Utility Workers Union Of America, AFL-CIO



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REPAIRAMERICA

Constitution

Adopted at Atlantic City, New Jersey April 6, 1946



Amended Through July 25, 2015





Constitution

of the

UTILITY WORKERS UNION OF AMERICA

Affiliated with the AFL-CIO



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TABLE OF CONTENTS

ARTICLE		PAGE
	Pledge of Allegiance to the Flag	3
	Preamble	3
I.	Name and Affiliation	5
II.	Objects and Jurisdiction	5
III.	Membership	6
IV.	Officers	9
V.	Salaries and Expenses	19
VI.	Finances	20
VII.	Local Unions	25
VIII.	Suspension or Revocation of Local Union Charters	26
IX.	Strikes	27
X.	Transfer Cards	28
XI.	Vacancies	28
XII.	Affiliations	29
XIII.	Amendments	29
XIV.	Member Charges, Complaints and Challenges	30
XV.	Conventions	39
XVI.	Human Rights Committee	44
XVII.	Election and Installation of Officers	45

PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA

"I Pledge Allegiance to the Flag of the United States of America and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all."

PREAMBLE

The Utility Workers Union of America , AFLCIO is an organization of members united by the belief in the dignity and worth of workers and by an understanding of the necessity and value of the services we provide to the public for their health and well-being. We are dedicated to improving the lives of our members and their families and to enhancing the quality of life in our communities.

We are an organization of men and women of every race, religion, age, and ethnicity, who are committed to a society where all workers and their families live and work with dignity; where there is an economic and political mandate for a more equitable distribution of the nation's wealth for all those performing useful service to society; where workers have a collective voice and power at the workplace; where economic well being is achieved for our members and all workers; where work is satisfying and fairly rewarded.

To accomplish these goals, we commit to:

- Bargain contracts that provide for improved wages and working conditions and insure that our collective voices are heard and honored;
- Building a strong and unified union, that also stands firm with other unions;
- Organize the unorganized workers in our industries so that all workers can enjoy the highest possible level of wages, pensions and benefits;
- Stay united and recognize our common ground and goals

and not be divided by forces of discrimination, corporate action or disharmony;
- Participate in our democratic societies and insure that unions maintain a vital and central role in the political, social and economic life of our countries;
- Work for social and economic justice;
- Leave the workplace a better place for our children and our children's children;
- Participate in regulatory, legislative, legal and electoral proceedings to protect the interests of consumers and the public (including our members) in reliable, safe and environmentally sound utilities at affordable, just and reasonable costs.

Compliance with the National Constitution should become the personal interest of every member of our union. Every local union officer should consider the National Constitution in connection with union matters as seriously as the law of the land in daily life. This is the lifeblood of the organization. The body will become strong and powerful or weak and frail in ratio to the importance given these laws.

CONSTITUTION
of the
UTILITY WORKERS UNION OF AMERICA
Affiliated with AFL-CIO

ARTICLE I
Name and Affiliation

Section 1. This organization shall be known as the UTILITY WORKERS UNION OF AMERICA, hereinafter also referred to as the National Union.

Section 2. The National Union shall be affiliated with the American Federation of Labor and Congress of Industrial Organizations, and shall conform to the Constitution and rules of the American Federation of Labor and Congress of Industrial Organizations. The National Union shall also become affiliated with the Canadian Labour Conference and shall conform to its Constitution and rules should it affiliate with any union or organize any members who work in Canada.

Section 3. All legislative powers shall be reserved to the National Union duly convened in session; except as herinafter provided for. Its executive, judicial, and legislative powers when not in session shall be vested in the National Executive Board, except as hereinafter provided for.

Section 4. In the National Union alone is vested the power to establish local unions, regional boards or joint councils, and to it is reserved the right to finally determine and adjust all matters of general importance to the welfare of any members thereof.

ARTICLE II
Objects and Jurisdiction

Section 1. To unite in this industrial union, regardless of race, creed, color, sex, national origin, age, religion, disability, sexual orientation, all workers eligible for membership, em-

ployed in and around energy, electric, gas, steam, water, telecommunications, generation, service, and related industries and organizations, including entities that are the successors, subsidiaries, affiliates, mergers and acquisitions of employers whose employees are represented by this National Union.

Section 2. To establish through collective bargaining higher wages, shorter hours of work, and improvement in terms and conditions of employment for all members.

Section 3. To secure legislation safeguarding the economic security and social welfare of the workers in the industry, to protect and extend our democratic institutions and civil rights and liberties, and thus to perpetuate the cherished traditions of our democracy.

Section 4. To advance the economic, social, civic, legal, charitable, educational, and political interests of the National Union, its affiliates, its members and their families.

Section 5. To organize unorganized workers, to affiliate workers in independent organizations, and to otherwise strengthen the labor movement.

ARTICLE III
Membership

Section 1. This organization shall be composed of local unions having for their membership men and women employed in and around energy, electric, gas, steam, water, telecommunications, generation, services and related industries and organizations, including entities that are the successors, subsidiaries, affiliates, mergers and acquisitions of employers whose employees are represented by the local union, and any other place now under the jurisdiction of the National Union as well as officers/employees, staff representatives or other employees of the National Union or local unions. These local unions shall, within the limits established by their respective charters, admit to membership employees who apply and conform to the National Constitution and Bylaws of the respective local union. Persons having supervisory power, excluding the right to hire and fire, shall be

eligible for membership subject to the approval of the National Union.

