members shall be four years. No candidate shall be permitted to run for more than one of the four At-Large Diversity Executive Board seats. A candidate for an At-Large Diversity Executive Board seat must hold their membership within the region represented by that seat.

(d) Beginning in 2011, the term of office of Vice President and PPMWS Executive Officer shall be four years or until their successors have been duly elected and qualified.

(e) In the event a vacancy occurs in the Office of Vice President, PPMWS Executive Officer, or At-Large Diversity Executive Board Member for any reason, an election shall be held at the next regular Convention for the purpose of electing a Vice President, PPMWS Executive Officer, or At-Large Diversity Executive Board Member to fill the unexpired term.

## *Section 3—Local Officers*

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

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

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

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

#### *Section 4—General Provisions*

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

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

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

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

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

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

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

### ***Section 5—Order of Nomination and Election of Officers of the Union***

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

- (a) President;
- (b) Secretary-Treasurer;
- (c) Vice Presidents;
- (d) At-Large Diversity Executive Board Members. The nomination for At-Large Diversity Executive Board Member seats shall be conducted separately. A majority vote shall be required for election to each At-Large seat. If no candidate receives a majority vote for an At-Large Diversity seat on the first ballot, a run-off election shall be conducted and the two nominees receiving the greatest number of votes on the first ballot for that individual seat shall be the nominees on the second ballot for that individual seat.

### ***Section 6 – Canadian Region Elections***

Elections for the post of Director and Deputy Director of CWA-SCA Canada shall be held in full conformity with the requirements of law and the CWA Constitution, as provided in the CWA-SCA Canada Bylaws. The Director and Deputy Director of CWA-SCA Canada shall be elected for four-year terms in the same cycle as the CWA Executive Board.

### ***Section 7 – PPMWS Executive Officer***

Elections for the post of PPMWS Executive Officer shall be held in full conformity with the requirements of the Sector Bylaws and the CWA Constitution. The PPMWS Executive Officer shall be elected to four-year terms in the same cycle as the other CWA Executive Board members.

### ***Section 8 – International Union Officer Term of Service***

Retirement shall be mandatory for all full-time officers of the Union after reaching age 70 upon the expiration of their current term of office.

## ***Article XVI—Committees***

### ***Section 1—Regular Committees***

The Regular Committees of the Union shall be:

- (a) Constitution Committee;

- (b) Credentials Committee;
- (c) Resolutions Committee;
- (d) Legislative-Political Committee;
- (e) Building Committee;
- (f) Finance Committee;
- (g) National Committee on Civil Rights and Equity;
- (h) Women's Committee;
- (i) Defense Fund Oversight Committee

### *Section 2—Constitution Committee*

The Constitution Committee shall be appointed by the President and approved by the Executive Board. It shall consist of five members and be charged with the duty of considering and reporting to the Convention and to the Executive Board on proposals to change this Constitution.

### *Section 3—Credentials Committee*

The Credentials Committee shall consist of not less than seven members appointed by the President and approved by the Executive Board. It shall meet prior to the opening date of each Convention for the purpose of examining the credentials of delegates and reporting thereon to the Convention. Action taken by the Convention on reports and recommendations of the Credentials Committee shall be final and conclusive.

### *Section 4—Resolutions Committee*

The Resolutions Committee shall consist of not more than seven members, none of whom shall be full-time employees of the Union or members of the Executive Board, appointed by the President and approved by the Executive Board. It shall meet prior to the opening date of the Convention for the purpose of giving consideration to the form and substance of proposed resolutions submitted through the Locals and by members for action by the Convention. The Committee may also originate resolutions for submission to the Convention. The Committee shall serve throughout the Convention.

### *Section 5—Legislative-Political Committee*

The Legislative-Political Committee shall consist of such members as may be appointed by the President and approved by the Executive Board. It shall execute such assignments with regard to legislation as the Executive Board or the Convention may direct.

### *Section 6—Building Committee*

The Building Committee shall be appointed by the President and confirmed by the Executive Board. It shall be composed of five members. The Building Committee shall manage and control, under the direction of the Executive Board and subject to the functions of the Secretary-Treasurer with respect to the making of disbursements connected therewith, any and all real estate which the Union may acquire for use as International or District headquarters or for the furtherance of any legitimate objectives of the Union. The members of the Building Committee for the time being, shall serve as trustees for the Union, under the direction of its Executive Board, for the purpose of acquiring and holding title to, managing, controlling, borrowing money upon, pledging by way of mortgage or deed of trust any loan secured thereon, leasing, letting, subletting and

conveying in fee simple or in any lesser estate any and all real estate which may be acquired or otherwise dealt with for or on behalf of the Union. The foregoing powers shall be exercised only at such times and in such manners as the Executive Board may, from time to time, direct by resolution passed by the Executive Board.

The Executive Board shall have the full and irrevocable power to appoint a substitute trustee or trustees to be exercised at any time, from time to time, without notice and without specifying any reason therefore, the trustee or trustees so appointed to become fully vested with identically the same title and estate in and to the land, premises and property forming the subject matter of the trust, with all the rights, powers, trusts and duties of the trustee or trustees or their predecessor in the trust, with like effect as if originally named as one of the trustees.

### *Section 7—Finance Committee*

The Finance Committee shall consist of five members, the Secretary-Treasurer of the Union and four members appointed by the President and approved by the Executive Board. The Secretary-Treasurer shall be the only member of this Committee who is a full-time employee of the Union or a member of the Executive Board and the Secretary-Treasurer shall not serve as Chair of the Committee.

The Committee shall meet prior to the assembling of the regular Convention at the call of its Chair and review the financial operations of the Union for the preceding year including the audits of the books of the Secretary-Treasurer.

The Committee shall make a report of its findings to the Convention and make recommendations to the Convention including a budget for the succeeding year's operations.

The Committee shall meet in non-Convention years and review the financial operations of the Union for the preceding year, including the audits of the books of the Secretary-Treasurer. The Committee shall make a report of its findings and make recommendations which will be distributed to the locals by the Secretary-Treasurer of the Union.

### *Section 8—National Committee on Civil Rights and Equity*

The National Committee on Civil Rights and Equity shall consist of one member from each CWA District, one member from the Public & Healthcare Workers Sector, one member from the Media Sector (consisting of the PPMWS-CWA, NABET-CWA, and TNG-CWA), one member from the AFA-CWA Sector, and one member from the IUE-CWA Division. National Committee on Civil Rights and Equity members shall be appointed by the President and approved by the Executive Board. In Convention years, the Committee shall meet at least once a year and also prior to Convention to report to the Convention on its activities and make recommendations. In non-Convention years, the Committee will meet once and prepare a report on its activities and make recommendations which will be distributed to the locals by the President of the Union. The Committee Member from the particular District, Division, or Sector will also report on the Committee's activities at any District, Division, or Sector meetings.

### *Section 9—Women's Committee*

The Women's Committee shall consist of one member from each District, one member from the Public & Healthcare Workers Sector, one member from the Media Sector (consisting of the PPMWS-CWA, NABET-CWA, and TNG-CWA), one member from the AFA-CWA Sector, and one member from the IUE-CWA Division. Women's Committee members shall be appointed by the President and approved by the Executive Board. In Convention years, the Committee shall meet at least once a year and also prior to Convention to report to the Convention on its activities and make recommendations. In non-Convention years, the Committee will meet

once and prepare a report on its activities and make recommendations which will be distributed to the locals by the President of the Union. The Committee Member from the particular District, Division, or Sector will also report on the Committee's activities at any District, Division, or Sector meetings.

### *Section 10—Defense Fund Oversight Committee*

The Defense Fund Oversight Committee (DFOC) shall consist of one representative from each CWA District, one representative from the Public Workers Sector, one representative from the IUE Division, one representative from the Airline Industries and one representative from the Media Sectors (TNG-CWA, NABET-CWA and PPMWS). The election of the DFOC representatives and their alternates shall be conducted as established by the CWA Convention and shall be for four-year terms. The Committee shall meet at least twice a year and at the Convention. In non-Convention years, the Committee will meet and prepare a report on its activities and make recommendations which will be distributed to the locals by the President of the Union. In accordance with the Rules adopted by the Convention, the Committee is responsible to review receipts, disbursements, educational programs, administration and investment of the Defense (DF) and Robert Lilja Members' Relief Funds (RLMRF), and shall have oversight for the Strategic Industry Fund (SIF).

### *Section 11—Other Committees*

The Convention, or the President with the approval of the Executive Board, may appoint such other committees as may from time to time be necessary.

### *Section 12—Vacancies on Committees*

Except as otherwise required by this Constitution, whenever a vacancy occurs on any Committee, the President, with the approval of the Executive Board, may appoint a member to serve for the unexpired term of the Committee.

## **Article XVII—Collective Bargaining**

### *Section 1—Bargaining Authority*

- (a) The Communications Workers of America shall be the collective bargaining representative of the members of the Union.
- (b) Collective bargaining within the established bargaining unit or units shall be conducted under the direction of the Executive Board of the International Union and all contracts or agreements entered into shall be in the name of the International Union and bear the signature of approval of an authorized agent or representative of the International Union.
- (c) Subjects for negotiations through collective bargaining may be initiated by representatives of the bargaining unit or units to be affected but must be approved by the applicable Bargaining Council, the Executive Board or its authorized representative before submission to any employer. This paragraph shall not be construed to restrict the presentation and submission of grievances through established channels of the administrative organization of the Units and the International Union.

### *Section 2—Bargaining Councils*

- (a) The Convention or the Executive Board may establish Bargaining Councils. Bargaining Councils will formulate bargaining programs and agendas to apply to a single employer, associated employers or a number of employers,

but limited to those agendas and programs affecting bargaining units represented on a Bargaining Council. The Executive Board shall be responsible for the development of bargaining programs for those units or groups for which Bargaining Councils have not been established.

(b) Bargaining Councils shall be composed of one Representative from each Local having members in bargaining units of the Bargaining Council, and they shall be certified to the President of the Union.

(c) At meetings of the Bargaining Council, Local representatives shall vote by a show of hands except that upon the request of twenty percent (20%) of the delegates the vote shall be per capita (based on the number of members of the Local in bargaining units of the Bargaining Council). All necessary expenses of the Local's Bargaining Council members shall be borne by the Local. The officers of the Union and members of the Executive Board may be appointed members of a Bargaining Council as determined by the Convention or the Executive Board.

(d) Bargaining Councils shall meet at the call of the President of the Union. The President may, with the approval of the Executive Board, designate a person to work with the Bargaining Council, and the President or the President's designee shall be the Chair of all Bargaining Council meetings.

### *Section 3—Bargaining Councils in Telecom*

a) The Convention or the Executive Board shall establish Bargaining Councils. Bargaining councils will formulate bargaining programs and agendas to apply to a single employer with bargaining units that cross District or Sector lines, associated employers or a number of employers, but limited to those agendas and programs affecting bargaining units represented on a bargaining council. The Executive Board shall be responsible for the development of bargaining programs for those units or groups for which bargaining councils have not been established.

b) Bargaining councils shall comprise one representative from each local having members in bargaining units of the bargaining council, and they shall be certified to the President of the Union.

c) The bargaining councils will designate certain issues as "National Issues." To be so designated, an issue must affect CWA-represented workers in multiple CWA Districts/Sectors.

d) The bargaining resolution of a National Issue requires the agreement of all District/Sector Vice Presidents of CWA Districts/Sectors with at least one constituent local with a representative on the bargaining council.

e) National Issues shall remain so designated unless all the District/Sector Vice Presidents of all CWA Districts/Sectors with at least one constituent local with a representative on the bargaining council decide otherwise.

f) No District/Sector Vice President may unilaterally accept, change and/or delete any proposal, issue, and/or agenda items designated a National Issue by the bargaining council unless all District/Sector Vice Presidents so agree or the President of the Union overrules the Vice Presidents and so agrees.

g) District/Sector Vice Presidents may not authorize or approve a collective bargaining agreement containing a National Issue if the resolution of that National Issue has not been agreed to by all the District/Sector Vice Presidents with at least one constituent local with a representative on the bargaining council.

h) If the relevant District/Sector Vice Presidents are unable to reach agreement on the resolution of a National Issue, only the President of CWA can end the impasse and decide how to deal with the issue.

- i) The elected members of a single-employer National bargaining committee (the regional bargaining committee members who have been selected to negotiate at a national bargaining table) shall also be full participants in the determinations described in sections d through h above.
- j) At meetings of the bargaining council, local representatives shall vote by a show of hands except that upon the request of twenty percent (20%) of the delegates the vote shall be per capita (based on the number of members of the local in bargaining units of the bargaining council). All necessary expenses of the local's bargaining council members shall be borne by the local. The officers of the Union and members of the Executive Board may be appointed members of a bargaining council as determined by the Convention or the Executive Board.
- k) Bargaining councils shall meet at the call of the President of the Union. The President may, with the approval of the Executive Board, designate a person to work with the bargaining council, and the President or the President's designee shall be the Chair of all bargaining council meetings.

#### ***Section 4—Bargaining Committees***

(a) The members of a bargaining unit, by popular vote, through delegates representing them at a Convention, or by any other method approved by the Executive Board, may select the members of a Bargaining Committee for its unit to represent the members of the unit in contract negotiations and determine their terms of office, subject to such financial and numerical limitations as may be imposed by the International Union and such other limitations as may be set out in this Constitution. The Bargaining Committee for a unit, for its full term of office, shall be consulted in the negotiation of all agreements entered into between the employer and the Union that amends or augments the agreed upon contract.

(b) All methods used to select Bargaining Committees shall assure fair representation for all segments of the bargaining unit. Disputes over the method used shall be resolved by the Executive Board, subject to appeal to the Convention, with the decision of the Board standing pending final appeal. As provided more fully in Article IX, Section 7, commencing immediately after the 2011 CWA Convention, all appeals pending in non-Convention years may be heard and resolved by delegates to a Local President's Meeting.

#### ***Section 5—Contract Ratification***

Any contract entered into through collective bargaining, or otherwise dealing with wages, hours, terms of employment or other conditions of employment shall be subject to ratification by secret ballot of the members affected if the delegates to an International Convention representing such members, or representatives at a Bargaining Council meeting, or the members themselves determine ratification to be desirable. Procedures for ratification shall be established by each Bargaining Council, or by the Executive Board for those contracts for which a Bargaining Council has not been established.

### ***Article XVIII—Strikes***

#### ***Section 1—Authorization***

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



## *Section 2—Notification*

After a strike vote has been taken by a Local or groups of Locals in a District or Region and a strike is imminent, the Vice President, PPMWS Executive Officer, or the Director of the CWA-SCA Canada shall notify the President of the Union in writing.