Section 2. Upon approval of charter application by the National President and National Secretary-Treasurer, and subject to future approval by the National Executive Board, a local union charter signed by the National President and the National Secretary-Treasurer shall be issued by the National Secretary-Treasurer, which shall contain such provisions as the National Union may require; he/she shall also deliver to said applicant one local seal and such initial supplies as may be necessary to conduct the affairs of the local union.

All local union charters heretofore issued shall be superseded by local union charters issued under and pursuant to this Constitution without, however, affecting the date when such local unions initially become constituent local unions of the National Union. All local unions shall presently conform their existing bylaws with the National Constitution as now adopted or hereafter amended. Only persons who are presently or may hereafter become members of a local union, now or hereafter chartered by the National Union, shall thereby acquire membership in the National Union. No person shall have or retain membership in a local union or in the National Union for whom per capita dues have not been paid to the National Union, or which the National Executive Board has not duly excused payment.

Section 3. No local union may be dissolved or expelled, except with the approval of the National Executive Board, subject to the provisions of Article VIII hereof.

Section 4. Regional board(s) or joint councils composed of local unions within territorial limits prescribed by the National Executive Board may be chartered by the National Union to expedite the work of the National Union, and to give help and direction to affiliated local unions. Whenever there are two or more locals of the National Union on the premises and/or in the employ of one employer, it is recommended that said locals establish a council for the purposes of collective bargaining.

Presently existing regional boards and/or joint councils shall

retain such powers and authority as are not inconsistent with this Constitution.

All local unions should become affiliated with their own regional utility joint council.

Section 5. Any member accepting membership in the Communist, Fascist, Nazi, or any other subversive political party or organization shall be expelled from the National Union, and is permanently debarred from holding office in the National Union, and no members of any Communist, Fascist, Nazi, or any other subversive political party or organization shall be permitted to have membership in our Union, unless they withdraw from such Communist, Fascist, Nazi, or any other subversive political party or organization, and forfeit their membership therein. Representations, either verbal or written, or any employer or employer's agent or non-member shall not be considered by the Union in determining whether or not anyone charged with being a member of the aforementioned parties or organizations actually holds such membership.

Section 6. The National Union and the local union to which the member belongs shall be his/her exclusive representative for the purpose of collective bargaining in respect to rates of pay, wages, hours of employment or other conditions of employment, and for the negotiation and execution of contracts with employers covering all such matters including contracts requiring his membership or the continuance of his/her membership in the union as a condition of his/her employment or continued employment, and contracts requiring the employer to deduct, collect, or assist in collecting from his/her wages any dues, fees, assessments, fines or other contributions payable to the National Union or his/her local union.

Section 7. The National Union and the local union to which the member belongs, and each of them are by him/her irrevocably designated, authorized, and empowered exclusively to appear and act for him/her in his/her behalf before any board, court, committee, or other tribunal in any manner affecting his/her status as an employee, or as a member of his/her local union

or the National Union, and exclusively to act as his/her agent to represent and bind him/her in the presentation, prosecution, adjustment, and settlement of all grievances, complaints, or disputes of any kind or character arising out of the employer-employee relationship, as fully and to all intents and purposes as he/she might or could do if personally present.

Section 8. Dual Membership—No person shall acquire or retain membership in any local union affiliated with the National Union who is or becomes a member or active partisan of any other union or local union claiming jurisdiction over all or a part of the industries over which our National Union exercises jurisdiction.

ARTICLE IV
Officers

Section 1-A. The elective officers of the National Union shall be one National President, one National Executive Vice President, one National Vice President, one National Secretary-Treasurer and twenty (20) National Executive Board Members, except for the exercise of Article XI, Section 1a which may create additional positions as a result of a merger or affiliation of another union with the Utility Workers Union of America. In such case, the number of National Executive Board Members may be increased in accordance with the provisions of Article XI, Section 1a.

Section 2-A. All National Officers shall be elected and installed at each regular National Convention, and they shall serve until their successors shall have been elected and installed. The term of office shall be four (4) years (with sufficient flexibility for the period of time allowed for scheduling the National Convention).

Section 3-A. All National Officers and Executive Board Members shall be nominated and elected at the National Convention. Nominees shall be good standing members of an affiliated local union for at least one year. In the event an election is uncontested, the National Secretary-Treasurer or his/her desig-

nee shall be directed to cast one vote to elect. Nominees shall be employed in and around energy, electric, gas, steam, water, telecommunications, generation, service, and related industries and organizations, including entities that are the successors subsidiaries, affiliates, mergers and acquisitions of employers whose employees are represented by the National Union for a period of not less than three years.

Section 4-A. No person shall be eligible to hold an elective office or appointed position in the National Union, or in any of its subordinate bodies, who has been convicted of any crime offensive to trade union morality. He/she cannot be commonly known to be a crook or racketeer preying on the labor movement or be barred from holding office in accordance with Section 504 of the Labor-Management Reporting and Disclosure Act of 1959 as amended.

Determination of ineligibility under this section may be made only on the basis of charges filed and heard in accordance with the regular trial procedures of the National Union or of its subordinate bodies, as the case may be. The Trial Committee is empowered to consider any extenuating circumstances in determining eligibility of the person charged.

National President

Section 1-B. The National President shall attend and preside at all National Conventions and at all sessions of the National Executive Board. He/she shall convene regular meetings and special meetings of the National Executive Board whenever necessary, or when requested in writing by a majority of the members of the National Executive Board.