## *Section 3—Executive Board Action*

- (a) The Executive Board of the Union shall be advised by the President that a strike is imminent and shall immediately determine the action to be taken;
- (b) Within ten (10) days after such notice has been received, the Executive Board of the Union shall determine whether strike action is approved;
- (c) In deciding whether to approve strike action, the Executive Board of the Union shall consider all factors connected therewith. If approved, the Executive Board of the Union shall assist therein and direct the support to be given by the Union.

## *Section 4—Penalties for Unauthorized Strikes*

- (a) Any Local engaged in a strike which is called in violation of this Constitution or without approval of the Executive Board of the Union or the Convention may be denied financial, organizational or other assistance from the Union or any portion thereof.
- (b) When a Local continues to engage in a strike that is not approved as provided in this Article or refuses or fails to terminate a strike when so ordered by the Convention or by the Executive Board of the Union, the Executive Board of the Union or the Convention may institute Charter revocation proceedings in accordance with Article XIII of this Constitution with respect to the offending Local.

## *Section 5—Convention Approval of Strike*

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

## *Section 6—Procedure for Local Strike Vote*

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

- (a) The Locals shall, upon reasonable notice, call a meeting of its members, wherever feasible, and present the issue or issues involved in the proposed strike;
- (b) The members present at such meeting shall vote by secret ballot on the question of whether or not a strike shall be called;
- (c) Where meetings cannot, feasibly, be called, a secret ballot shall be taken of the members, by mail or otherwise, on the question of whether or not a strike shall be called;
- (d) A majority of the members voting shall determine whether or not a strike shall be called;
- (e) Copies of notice of the result of strike vote shall be sent to the Vice President or Executive Officer and to the President of the Union.

### *Section 7—Local Strike Assistance*

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

### *Section 8—Termination of Local Strikes Within a District*

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

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

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

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

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

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

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

(a) Except as provided in (b) below, such strikes shall be conducted under the supervision of the Union and may be terminated by the Convention or Executive Board;

(b) Strikes against a single employer which involve multiple bargaining units and cross district lines shall be conducted under the supervision of the Union and shall be terminated by the Convention or the Executive Board;

(c) Strikes terminated by the Convention or the Executive Board pursuant to (a) or (b) above shall be by majority affirmative vote.

## ***Article XIX—Charges Against Members***

### *Section 1—Specifications of Offenses—Locals*

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

(a) Making false material statements or withholding material information when applying for membership;

(b) Willfully refusing to pay dues or assessments properly established or fines properly imposed or other valid financial obligations to the Union or Local;

(c) Willfully violating the Constitution of the Union, Local Bylaws or Rules;

(d) Disobeying or willfully failing to comply with any lawful decision or order of the Union or Local;

- (e) Working without proper Union authorization, during the period of a properly approved strike in or for an establishment which is being struck by the Union or Local;
- (f) Instigating or knowingly participating in an unauthorized strike or slowdown;
- (g) Willfully violating the adopted standards as to wages, hours or working conditions;
- (h) Misappropriating money or property of the Union or Local;
- (i) For such other offenses, equally serious, which tend to bring the Union or Local thereof into disrepute.

### ***Section 2—Specifications of Offenses—Union***

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

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

### ***Section 3—Suspension Pending Trial***

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

### ***Section 4—Non-Immunity***

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

## ***Article XX—Trials and Appeals—General***

### ***Membership and Officers of Locals***

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

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

#### ***Section 2—Charges***

- (a) Charges made against a member of the Union or an officer of the Local shall be in writing, signed and sworn to by the accuser. Charges of offenses described in Article XIX, Section 1, shall be filed with the

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

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

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

### *Section 3—Trials*

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

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

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

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

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

(5) All witnesses shall testify under oath;

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

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

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

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

(1) An unbiased court composed of three persons, who shall be members of the Union not employed by the International Union as Staff personnel and not parties to the proceeding, shall be selected by the Executive Board from a Trial Panel composed of one elected member from each of the geographical Districts by secret ballot, after nominations from the floor at the meeting of the delegates from the District in conjunction with the Union Convention. Beginning with the elections held in 2013, members of the Trial Panel shall serve for four years or until their successors are elected and qualified, except that in the election in 2013, the members of the Trial Panel from Districts 1, 3, 4 and 7 will be elected for two-year terms. Thereafter, the elections of Trial Panel Members shall be staggered. The court shall be bound to render a decision and impose a penalty, if the accused be found guilty, without bias or prejudice, based on all of the evidence presented. In the case of trials based on offenses specified in Article XIX, Section 2, a report shall be placed in the Union's official publication with the name of the accused and decision of the court and the names of the Trial Panel;

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

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

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

(5) All witnesses shall testify under oath;

(6) Notice of the decision and penalty, if any, shall be given to the person charged within five (5) days after the close of the trial;

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

(8) The Executive Board of the Union may suspend the accused pending the final decision on an appeal.

#### *Section 4—Appeals*

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

(1) Have the right to refer the matter to a membership meeting of the Local, within thirty (30) days after being found guilty by a court, which may affirm or reverse the decision or reduce the penalty; provided that where a Local membership meeting is held by sections, units or areas, the appeal shall be to the governing body of the Local;

(2) Have the right to appeal from the final decision of the Local to the Executive Board of the Union within thirty (30) days after such final decision of the Local;

(3) The appeal to the Executive Board of the Union shall be directed, in writing, to the Secretary-Treasurer of the Union, who shall obtain the record of the case. The Executive Board shall review the case and affirm or reverse the decision or reduce the penalty or return the case for a new trial;

(4) Have the right to appeal from the decision of the Executive Board of the Union to the next Convention by giving a notice of appeal in writing within thirty (30) days after the decision to the Secretary-Treasurer of the Union. If the Executive Board has failed to render a decision within thirty (30) days preceding the Convention, the accused may appeal directly to the Convention which may affirm or reverse the decision or reduce the penalty. As provided more fully in Article IX, Section 7, commencing immediately after the 2011 CWA Convention, all appeals pending in non-Convention years may be heard and resolved by delegates to a Local President's Meeting.

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

(1) Have the right to appeal from the decision of the trial court to the Executive Board of the Union within thirty (30) days after the date of the trial court's decision.

(2) Have the right to appeal from the decision of the Executive Board of the Union to the next Convention by giving notice of appeal in writing to the Secretary-Treasurer of the Union within thirty (30) days after the decision. As provided more fully in Article IX, Section 7, commencing immediately after the 2011 CWA Convention, all appeals pending in non-Convention years may be heard and resolved by delegates to a Local President's Meeting. If the Executive Board has failed to render a decision within thirty (30) days preceding the Convention, the accused may appeal directly to the Convention which may affirm or reverse the decision or reduce the penalty.

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

### *Section 5—Determination of Appeal*

Decisions on appeal shall be determined by majority vote.

## ***Article XXI—Recall Petition Against Persons Holding Elective Office in the Union***

### *Section 1—Petition for Recall of Union Officers and Executive Board Members*

A petition for recall of an officer of the Union or any member of the Executive Board, including At-Large Diversity Executive Board Members, the Executive Officer of the PPMWS, and the Director of CWA-SCA Canada:

(1) May be preferred by one-third (1/3) of the full membership of the Executive Board;

(2) May be preferred by twenty percent (20%) of Locals representing twenty percent (20%) of the membership of the Union;

(3) May be preferred against a Vice President of a District by twenty percent (20%) of the Locals representing twenty percent (20%) of the membership within the District, and may be preferred against the Telecom and Technology Vice President; Public, Health Care and Education Workers Vice President; the TNG-CWA Sector Vice President; the NABET-CWA Sector Vice President; the IUE-CWA Division Vice President; the AFA-CWA Sector Vice President; the PPMWS Executive Officer, and the Director of CWA-SCA Canada by twenty

percent (20%) of the Locals representing twenty percent (20%) of the membership of the units the affected Vice President, the PPMWS Executive Officer, or the Director of CWA-SCA Canada represents;

(4) Shall be in writing and signed by the accusing member or members or may be accompanied by attested copies of appropriate resolutions adopted by a Local or Locals;

(5) Shall contain a description of the offense or offenses as specified in Article XIX, Section 1, and the approximate date or dates thereof;

(6) Shall be submitted within sixty (60) days from the time the accusing members became aware of the alleged offense or offenses;

(7) Shall be filed with the Secretary-Treasurer of the Union, provided, however, that a Petition directed against the Secretary-Treasurer shall be filed with the President.

Should the Secretary-Treasurer or the President receiving the petition conclude that the offense or offenses described are too vague or frivolous to warrant submission to a referendum that determination shall be presented in writing to the petitioners and to the accused. The determination shall become final unless appealed by one or more of the petitioners within thirty (30) days after receipt, using the procedures established pursuant to Article IX, Section 7, of the Constitution.

### *Section 2—Recall Petition Against Local Officers*

A petition for recall of an Officer of a Local:

(1) May be preferred by twenty percent (20%) of the membership of a Local;

(2) Shall be in writing and signed by the accusing members;

(3) Shall contain the description of the offense or offenses as specified in Article XIX, Section 1, and the approximate dates thereof;

(4) Shall be submitted within sixty (60) days from the time the accusing members became aware of the alleged offense or offenses;

(5) Shall be filed with the recording officer of the Local, provided, however, that a petition directed against the recording officer shall be filed with the President of the Local. Should both the recording officer and the President of the Local be involved as either accuser or accused the petition shall be filed with the Local election committee;

(6) Should the officer or the election committee receiving the petition determine that the offense or offenses described are too vague or frivolous to warrant submission to a referendum, a report and recommendation to that effect shall be presented in writing to the governing body of the Local. Copies of the report and recommendation shall be served on all petitioners and the accused. Unless reversed by the governing body or appealed by one or more of the petitioners within thirty (30) days after receipt, the recommendation shall become final. If appealed, the procedures of Article IX, Section 7, shall apply.

### *Section 3— Suspension Pending Determination*

An Officer of the Union, Member of the Executive Board, or Local Officer against whom a petition for recall has been filed for alleged “misappropriating money or property of the Union or Local” may be suspended by a

majority vote of the Executive Board pending the determination of the recall proceedings, and the Union shall cause a substitute to be appointed to serve in the person's stead during the person's suspension.

### *Section 4—Recall Proceedings*

The proceedings on a petition for recall shall be in accordance with the provisions of Article XXII.

## ***Article XXII—Referendum and Recall***

### *Section 1*

The Convention or the Executive Board may order a referendum with respect to any subject or policy within their jurisdiction or as otherwise provided in this Constitution.

### *Section 2*

The notice of referendum and requisite number of printed ballots shall be forwarded to each Local by mail by the Secretary-Treasurer of the Union. The notice of referendum and the ballots shall contain the proposition to be voted upon and shall require a return within sixty (60) days from the date of mailing to the Local.

### *Section 3*

Upon receipt of the notice of referendum, each Local shall conduct the referendum among its members and shall forward the results to the Secretary-Treasurer of the Union by receipted registered mail.

### *Section 4*

All referenda shall be by secret ballot. A majority of the votes cast shall determine the referendum.

### *Section 5*

A referendum shall also be ordered by the Executive Board of the Union if twenty percent (20%) or more of the Locals representing twenty percent (20%) or more of the members of the Union, shall certify in writing to the Secretary-Treasurer of the Union their desire for a referendum on any particular subject.

### *Section 6*

Any officer or member of the Executive Board, including any At-Large Diversity Executive Board Member, may be recalled by two-thirds (2/3) of those voting at the Convention or in a general referendum if two-thirds (2/3) of the votes cast in such a referendum favor recall.

### *Section 7*

(a) A Vice President of a District may be recalled by the Delegates from that District at an International Convention by two-thirds (2/3) vote of those voting on the question, or by a referendum among the members of the Union in the District if two-thirds (2/3) of the votes cast in such referendum favor recall.

(b) The Telecom and Technology Vice President may be recalled by Delegates at an International Convention, who represent the membership of their respective bargaining units, by a two-thirds (2/3) vote of those voting on the question or by a referendum among the members of the Union in the units the Vice President represents, if two-thirds (2/3) of the votes cast in such referendum favor recall.



(c) The Public, Health Care and Education Workers Vice President, the Printing, Publishing and Media Workers Sector Executive Officer, the TNG-CWA Sector Vice President, the NABET-CWA Sector Vice President, and the IUE-CWA Division Vice President may be recalled by delegates at an International Convention, who represent the membership of their respective units, by a two-thirds (2/3) vote of those voting on the question, or by a referendum among the members of the Union in the units the affected Vice President or PPMWS Executive Officer represents, if two-thirds (2/3) of the votes cast in such referendum favor recall.

(d) The AFA-CWA Sector Vice President may be recalled by delegates at an International Convention, who represent the membership of the AFA-CWA Sector, by a majority vote of those voting on the question or by a referendum among the members of the Union in the AFA-CWA Sector, if two-thirds (2/3) of the votes cast in such referendum favor recall.

(e) The Director of CWA-SCA Canada may be recalled by the Delegates from that region, at an International Convention by two-thirds (2/3) vote of those voting on the question, or by a referendum among the members of the Union in the region if two-thirds (2/3) of the votes cast in such referendum favor recall.

### *Section 8*

Local Officers shall be recalled by an affirmative vote of two-thirds (2/3) of the members voting on the question in a referendum which shall be conducted in accordance with Article XV, Section 4 (a), of the Constitution.

### *Section 9*

All recall votes of the membership must meet the procedural requirements which apply to the election of officers.

## ***Article XXIII—Quorum***

### *Section 1*

A majority of the delegates to the Union Convention shall constitute a quorum.

### *Section 2*

A majority of its members shall constitute a quorum of the Executive Board or any committee of the Union.

### *Section 3*

A majority of the delegates within a District shall constitute a quorum for District meetings held in conjunction with the Union Convention.

### *Section 4*

A majority of the delegates within a Bargaining Unit shall constitute a quorum for Bargaining Unit meetings.

### *Section 5*

A majority of the Locals required to be present within the geographical area covered shall constitute a quorum at all other District, State or Area Meetings.

## *Section 6*

Each chartered Local shall provide in its Bylaws or Rules for the quorum necessary to hold meetings of the Local.

### ***Article XXIV—Proxy Voting***

There shall be no voting by proxy, except that a Local composed of less than 200 members may assign its vote to a delegate from another Local attending the Convention. No Local shall be allowed to vote more than one such assignment.

### ***Article XXV—Gender***

Words in this Constitution indicating the masculine gender shall be deemed also to refer to the feminine gender.