Section 2-B. The National President shall be the Chief Executive Officer of this National Union and shall carry out to the best of his/her ability the decisions of the National Convention. He/she shall interpret the meaning of this National Constitution and his/her interpretation shall be subject to review by the National Executive Board. He/she shall devote full time to his/her office, and he/she or his/her designee shall attend to disputes be-

tween employers and employees; adjust differences between local organizations; perform necessary organizing and other works usual to the office of the National President. He/she shall sign all official documents when satisfied they are correct. He/she shall coordinate the activities of the National Executive Vice President, the National Vice President, Regional Directors, National Representatives, and Organizers for the maintenance and improvement of conditions of employment within the jurisdiction of the National Union.

Section 3-B. He/she shall appoint to take effect at the time of his/her appointment, subject to subsequent ratification by the National Executive Board, Regional Directors, National Representatives, Organizers, and other persons necessary to conduct the affairs of the National Union.

Section 4-B. Between National Conventions and sessions of the National Executive Board, he/she shall report his/her acts to the Executive Committee of the Board.

Section 5-B. The National President shall have the authority to direct, suspend, or remove any Regional Director, National Representative, Organizer or other employee of the National Union as he/she may deem necessary, subject to the subsequent review and ratification by the National Executive Board. He/she shall fix their compensation subject to subsequent ratification by the National Executive Board.

Section 6-B (1). Whenever the National President has reason to believe that trusteeship action is required and after consultation with the National Union's Executive Committee, the National President may appoint a trustee to take charge and control the affairs of a local union or of an affiliated body in accordance with the provisions of the Labor-Management Reporting and Disclosure Act (LMRDA). The appointment of this trustee is for the purpose of correcting corruption or financial malpractice, assuring the performance of collective bargaining agreements or other duties of a bargaining representative, restoring democratic procedures, or otherwise carrying out the legitimate objectives of the National Union.

Section 6-B (2). The trustee shall be authorized to take full charge of the affairs of the local union or affiliated body. He/she may remove any or all officers and may appoint temporary officers and agents during his/her trusteeship. He/she can take such other action as is in his/her judgment necessary for the preservation of the local union or affiliated body and its interest. The trustee shall report on the affairs and transactions of the local union or affiliated body to the National President. The trustee shall be under the direct supervision and control of the National President.

Section 6-B (3). Upon the institution of the trusteeship, all moneys, books, and property of the local union or affiliated body shall be turned over to the trustee, who shall issue a receipt for them.

Section 6-B (4). The trustee shall be bonded for the faithful discharge of his/her duties relating to the handling of funds or other property of the local union or affiliated body.

Section 6-B (5). The trustee shall take possession of all the funds, books, papers, and other property of the local union or affiliated body for which he/she shall issue a receipt. The trustee shall pay all outstanding claims properly proved, if funds are sufficient. When self-government is restored, the trustee shall return all funds, books, papers and other property to the local union or affiliated body. If, however, the local union or affiliated body is dissolved by the revocation of its charter, then any balance remaining to the credit of the local union or affiliated body shall be forwarded to the National Secretary-Treasurer and shall become the property of the National Union.

Section 6-B (6). The imposition of a trusteeship must be previously authorized or subsequently ratified after a fair hearing before the National Executive Committee or a Subcommittee of the National Executive Board selected by the National Executive Committee. The hearing must be held in the geographic jurisdiction of the local union in order to allow the local union membership to attend. If the hearing is not conducted prior to the imposition of the trusteeship, it shall be held to ratify the trustee-

ship no later than 30 days after the imposition of the trusteeship. The decision of the Executive Committee or Executive Board Subcommittee shall be rendered within 14 days of the hearing and shall be final and binding unless appealed. A written appeal from the decision to authorize or ratify a trusteeship may be made to the National Executive Board. Such appeal must be addressed to the National Secretary-Treasurer and must be received within 30 days after the date of the decision to authorize or ratify the trusteeship. The National Executive Board shall rule on the appeal within 30 days of receipt of the appeal by the National Secretary-Treasurer. The decision of the National Executive Board may be appealed at the next Convention. Time limits may be extended for good cause for a reasonable period by the National President.

National Executive Vice President

Section 1-C. The National Executive Vice President shall act as, and replace the National President in his/her absence. In case of resignation, death or removal of the President, the office of the National President shall be filled within thirty days in accordance with Article XI, Section 2.

Section 2-C. The National Executive Vice President shall devote full-time to his/her office, and between meetings of the Executive Board, shall at all times be responsible for carrying out to the best of his/her ability decisions of the National Convention.

Section 3-C. The National Executive Vice President shall perform such other duties as pertain to the office or may be assigned by the National President, National Executive Board, or its Executive Committee.

Section 4-C. A National Executive Vice President may cosign with the National President or the National Secretary-Treasurer, if necessary, checks and disbursement vouchers, to assure signatories in the event of an absence of one or both of these Officers and shall, therefore, give bond in the appropriate amount to insure the faithful discharge of his/her duties.

National Vice President

Section 1-D. The National Vice President, between meetings of the National Executive Board, shall at all times be responsible for carrying out to the best of his/her ability decisions of the National Convention.

Section 2-D. The National Vice President shall devote full time to his/her office, and between National Conventions and sessions of the National Executive Board he/she shall report his/her acts to the Executive Committee of the Board.