### ***Article XXVI—Union Publication***

The Union shall print, publish and distribute to its members an official publication. Said publication shall be sent to all members and shall contain matters pertaining to Union functions, policies and activities as well as matters of labor and public interest generally.

### ***Article XXVII—Affiliation***

The affiliation or disaffiliation of the Union with any other labor organization shall be accomplished solely by referendum of the entire membership.

### ***Article XXVIII—Amendments***

#### *Section 1*

This Constitution may be amended by the Convention or by referendum submitted to the members as provided in Article XXII.

#### *Section 2*

Any proposed amendment of this Constitution, that is submitted to the Constitution Committee sixty (60) or more days in advance of the Convention, will be reported to the Locals by the Constitution Committee fifty-three (53) days in advance of the Convention. All proposed amendments so submitted shall require a majority vote of the approved delegates at the Convention to effectuate such proposed amendments.

#### *Section 3*

Any amendment proposed at the Convention shall require a three-fourths (3/4) vote of those voting there-upon at the Convention to effectuate such proposed amendment, but in no event shall the three-fourths (3/4) vote of those voting thereupon be less than a majority vote of the approved delegates at the Convention.

#### *Section 4*

Any amendment submitted by referendum to the members shall require a majority vote of those voting thereon.

## *Section 5*

Repeal of any provision of this Constitution shall be by amendment procedure.

## *Section 6*

Amendments adopted in a Convention shall become effective on the thirtieth (30th) day following the adjournment of the Convention, provided, the Convention does not specify a later date, or unless within thirty (30) days a referendum vote on the amendment or repeal is initiated, in which event, the amendment or repeal shall not become effective unless it is sustained by such referendum. Amendments or repeals adopted or sustained by referendum procedure shall become effective on the thirtieth (30th) day following such action or on a later date if so specified.

# **PERMANENT RULES GOVERNING CONDUCT OF CWA CONVENTIONS**

## **Rule I—Source of Rules**

The CWA Convention shall be conducted in accordance with these rules and the CWA Constitution and if these rules and the CWA Constitution do not specifically cover a matter, Robert's Rules of Order shall apply.

## **Rule II—Delegates to the Convention**

### *Section 1—Certification*

Each Local shall certify to the Secretary-Treasurer of the Union, not less than five (5) days prior to the opening date of a Biennial or Special Convention, on credential forms provided by the Union, the names, addresses and voting strength of its delegates and alternates, if any, and the name of the Chair of its delegation.

### *Section 2—Seating of Delegates*

Delegates to a Convention shall be seated prior to the exercise of any other rights and privileges of the delegates. They shall be seated by acting on the Credentials Committee Report.

(a) In the event there is a protest within a Local over the seating of delegates from a Local, the delegates under dispute shall not vote on the question of their seating.

## **Rule III—Voting at Conventions**

A delegate shall vote in the Convention, District meeting, or a meeting of a bargaining unit in accordance with Article VIII, Section 5, of the Constitution which reads as follows:

(a) A Local delegate shall have one vote in the Convention, District Meeting or a meeting of a Bargaining Unit, except on a roll call vote.

(b) A roll call vote of the Convention, District Meeting, or a meeting of a Bargaining Unit may be had upon the request of twenty percent (20%) of the delegates.

(c) Voting by roll call shall be by per capita vote with each delegate casting the number of votes assigned to the delegate by the delegate's Local and approved by the Credentials Committee and the Convention. On roll

call votes, a delegate shall cast one vote for each member in good standing as assigned to the delegate by the delegate's Local and approved by the Credentials Committee and the Convention.

## **Rule IV—Alternate Delegates and Visitors to the Convention**

All persons, other than delegates and alternate delegates certified by the Credentials Committee and approved by the Convention, shall be permitted to attend the Convention upon the following conditions:

- (a) They present themselves to the Credentials Committee and secure approval of the Committee;
- (b) They not be permitted in the section of the Convention reserved for voting delegates and shall be allowed to speak on questions before the Convention when recognized by the Chair.

## **Rule V—Conduct During the Convention**

The Chair shall be responsible for maintaining order in the Convention. The Chair may request the Convention to act on the question of expelling a person for misconduct. A delegate may request the Chair to have the Convention act on expelling a person for misconduct. A majority of delegates voting shall decide the question of expulsion for misconduct.

## **Rule VI—Hours of Convention**

The hours of the Convention, recesses and other arrangements relating to the Convention shall be established by resolution or motion by each Convention.

## **Rule VII—Microphones**

### *Section 1—Microphones*

There shall be one of each of the following microphones on the floor of the Convention which shall be placed in the most convenient locations possible.

- (a) Privileged Microphone
- (b) Questions Microphone
- (c) Motions Microphone
- (d) "For" Microphone
- (e) "Against" Microphone

### *Section 2—Use of Privileged Microphone*

The following motions are the only motions that can be made at the Privileged Microphone and are listed in the order of their rank:

- (a) ADJOURN (Undebatable—Majority vote required).

This motion loses its privileged character and is a main motion if in any way qualified, or if its effect, if adopted, is to dissolve the Biennial Convention.

- (b) TAKE A RECESS (Undebatable—Majority vote required).

This motion is privileged only when other business is pending before the Convention.

(c) RAISE A QUESTION OF PRIVILEGE—The question can only be raised when a delegate wishes to:

1. Rise to a point of personal privilege.
2. Request the Chair to explain the parliamentary situation at the time.
3. Appeal a decision of the Chair.

(d) CALL FOR THE ORDERS OF THE DAY (Undebatable).

It is a demand that the Convention conform to its program or order of business. It requires no second, and is in order when another delegate has the floor, even though it interrupts a speech, as a single member has a right to demand that the order of business be conformed to. A call for the orders of the day cannot be debated or amended or have any subsidiary motion applied to it.

(e) RAISE A POINT OF ORDER (Undebatable).

### *Section 3—Recognition at Privileged Microphone*

A delegate requesting recognition at the privileged microphone shall use the telephone to advise the platform of the delegate's name and Local number. A parliamentarian shall be connected directly by telephone with the privileged microphone and shall make a parliamentary ruling on whether or not the person at the microphone has a privileged motion or question. In the event the parliamentarian determines the person has a privileged motion or question, the parliamentarian shall notify the Chair and the person shall be recognized. If the parliamentarian determines the person does not have a privileged question or motion, the delegate shall relinquish the microphone unless the delegate notifies the parliamentarian that the delegate desires to appeal the parliamentarian's ruling. In the event of a notice of a desire to appeal, the parliamentarian shall notify the Chair and the delegate shall be recognized to present the delegate's appeal.

### *Section 4—Use of Motions Microphone*

The motions microphone shall be used in the following manner:

(a) A delegate desiring to make a motion shall, by the use of the telephone, notify the platform of the delegate's name and Local number, and if it is a motion which is in order, or, is a motion of higher rank than the one before the Convention, the delegate shall be recognized to make a motion and after it is seconded, the delegate shall be permitted to speak from that microphone in favor of the delegate's motion. After the maker of the motion, if the delegate chooses, has spoken, the Chair shall recognize the "Against," microphone and shall proceed to rotate as provided in Section 7, Paragraph (h) of the Rules.

(b) If there is not a delegate waiting to use any of the microphones in the Convention, motions can be made from any microphone on the floor of the Convention.

(c) A parliamentarian shall be connected directly by telephone with the motions microphone when needed for the purpose of making a parliamentary ruling on the rank or priority of the motion. If the parliamentarian determines the person has a priority motion, the parliamentarian shall notify the Chair and the person shall be recognized. If the parliamentarian determines the person does not have a motion that would have priority over other motions waiting at the microphone, the delegate shall relinquish the microphone unless the delegate notifies the parliamentarian that the delegate desires to appeal from the parliamentarian's ruling. In the event of a notice of a desire to appeal, the parliamentarian shall notify the Chair and the delegate shall be recognized to present the delegate's appeal at the motions microphone.

### *Section 5—Use of “For” and “Against” Microphones*

These microphones shall be known as the debating microphones and shall be used in the following manner:

(a) A delegate wishing to speak for or against a motion or subject on the Convention floor, shall approach the appropriate microphone and shall use the telephone to inform the platform of the delegate’s name and Local number.

### *Section 6—Use of Questions Microphone*

The questions microphone shall be used only for the purpose of asking questions of clarification of a report, motion, resolution or other matter before the Convention. The questions microphone shall be placed in rotation with the “for” and “against” microphones and shall be used in the following manner:

(a) A delegate having questions of clarification shall use a telephone at this microphone, which is connected directly with the platform, to advise the platform of the delegate’s name and Local number.

(b) No person shall be permitted to ask more than two (2) questions before relinquishing the person’s place at the microphone and the Chair shall rotate to the next microphone in order.

(c) In the event a person at the “questions” microphone only asks one question, the Chair shall rotate to the next microphone in order.

### *Section 7—General Provisions*

General provisions relating to the use of the microphones and recognition of delegates are as follows:

(a) When a delegate is in line to use a particular microphone the delegate shall use the telephone to advise the platform of the delegate’s name and Local number. This procedure will materially assist in having delegates recognized without loss of time.

(b) Each day the Chair shall appoint two observers from the delegates to witness the tabulation of telephone calls from the floor of the Convention to the platform.

(c) No person shall be permitted to speak a second time on any question as long as any delegate who has not spoken on the subject desires to do so. No person shall be recognized a second time at the “questions” microphone as long as any delegate who has not asked questions desires to do so.

(d) No person shall speak more than five (5) minutes at one time on a question before the Convention. The Chair shall give each person one minute notice of the expiration of the person’s five (5) minute time limit. This provision shall not apply to the parties involved in an appeal made in compliance with Article XX, Section 4, of the Constitution.

(e) A person wishing to address the Convention on any matter, having been recognized by the Chair, shall provide identification as a member of the Executive Board, delegate, alternate delegate or visitor and shall give their Local number and the state in which their Local is located.

(f) When a motion is made to table, and there are amendments appended to the original motion, the motion to table then shall apply only to the amendment or amendments, and it shall require a new motion to table the original motion.

(g) When a delegate intends to make a motion to table, warning of the maker's intent must be given, and the motion to table shall not be made until the introducer of the motion is given five (5) minutes to speak on the question, if the delegate so desires.

(h) The Chair shall rotate between the "for" microphone, the "against" microphone and "questions" microphone in that order. The Chair shall not pass up the rotation of microphones in those cases where a person is out of order.

(i) Any delegate wishing to raise a point of order may use the privileged microphone or rise and upon saying "point of order" in a loud voice, approach any microphone on the Convention floor where the delegate shall be recognized for the purpose of stating the delegate's point.

(j) That a vote will not be taken on any issue before the Convention until at least two (2) delegates have had the opportunity to speak for a question and two (2) delegates have had the opportunity to speak against a question.

### **Rule VIII—General Information and Committee Booth**

There shall be a booth established in a convenient place within the Convention building to be known as "General Information and Committee Booth" which shall be utilized by all delegates to seek information or ask questions with regard to any matter before the Convention. Each Committee of the Convention shall have a representative in the Booth, or available to come to the Booth immediately upon request. The Booth shall be open during the Convention hours and also one hour before and after regular established Convention sessions where feasible.

### **Rule IX—Convention Committees**

Regular committees of the Union, the Rules Committee and any other committee established to serve the Convention, shall be required to make themselves available between the hours of 2:00 p.m. and 6:00 p.m. on the two days preceding the Convention with the purpose of establishing a uniform schedule for those delegates wishing to appear before such committee.

All committees of the Convention shall notify delegates who appear before them as to the results of the committees' action upon any suggestion or request the delegate made of the committee. This shall be done as expeditiously as possible by the committee.

### **Rule X— Suspension of Rules**

Any one or all of these rules may be temporarily suspended for any subject before the Convention by a majority of the delegates voting on the question.

### **Rule XI—Amendments**

These rules, upon adoption, may be amended in the following manner:

(a) Proposed amendments submitted to the Rules Committee prior to or during the Convention shall require action of a majority of the delegates voting on the proposition.

(b) Proposed amendments not submitted to the Rules Committee shall require a three-fourths (3/4) vote of the delegates voting on the proposition.

(c) Amendments shall be effective immediately upon their adoption.

# INTERNAL APPEALS PROCEDURES

The purpose of these appeal procedures is to provide reasonable regulations for the consideration and review of complaints of members regarding actions of the Union or Local, or Union or Local Officers or governing bodies, which are alleged to be in violation of the Union Constitution, Local Bylaws, rights and privileges of members. These procedures are not available to challenge a Local's decision on membership eligibility.

The appeal procedures set forth herein are in addition to those provided in the Union Constitution which govern (1) appeals from decisions of the Executive Board—Article VII, Section 1, Paragraph (b); (2) appeals from revocations of Local charters—Article XIII, Section 6; and (3) appeals from decisions of trial courts—Article XX, Section 4; and are also in addition to any other appeal procedures provided in Local Bylaws or rules.

The authority for these appeal procedures is set forth in the Union Constitution, Article IX, Section 7:

“The Executive Board of the Union shall establish reasonable appeal procedures within the structure of the Union to review complaints of members which allege violation of the Constitution, Local Bylaws or the rights and privileges of members.”

Appeals from the decision of a Local with reference to the conduct and challenge of Local elections under Article XV, Section 4 of the Union Constitution shall be governed by Section 1(c) of these appeal procedures.

A Local, with Executive Board approval, that negotiates contracts, handles all grievances, arbitration cases, legal expenses and dues collection in those bargaining units that do not exceed 150 potential members may be rebated 70% of the dues collected for that bargaining unit. These Locals are known as '70/30 split Locals.' Where a "70/30" split Local makes a decision not to arbitrate a grievance, the grievant shall have no internal appeal rights under these procedures and the Local shall so advise the grievant.

## **I. Complaints against the Local, its officers or governing body**

### *A. The Complaint*

1. All complaints shall be:

- (a) In writing;
- (b) Signed by the complainant;
- (c) Filed with the Secretary or Secretary-Treasurer of the Local of which the complainant is a member; however, if the complaint is about the action of such officer, then it shall be filed with the Local President; and
- (d) Submitted within sixty (60) days of the time the complainant became aware of the alleged violation.

2. The complaint shall also:

- (a) Contain an allegation of the facts on which the complaint is based, including applicable dates;
- (b) Specify the nature of relief sought; and
- (c) Shall state that it is filed in good faith.