Section 3-D. The National Vice President shall perform such other duties as pertain to his/her office or may be assigned him/her by the National President, National Executive Board, or its Executive Committee.

National Secretary-Treasurer

Section 1-E. The National Secretary-Treasurer shall act as the Financial Officer and Executive Secretary of the National Union. The National Secretary-Treasurer shall cause to be recorded the proceedings of all National Conventions, all sessions of the National Executive Board, and all sessions of the National Executive Committee. He/she shall have charge of and preserve all books, documents and effects of the National Office.

Section 2-E. The National Secretary-Treasurer shall make the necessary arrangements for the maintenance of financial books and records, the receipt of all funds due the National Union, and shall deposit all such funds in the name of the National Union in depositories approved by the National Executive Board. He/she shall invest all such funds as may be deemed by the National Executive Board to be in excess of current needs in such securities as the National Executive Board may decide.

Section 3-E. The National Secretary-Treasurer shall pay all bills and current expenses unless otherwise ordered by the National Executive Board or its Executive Committee. He/she shall keep copies of all important correspondence sent out and received by his/her office.

Section 4-E. The National Secretary-Treasurer shall give a

bond in accordance with the provisions of the Labor-Management Reporting and Disclosure Act of 1959 to insure the faithful discharge of his/her duties. The National Executive Board shall approve said bond. The cost of the bond shall be paid out of the funds of the National Union.

Section 5-E. The National Secretary-Treasurer shall have the authority to employ such help as may be necessary for the efficient conduct of the affairs of his/her office. Such help employed by the National Secretary-Treasurer shall be paid in accordance with the prevailing rates of wages for the duties performed and shall be responsible to him/her for the rightful performance of their duties.

Section 6-E. The National Secretary-Treasurer shall perform such other duties as pertain to his/her office or may be assigned him/her by the National Executive Board or its Executive Committee.

Section 7-E. He/she shall have charge of the seal of the National Union and shall affix it to all official documents.

Section 8-E. The National Secretary-Treasurer shall devote full time to his/her office, and between National Conventions and sessions of the National Executive Board he/she shall report his/her acts to the Executive Committee of the Board.

Section 9-E. He/she shall submit a Certified Public Accountant's Financial Report to the Executive Board yearly.

Section 10-E. In the event of any delinquency on the part of any local union in paying its per capita, it shall be his/her duty to give to the local union involved notice of such delinquency and demand that the fault be remedied. He/she shall have the power to examine or to order an examination of the books of account of any affiliated local union. The National Secretary-Treasurer shall require all national, regional and local union officers handling funds to be bonded by an accredited surety company.

National Executive Board

Section 1-F. The National Executive Board shall consist of the National President, the National Executive Vice President,

the National Vice President, the National Secretary-Treasurer and twenty (20) National Executive Board Members. However, the number of National Executive Board Members may be increased by the application of the provisions of Article XI, Section 1a upon the consummation of an affiliation or merger of another union with the National Union.

Section 2-F. Regular meetings of the National Executive Board shall be held twice a year, once in winter and once in summer and, in addition, special meetings may be held in accordance with Article IV, Section 1-B.

Section 3-F. Regular and special meetings of the National Executive Board shall be held on the call of the National President in such city and at such place and time as the National President shall direct, for transactions of such business as may be properly placed before the National Executive Board for consideration. Special meetings may be conducted by teleconference or videoconference as the National President shall direct. Notice of meetings shall be given through the National Secretary- Treasurer.

Section 4-F. The National Executive Board shall have general supervision of the affairs of the National Union. It shall decide the city in which the National Office is to be located. It shall require the National Secretary-Treasurer to submit at one of its meetings during the year a Certified Public Accountant's audit of the National Union's books of account. At each meeting of the Executive Board, the National Secretary-Treasurer shall be required to submit an up-to-date report of the financial status of the National Union.

Section 5-F. The National Executive Board shall execute the instructions of the National Convention, and between National Conventions shall have the responsibility and power to direct the workings of the organization and to formulate policy affecting the good and welfare of the National Union. The National Executive Board shall have the power to adopt such rules, not inconsistent with the National Constitution, as it may deem necessary to carry out its duties and powers. Where not defined in the National

Constitution, the National Executive Board shall have the power to take the necessary steps that will insure an effective administration of the affairs of the National Union.

Section 6-F. National Executive Board Members shall carry out such other duties as may be assigned by the National President. National Executive Board Members shall be reimbursed for expenses incidental to such duties.

Section 7-F. There shall be established from the National Executive Board, an Executive Committee. The Executive Committee shall meet as frequently as required and shall be composed of the Executive Officers of the National Union, namely: the President, the Executive Vice President, the Vice President, the Secretary-Treasurer, and one member of the Executive Board who was nominated and elected to the National Executive Board at the National Convention. It shall be considered a subcommittee of the National Executive Board between meetings and shall report its actions to the National Executive Board for its approval. Meetings of the Executive Committee shall be held on the call of the National President and may be conducted by teleconference or videoconference as the National President may direct.

Section 8-F. The National Union shall be comprised of five regional districts. As membership warrants in these districts, they shall be increased up to a maximum of eight. These regional districts shall be established as follows, except where a local union whose operating company is in a region other than that in which the local is located, the local may be in another region, if in the judgment of the National Executive Board, the local can be better serviced and represented by so doing.

REGION ONE

Delaware
Maine
Vermont
New York
Connecticut
Massachusetts
New Jersey
Rhode Island
New Hampshire
Puerto Rico and
other Caribbean Territories

REGION TWO

Pennsylvania	North Carolina
Maryland	South Carolina
West Virginia	Tennessee
Virginia	Florida
	Washington D.C.

REGION THREE

Ohio	Mississippi
Kentucky	Louisiana
Georgia	Arkansas
Alabama	Oklahoma
	Texas

REGION FOUR

Michigan	Indiana
Wisconsin	Nebraska
Minnesota	Kansas
North Dakota	Iowa
South Dakota	Missouri
Illinois	

REGION FIVE

California	Arizona
Oregon	New Mexico
Washington	Utah
Idaho	Montana
Nevada	Wyoming
Colorado	Alaska
Hawaii	Guam and other Pacific Rim Territories

Section 9-F. The National Executive Board Members shall be nominated and elected in the regions within the geographical districts as determined by the National Constitution. Only the delegates from the local unions voting on a per capita basis in such regions shall nominate and vote for their National Execu-

tive Board Member at the National Convention. Only five (5) geographical districts have been established and, therefore, for the first National Convention five (5) Executive Board Members will be elected by district votes, the other fifteen (15) to be elected at large by all delegates assembled, voting on a per capita basis. The National Executive Board shall be empowered to change the composition of these regions as membership requires it, but in any event they may not establish more than eight (8) regions. The National Convention is the only authority that can increase or decrease the regional districts.

Section 10-F. Executive Board Members, who in the performance of their duties while attending regular or special meetings of the National Executive Board or who are assigned duties which may result in the loss of time from their regular employment, shall be compensated for the same plus any legitimate expenses.

Section 11-F. If a National Executive Board Member serves as an officer of a local or council at the time of election or re-election as a National Executive Board Member, and subsequently ceases to be a local or council officer for any reason, that National Executive Board Member will promptly tender to the National President a resignation from the office of National Executive Board Member.

ARTICLE V

Salaries and Expenses

Section 1. The salaries of the National President, the National Executive Vice President, the National Vice President, and the National Secretary-Treasurer shall be adjusted yearly in an amount equal to the average increase that is secured for the members of the National Union. The adjustment shall be based on the average increase secured for the membership in the preceding year. The salaries of the National Executive Vice President, the National Vice President and the National Secretary-Treasurer shall be the same. In addition to hotels and meals, the National Union will pay for traveling and other necessary expenses. Due

to the many and varied duties required of the National Officers, all actual expenses incurred by the National Officers in the course of performing their duties will be paid.

Section 2. The National Executive Board shall approve the salaries of all organizers, representatives, and other employees, except those officers whose salaries are provided for in this Article, and the expenses to be paid to all employees. In no event shall their salary be fixed at a higher rate than any National Officer's salary.

ARTICLE VI
Finances

Section 1. Each local union shall pay the National Union on or before the 15th of each month, for the preceding month, twenty-one dollars and thirty-one cents ($21.31) per member from whom dues are collected; two dollars and sixteen cents ($2.16) of this amount to be transferred to the Special Defense and Organizing Fund. Beginning with the per capita adjustment on January 1, 1984, and each year thereafter, 10% of the per capita adjustment will likewise be transferred to the Special Defense and Organizing Fund.

Section 1a. The amount of adjusted dues and per capita shall be in addition to the then current dues of the local union and the per capita as set forth in Article VI, Section 1, of the National Constitution. Base average dues (presently $70.79) shall increase to $72.75 as of January 1, 2016, and shall be used as a starting point for calculating the annual mandatory dues increase. This mandatory annual dues increase shall be based on the average wage increase that is secured for the members of the Union in the preceding year. (Article VI, Section 1, and Article VI, Section 1a, will be corrected after each adjustment to reflect the current base dues and per capita for the year involved.) Fifty percent (50%) of these adjustments will be forwarded to the National Union as per capita.

Nothing in this requirement for annual adjustments would (a) compel a local union to establish a base average dues, (b)

prohibit a local union from establishing a base average dues, (c) prohibit a local union from increasing its existing dues, or (d) prohibit a local union from decreasing its existing dues.

Section 1b. The Special Defense and Organizing Fund is for the purposes of: (i) support for contract campaigns and other collective actions to protect our members; (ii) legal defense; (iii) assistance in strikes and other economic actions involving employers; (iv) support for organizing campaigns; (v) support for addressing issues involving deregulation, restructuring and divestiture in the electric, gas, water and related industries.

Payments from this fund to locals involved in economic actions shall be paid weekly at a rate to be determined by the Executive Board, beginning with the third week of the strike or economic action. This fund shall maintain a minimum sufficient to guarantee any qualified local union at least one week's payment in accordance with the aforementioned rules; also, each eligible local union shall be guaranteed successive or continuing payments (if eligible), not to exceed its unused accumulation. No strike benefits will be authorized when this fund is at or below a required minimum except for the special purposes enumerated above.

Payments for organizing and deregulation related costs will not be authorized from this fund at any time when the balance is at or below two (2) million dollars.

Section 1c. A local which represents a bargaining unit or a division with such low compensation that the payment of full dues and per capita severely impacts the members' standard of living, may petition the National Executive Board to apply Article VI, Section 11 to such bargaining unit or division. Upon approval by the National Executive Board, such bargaining unit or division will be governed by the provisions of Article VI, Section 11.