## *B. Consideration of the complaint*

1. The complaint shall be placed on the agenda of the next regular Local general membership meeting after the date the complaint is filed, provided, however, that where such a meeting is not scheduled, or otherwise will not be held, within thirty (30) days after the filing date, or where Local membership meetings are held by areas, sections or units, the complaint shall be placed on the agenda of the next regular meeting of the governing body of the Local. In the event the complaint is not considered by either the Local membership or the Local governing body within ninety (90) days, the complaint may be filed directly with the President of the Union within one hundred twenty (120) days from the date of original filing.

In the event the complainant demonstrates that there is a willful refusal by the Local officers, the Local membership or the Local governing body to consider the complaint, a copy of the complaint may be filed with the President of the Union by the complainant. Complaints filed directly with the President may be referred by the President to the appropriate geographical Vice President for handling under the provisions of Section I (C)(2) of these Appeals Procedures or in the discretion of the President retained for handling under Section II(B)(1) and II(C)(1) of these Appeals Procedures.

2. Upon consideration of the complaint, either at a general membership meeting or meeting of the governing body, it shall be determined what action, if any, is to be taken with reference to the complaint, and the complainant shall be so notified in writing within five (5) days of the date of decision.

3. Regardless of which body considers the complaint, the decision reached shall be recognized as being the decision of the Local.

## *C. Appeal*

1. The decision of the Local may be appealed in writing to the appropriate geographical Vice President within thirty (30) days following the date of the notice of the Local's decision.

2. The Vice President shall take whatever steps are deemed necessary to secure the facts of the matter complained about, which may include investigation and the obtaining of all records of the matter in possession of the Local, its officers or governing body.

3. The Vice President shall review the complaint and within thirty (30) days affirm, reverse or modify the decision of the Local, or return the complaint to the Local with such direction or order as may be determined to be appropriate. He or she shall notify interested parties of his or her action.

4. The decision of the Vice President may be appealed in writing by the complainant or the Local to the President of the Union within thirty (30) days following the date of the notice of the Vice President's action.

5. The President shall take whatever steps are deemed necessary to secure the facts of the matter complained about, which may include an investigation and the obtaining of all records of the matter in the possession of the Vice President, the Local, its officers or governing body.

6. The President shall review the complaint and within thirty (30) days affirm, reverse or modify the decision of the Vice President, or return the complaint to the Vice President with such direction or order as may be determined to be appropriate. He or she shall notify interested parties of his or her action.

7. The decision of the President may be appealed in writing by the complainant, the Vice President or the Local to the Executive Board of the Union within thirty (30) days following the date of the notice of the President's decision. The appeal shall be filed with the Secretary-Treasurer of the Union.

8. The Executive Board shall review the complaint and affirm, reverse or modify the decision of the President.
9. The Executive Board shall base its decision upon the record of the matter, including such statements as may be filed by the complainant, the Local, the Vice President or the President, and any other facts that may be developed.
10. There shall be no right to appear personally before the Union Executive Board, except at the invitation of the Executive Board.
11. Interested parties shall be notified in writing of the decision and action of the Executive Board.
12. The decision of the Executive Board may be appealed to the next Convention or President's Meeting by giving notice of appeal in writing to the Secretary-Treasurer of the Union within 30 days after the decision. As provided more fully in Article IX, Section 7 of the CWA Constitution, commencing immediately after the 2011 CWA Convention, all appeals of Executive Board decisions pending in non-Convention years may be heard and resolved by delegates to a Local President's meeting to be called by CWA Secretary-Treasurer. If the Executive Board's decision is issued less than 30 days before the Convention or President's Meeting, the appellant shall have the option of filing an appeal prior to that President's Meeting or Convention or exercising the full 30 day appeal period and waiting until the next scheduled Convention or President's Meeting for a decision.

## **II. Complaints against the Union, its officers or Executive Board**

### *A. The Complaint*

1. All complaints shall be:
  - (a) In writing;
  - (b) Signed by the complainant;
  - (c) Filed with the President of the Union; however, if the complaint is about the action of such officer, then it shall be filed with the Union Secretary-Treasurer and considered by the Executive Committee subject to appeal to the Executive Board and to the CWA Convention and/or, in non-Convention years, subject to appeal to the delegates to a Local President's meeting called by the CWA Secretary-Treasurer, as provided more fully in Article IX, Section 7; and
  - (d) Submitted within sixty (60) days of the time the complainant became aware of the alleged violation.
2. The complaint shall also:
  - (a) Contain an allegation of the facts on which the complaint is based, including applicable dates;
  - (b) Specify the nature of relief sought; and
  - (c) Shall state that it is filed in good faith.

### *B. Consideration of the complaint*

1. The President shall determine what action, if any, is to be taken within thirty (30) days and notify interested parties.
2. In the event such complaint is against the President, the Executive Committee shall determine what action, if any, is to be taken within thirty (30) days and cause interested parties to be notified.

### *C. Appeal*

1. The decision of the President may be appealed to the Executive Committee of the Union in writing within thirty (30) days of the notice of the President's decision, and shall be filed with the Union Secretary-Treasurer.
2. The complaint shall be placed on the agenda of the next Executive Committee meeting after the date the appeal is filed.
3. The Executive Committee shall review the appeal and affirm, reverse or modify the decision of the President within thirty (30) days and cause interested parties to be notified.
4. The decision of the Executive Committee may be appealed in writing to the Executive Board within thirty (30) days of notice of the Executive Committee decision, and shall be filed with the Union Secretary-Treasurer.
5. The complaint shall be placed on the agenda of the next Executive Board meeting after the date the appeal is filed.
6. Upon consideration of the appeal, the Executive Board shall determine what action, if any, is to be taken with reference to the complaint, and interested parties shall be so notified in writing.
7. There shall be no right to appear personally before the Union Executive Board, except at the invitation of the Executive Board.
8. The decision of the Executive Board may be appealed to the next Convention or President's Meeting by giving notice of appeal in writing to the Secretary-Treasurer of the Union within 30 days after the decision. As provided more fully in Article IX, Section 7 of the CWA Constitution, commencing immediately after the 2011 CWA Convention, all appeals of Executive Board decisions pending in non-Convention years may be heard and resolved by delegates to a Local President's meeting to be called by CWA Secretary-Treasurer. If the Executive Board's decision is issued less than 30 days before the Convention or President's Meeting, the appellant shall have the option of filing an appeal prior to that President's Meeting or Convention or exercising the full 30 day appeal period and waiting until the next scheduled Convention or President's Meeting for a decision.

## **III. Arbitration Complaints**

In the event a Vice President determines not to arbitrate a grievance, either the Local or the grievant(s) may file a complaint.

In the event the Local does not file the initial arbitration complaint of a Vice President's decision not to arbitrate a grievance, the Local's right to file a complaint or to appeal at any level of the Internal Appeals Procedures shall be extinguished.

In cases where either the Local or the National Union settles a grievance, the grievant will have no further right to appeal pursuant to these appeals procedures.

### *A. The Complaint*

1. A complaint of a Vice President's decision not to arbitrate a grievance shall be:
  - (a) In writing;
  - (b) Signed by the complainant;

(c) Filed with the President of the Union; and

(d) Submitted within thirty (30) days of the notice of the Vice President's decision.

### *B. Consideration by the President of the complaint*

(1) The President shall take whatever steps are deemed necessary to secure the facts of the matter complained about which may include an investigation and the obtaining of all records of the matter in the possession of the Vice President, the Local, its officers or governing body.

(2) The President shall review the complaint and within thirty (30) days affirm, reverse or modify the decision of the Vice President, or return the case to the Vice President with such direction or order as may be determined to be appropriate. He or she shall notify interested parties of his or her action.

### *C. Appeal of President's decision*

1. The decision of the President may be appealed in writing by the grievant(s), the Vice President or the Local, if otherwise appropriate, to the Executive Board of the Union within thirty (30) days following the date of the notice of the President's decision. The appeal shall be filed with the Secretary-Treasurer of the Union.

2. The Executive Board shall review the appeal and affirm, reverse or modify the decision of the President.

3. The Executive Board shall base its decision upon the record of the matter, including such statements as may be filed by the grievant(s), the Local, the Vice President or the President, and any other facts that may be developed.

4. There shall be no right to appear personally before the Union Executive Board, except at the invitation of the Executive Board.

5. Interested parties shall be notified in writing of the decision and action of the Executive Board.

6. The decision of the Executive Board on an appeal by a grievant shall be final and the grievant shall have no further right of appeal.

7. The decision of the Executive Board may be appealed by a Local or the Vice President, if otherwise appropriate to the next Convention or President's Meeting by giving notice of appeal in writing to the Secretary-Treasurer of the Union within 30 days after the decision. As provided more fully in Article IX, Section 7 of the CWA Constitution, commencing immediately after the 2011 CWA Convention, all appeals of Executive Board decisions pending in non-Convention years may be heard and resolved by delegates to a Local President's meeting to be called by CWA Secretary-Treasurer. If the Executive Board's decision is issued less than 30 days before the Convention or President's Meeting, the appellant shall have the option of filing an appeal prior to that President's Meeting or Convention or exercising the full 30-day appeal period and waiting until the next scheduled Convention or President's Meeting for a decision.

*Motion: Move that the appeals procedures as amended be adopted. Adopted: By the CWA Executive Board, April 19, 2012*

# NOTICE REGARDING UNION SECURITY AGREEMENTS AND AGENCY FEE OBJECTIONS

As a general matter, employees covered by a collective bargaining agreement containing a union security clause are required, as a condition of employment, to pay an agency fee equal to normal union dues (and, where applicable, initiation fees). While the wording of these clauses is not perfectly uniform, none requires more than the payment of this agency fee to retain employment.

The Communications Workers of America policy on agency fee objections is the Union's means of meeting its legal obligations to employees covered by union security clauses and of effectuating those employees' legal rights as stated in the applicable decisions of the United States Supreme Court (including *Beck v. CWA*) and the companion lower court and labor agency decisions. Under the CWA policy, employees who are not members of the Union, but who pay agency fees pursuant to a union security clause, may request a reduction in that fee based on their objection to certain kinds of union expenditures.

The policy provides an objection period each year during May, followed by a reduction in the objector's fee for the 12 months beginning with July and running through June of the following year.

Briefly stated, CWA's objection policy works as follows:

1. The agency fee payable by objectors will be based on the Union's expenditures for those activities or projects "germane to collective bargaining, contract administration, and grievance adjustment" within the meaning of applicable United States Supreme Court decisions.

Among these "chargeable" expenditures are those going for negotiations with employers, enforcing collective bargaining agreements, informal meetings with employer representatives, discussion of work-related issues with employees, handling employees' work-related problems through the grievance procedure, administrative agencies, or informal meetings, and union administration. In the past, approximately 70-75 percent of the International Union's expenditures have gone for such activities. The percentages of Local Union expenditures on "chargeable" activities have generally been higher.

Among the expenditures treated as "nonchargeable," which objectors will not be required to support, are those going for community service (including participating in charitable events), legislative activity, cost of affiliation with non-CWA organizations, support of political candidates, participating in political events, recruitment of members to the Union, and members-only benefits (including members-only social events). In the past, approximately 25-30 percent of the International Union's expenditures have gone for such "nonchargeable" expenditures. The percentages of Local Union expenditures on "nonchargeable" activities have generally been lower.

2. Objectors will be given a full explanation of the basis for the reduced fee charged to them. That explanation will include a more detailed list of the categories of expenditures deemed to be "chargeable" and those deemed to be "nonchargeable," and the independent certified public accountants' report showing the union's expenditures on which the fee is based. In addition to any other avenue of relief available under the law, objectors will have the option of challenging the Union's calculation of the reduced fee before an impartial arbitrator appointed by the American Arbitration Association, and a portion of the objector's fee shall be held in escrow while he or she pursues that challenge. Details on the method of making such a challenge and the rights accorded to those who do so will be provided to objectors along with the explanation of the fee calculation.

3. Objections for the period of July through June must be sent during May. Objections will be honored for one year unless the objection specifically states that it is continuing in nature. Continuing objections will be honored for as long as the agency fee payer remains in the bargaining unit. Agency fee payers who are new to the bargaining unit, or who are returning to the bargaining unit, may object within thirty days of receiving this notice. In addition, employees who resign Union membership may object within thirty days of becoming an agency fee payer. Employees filing these objections in either circumstance should so state that circumstance in their letter of objection. New bargaining unit members are to receive this notice prior to any demand being made upon them for the payment of agency fees. If, however, for any reason a new unit member begins paying agency fees prior to the receipt of this notice, he or she may object retroactively to the commencement of such payments and for the duration of the current annual objection period.

The letter of objection should include their name, address, social security number, CWA Local number, and employer.

Objections must be sent to the Agency Fee Administrator, CWA, 501 Third Street, NW, Washington, DC 20001-2797.

## **CWA POLICY ON MUTUAL RESPECT**

The CWA Policy on Discrimination is as follows:

1. The Communications Workers of America reaffirms its commitment as a matter of principle and policy that all forms of discrimination, for whatever reason, be vigorously opposed until all vestiges of discrimination are eliminated from society.
2. Freedom from discrimination within our Union is a right and privilege of all CWA members. Any abridgement of this right and privilege shall be subject to a complaint under the CWA Internal Appeals Procedures and should be investigated immediately without fear of reprisal and retaliation.
3. In restating our policy for conduct within our Union, it is equally important that our employers reflect this policy so that neither the Company nor the Union shall unlawfully discriminate against a person on account of race, color, gender, religion, age, marital/parental status, political beliefs, sexual orientation, gender identity or expression, national origin, or because a person is handicapped, a disabled veteran, or a veteran of the military service. This means what it says: "No form of Discrimination will be tolerated at any level of CWA."
4. Any matter which relates to the field of discrimination should be immediately and appropriately handled by the appropriate level of the Union that comes across the allegation of discrimination. It should be handled thoroughly in an honest and positive manner.
5. It is a matter of principle that no one member is more equal than another. The handling of the representation of our members at all levels of CWA should be done in an evenhanded way with no fear; no preference; no favorites.
6. Local Equity and Women's Committees can play a positive role by providing continuous education training assistance and by reporting to the members of the Local on the ways and means of eliminating discrimination in its entirety.

7. CWA Constitutional Committees should be representative of the Union. Local CWA Constitutional Committees should be representative of all the Local membership and should be active committees, not paper committees.

8. The Union policy to have a job steward for each fifteen members should be fully implemented and should be reflective and representative of the entire membership of each Local.

(Adopted by the CWA Executive Board June 11, 2002; revised December 17, 2009)



## **CWA Leading the Way**

**Communications Workers of America  
501 Third Street N.W.  
Washington, D.C. 20001-2797  
Revised June 2015**