Section 1d. Upon approval of the Executive Board of the National Union, the monthly per capita may be reduced for members of a local union, chartered by the National Union, that has not achieved majority status in a bargaining unit, while the

union continues its efforts to reorganize a majority of the unit.

Section 2. Each local union shall pay to the National Union one-half of each new member's initiation fee, up to a maximum payment to the National Union of fifty dollars ($50.00); also on the same basis, one-half of each reinstatement fee collected.

Section 3. New members shall be required to pay an initiation fee of not less than two dollars ($2.00) or more than fifty dollars ($50.00), excepting that this maximum shall not affect any local union which has established other maximums with the approval of the National Executive Board. Initiation fee shall be waived for ex-service personnel if they apply for membership within one (1) year from the date of discharge from military service.

Section 4. Local unions may establish monthly dues in any amount sufficient to adequately and efficiently operate their local union. No local union shall levy an assessment on its members without prior approval of the National Executive Committee.

Section 5. The National Executive Board may exonerate any local union from the payment of per capita to the National Union for any month or months for the members in good standing of such local union, who are unemployed due to strike, lockout, or other involuntary cause, or who are serving in the armed forces of the United States.

The National Executive Board shall waive per capita for local unions and for groups of members for the period of negotiations of a first contract; said members shall be considered members in good standing. Local unions may waive local dues for those members for the period of negotiations of a first contract; said members shall be considered members in good standing.

Section 6. No applicant for membership shall be regarded as being a member in good standing until the full amount of his/her initiation fee has been paid, excepting as heretofore provided in Article VI, Section 3.

Section 7. Any member in arrears for three months in regard to dues, will be designated as delinquent and not in good standing, unless officially exonerated from payment of same,

and shall be required to pay a reinstatement fee imposed by the local union in addition to all back dues before good standing can be restored.

Section 8. The appropriate financial officers of any local union shall deposit, in an insured account in a financial institution, the full amount of all dues and initiation fees, as well as other income, collected by any local union. This account shall be in the name of the local union, and shall not be in the name of any officer. Activity on account(s) must be made only by the appropriate financial officers. Withdrawals or transfers from local union accounts must be by check, countersigned by at least two designated, authorized officers. The National Secretary-Treasurer may modify these provisions for any local union upon a showing, in writing, that this provision would cause a hardship or make operation of the local cumbersome.

Section 9. The accredited officers of each local union shall forward to the National Secretary-Treasurer of the Utility Workers Union of America, by the 15th of each month, the per capita due the National Union from initiation fees and dues, collected during the preceding month. A local union in arrears for two months with its per capita payments, unless officially exonerated from payment of same, shall be considered delinquent.

Section 10. When any local union fails to report and remit to the National Secretary-Treasurer of the National Union, in regard to initiation fees and dues, as provided for herein, said National Secretary-Treasurer shall notify in writing the local union's President, the Recording Secretary, and Financial Secretary of the fact. Failing to receive a satisfactory response within ten days after the notification, the National Secretary-Treasurer shall try to ascertain the reasons for non-payment. If non-payment results from financial inadequacy, the National Secretary-Treasurer shall develop a program, subject to approval of the National Executive Board, to restore financial stability to the local union including a means for the repayment of the back dues and initiation fees, and including necessary changes in the financial operations of the local union. The Executive Committee shall

determine the course of action to be taken when the failure to remit initiation fees and dues is willful or defiant.

Section 11. For a newly organized member bargaining unit or division whose compensation is determined by the National Executive Board to be significantly less than the compensation of the general membership, the National Executive Board will determine the initial monthly per capita dues and the base average dues which will be used as the starting point for calculating the annual mandatory dues increase applicable to such member bargaining unit or division. When it is determined by the National Executive Board that the compensation of such member bargaining unit or division is comparable to the compensation of the general membership, the member bargaining unit or division will be governed by Article VI, Sections 1 and 1a for the purposes of the annual mandatory dues increase.

Section 12. Local unions placed on the delinquent list shall not be reinstated until they have filed all delinquent reports, paid all arrearages and a fine of two dollars ($2.00) for each one hundred (100) members or fraction thereof, unless exonerated from payment of such fines by the National Executive Board.

Section 13. All local union officers entrusted with the finances of the organization shall be bonded in accordance with the provisions of the Labor-Management Reporting and Disclosure Act of 1959. The bond shall be secured and approved by the National Secretary-Treasurer of the National Union.

Section 14. All local unions and councils with yearly incomes of $200,000 or more shall engage an independent public accountant to make a yearly audit of their financial accounts and shall make an annual report of such audit in writing to their membership with a copy sent to the National Office. A local union or a council whose yearly income is under $200,000 and whose financial accounts are not annually audited by an independent public accountant shall establish an auditing committee either by election by the membership, or by appointment by the local's or council's President with ratification by the membership. This committee shall be composed of from 3 to 5 members,

and its duty shall be to make a semi-annual examination of the financial accounts of the local union or council, and to report its findings in writing to the membership and to the National Office semi-annually.

ARTICLE VII
Local Unions

Section 1. Local unions, regional boards or joint councils, may adopt such bylaws and rules as do not conflict with any of the provisions of this National Constitution or the policies of the National Union. All local unions, regional boards or joint councils shall send copies of their bylaws as well as any bylaw amendments adopted by local unions, regional boards or joint councils to the National President for approval before they shall take effect; and, if in the best interests of the membership and not in conflict with the National Constitution, they shall be approved.

Section 2. Local union bylaws must provide for ratification of any contracts or renewal of contracts by their members in good standing at a regular or special meeting called for that purpose or by mail referendum or any other form of referendum.

Section 3. No local union shall call a strike unless their members have been notified of the consideration of such strike action at a special or regular meeting, and the members at such meeting by a majority vote approve strike action. In addition, the provisions in Article IX, Strikes, must be adhered to.

Section 4. All contracts entered into by local unions shall be between the employer and the National Union on behalf of the local union involved, and shall be signed by local officers and a designated representative of the National Union.

Section 5. Copies of all contracts and supplements thereto shall be forwarded to the National Office.

Section 6. Local unions shall be charged with the duty of enforcing this National Constitution as affecting their membership.

Section 7. It shall be the duty of every member to see that his/her local union is in good standing at all times, and any

member failing to report to the National Secretary-Treasurer of the National Union, any delinquency on the part of his/her local union, shall suffer any penalty applied to the local union for such delinquency.

Section 8. The National Union shall not be liable for the acts or omissions of local unions or joint councils and their agents.

ARTICLE VIII

Suspension or Revocation of Local Union Charters

Section 1. In the event the National President shall have reason to believe that any local union or member thereof is failing to comply with any provision of the National Constitution, he/she may institute proceedings upon the alleged violations with due notice of hearing before the National Executive Board. Upon the basis of the hearing the National Executive Board is authorized to render a decision, dismissing the charges of alleged violations, suspending or revoking the charter of any such local union, suspending or expelling any member thereof, or directing such other action as may be necessary to secure compliance with the National Constitution. However, at the hearing before the National Executive Board, the National President, having instituted such proceedings, shall not participate as a member of the trial body or in the decision, but may offer evidence in support of the charges. The decision of the National Executive Board may be appealed to the next National Convention provided, however, that pending the appeal, the decision of the National Executive Board shall remain in full force and effect.

Section 2. In the event a plant which constitutes the sole jurisdiction of a local union is abandoned, the National Secretary-Treasurer, with the consent of the National Executive Board, may revoke the charter of said local union.

Section 3. In the event of a suspension of a local union, members thereof and the local union shall not be deemed to be in good standing during the period of suspension.

Section 4. In the event that a local union's charter is revoked, or the local union disbands, the charter and all books, monies,

and property shall be delivered and turned over to the National Union through the office of the National Secretary-Treasurer within ten (10) days after demand by the National Executive Board.

Section 5. After a charter of a local union has been revoked, the National Executive Board may charter a new local union having the same jurisdiction as the local union whose charter was revoked. The members of the local union whose charter was revoked may be readmitted only by action of the National Executive Board.

ARTICLE IX

Strikes

Section 1. No strike shall be called by any local union until the National Office is notified and the National President has given his/her sanction. Local union officers, before requesting strike approval from the National President, are required to have membership approval of such strike action. Membership approval of strike authority may be taken prior to such negotiations. On being notified of a desire to strike, the National President or his/her representative shall immediately attempt to adjust the dispute between the company and the local union, and shall give further recommendation on procedure.

Section 1a. It shall be a violation of this National Constitution, subject to the provisions of Article VIII hereof, for any local union officer or member to cross, or advocate crossing, a duly authorized picket line established in accordance with the provisions of this article.

The local union involved may appeal to the National Executive Board, any decision of the National President on strike action.

ARTICLE X
Transfer Cards

Section 1. A local union in good standing may issue to a member in good standing, a "Transfer Request" transferring his membership to another local union.

Section 2. The National Union will accept any Transfer Card for any member in good standing of any AFL-CIO affiliate, provided such person shall be or has been employed in and around energy, electric, gas, steam, water, telecommunications, generation, service, and related industries and organizations, including entities that are the successors, subsidiaries, affiliates, mergers and acquisitions of employers whose employees are represented by a local union or by the National Union.

ARTICLE XI
Vacancies

Section 1. Should a vacancy occur in the National Executive Board or the National Executive Committee, excepting that of the National President, the National Executive Vice President, the National Vice President, or the National Secretary-Treasurer, the remaining members shall elect a member from a constituent local union to fill the vacancy. In the event that such a vacancy shall occur less than three (3) months prior to the National Convention, the office shall not be filled until the National Convention.

Section 1a. In the event of a merger into or affiliation with the National Union by a group of employees certified as a collective bargaining unit or any other labor organization, which group or labor organization consists of two thousand or more members, there may be added to the National Executive Board one at-large member for each such two thousand members or major portion thereof. National Executive Board positions created by this subsection shall be filled in the same manner as all other vacancies in the National Executive Board, as provided for in Section 1 of this article. Where warranted as determined

by the National Executive Board, the National Executive Board may establish National Officer and/or National Executive Committee position(s) in order to achieve affiliation or merger of a new labor organization into the UWUA. National Officer and/or National Executive Committee position(s) established by this subsection shall be filled in accordance with Section 1 and/or 2 of this Article.

Section 2. Should a vacancy occur in the office of the National President, National Executive Vice President, National Vice President or the National Secretary-Treasurer, the remaining members of the National Executive Board shall elect one of its members, who has been elected to the Executive Board by the National Convention to fill the vacancy, and he/she would serve until the next regular election provided for in this National Constitution.

ARTICLE XII
Affiliations

Section 1. In addition to their affiliation with the National Union, and that Organization with the AFL-CIO, all local unions should become affiliated with the state and local bodies of the AFL-CIO. It is also permissible to affiliate with other subordinate councils of the AFL-CIO. No local unions should have any other affiliation except the aforementioned without the prior approval of the National Executive Board or its Executive Committee.

ARTICLE XIII
Amendments

Section 1. This National Constitution may be amended by a two-thirds (2/3) vote at a regular or special National Convention called for that purpose, provided the exact language of the proposed amendments have been provided to the delegates prior to the call to order of the National Convention, and such changes shall take effect upon the adjournment of the National Convention, unless otherwise provided for upon adoption of the amendment.

ARTICLE XIV

Member Charges, Complaints and Challenges Local Union / Regional Boards / Joint Council Charges, Complaints and Trials

Recognizing that charges may be filed by a member in good standing against another member, the following shall apply in order to insure that all charges are duly considered and addressed under a procedure that is fair and equitable.

Procedures for charges and trials should be designated in the bylaws of the local unions. When the bylaws of a local union are silent in whole or in part, the following procedures will govern. Regional boards and/or joint councils will hereinafter be referred to as local union and members hereinafter referred to will apply to members of those boards or councils.

Section 1-A. Any member(s) may prefer charges against a member(s) of a local union by filing such charge(s) with the local union of which the charged party is a member. These charges must be signed by the person(s) making the charge(s) and must set forth the specific violation(s) or wrong(s) charged and the date on which it allegedly occurred. Charge(s) must contain a brief statement of the facts upon which the charges are based and must be sufficiently specific to permit the charged party to prepare a proper defense.

Section 2-A. Charges must be filed within sixty (60) days of the time the complainant becomes aware, or reasonably should have become aware, of the alleged offense. The term "day(s)" as used in this Article shall be calendar days unless otherwise noted.

Section 3-A. A written copy of the charges must be forwarded to the charged party, to his/her last known address, by certified mail within seven days after the charges have been filed.

Section 4-A. A Trial Committee shall be designated in the manner specified in the bylaws of the local union. If the bylaws of the local union do not provide for a Trial Committee, then:

(a) The local union officers should designate the Trial Committee which may not consist of less than three members in good standing.

(b) If the accused member is an officer of the local union he/she shall not participate in the designation of the Trial Committee.

(c) Neither the person that filed the charges nor the person accused may be a member of the Trial Committee.

Section 5-A. The complainant and the charged party shall promptly be notified of the members appointed to the Trial Committee. The complainant also shall be notified to forward immediately to the Trial Committee any evidence, including written statements and exhibits, that they have supporting the charges. If any member appointed to the Trial Committee is unable to serve, the President shall appoint another member to serve on the Trial Committee.

Section 6-A. The Trial Committee shall convene and shall choose its own chair, who shall have full voting rights. It first shall review the charges. If the Trial Committee determines that the charges, in whole or in part, have not been properly or timely filed, do not state an offense for which a member may be charged, or have not been supported by the evidence provided by the complainant, it shall render a report dismissing those portions of the charges. If all charges are dismissed, the report of the Trial Committee shall be submitted to the next regular membership meeting or special meeting called in accordance with the local union's bylaws. If only a portion of the charges are dismissed, then the report dismissing the charges shall be presented, along with the report on the charges heard and decided, at the regular membership meeting or special meeting, following the trial, called in accordance with the local union's bylaws.

Section 7-A. If the Trial Committee, upon examining the evidence provided by the complainant, finds there is sufficient evidence to warrant a trial on some or all of the charges, the complainant and charged party shall be notified by certified mail when a formal hearing will take place before the Trial Commit-

tee. Formal hearings shall take place as soon as reasonably possible, but no earlier than thirty (30) days from the date of the certified notice of hearing so that both parties can adequately prepare for the trial. The Trial Committee may in its sole discretion grant a reasonable delay to the charged party or complainant when it feels the facts or circumstances warrant such action.

Section 8-A. Only members of the Utility Workers Union of America may attend the proceedings of the Trial Committee.

Section 9-A. The charged party may act as his/her own representative or may choose to be represented by one (1) member in good standing of the Utility Workers Union of America.

Section 10-A. If the charged party deliberately absents himself/herself from a scheduled hearing without being excused by the Trial Committee, the Trial Committee may proceed as if they were present. If the complainant deliberately absents himself/herself from a scheduled hearing without being excused by the Trial Committee, the Trial Committee shall forthwith dismiss the charges.

Section 11-A. The complainant and the charged party shall have a fair and impartial hearing and shall have the right to make an opening statement, to be present throughout the hearing, to offer witnesses and evidence, to confront and cross examine witnesses, and to make a closing statement. The complainant shall proceed first and shall have the burden of proving the charges by a preponderance of the evidence. There shall be a presumption of innocence in favor of the charged party.

Section 12-A. All questions of order, procedure, and admissibility of evidence shall be decided by the Trial Committee and shall be final.

Section 13-A. All Trial Committee members are expected to be present at all hearings. Notwithstanding the above, the Trial Committee may meet and conduct hearings and other business, deliberate, and issue its final report, if a majority of its members are present.

Section 14-A. Any properly selected member of the Trial Committee may continue to serve as a member of that committee

until the conclusion of its proceedings, so long as they remain a member in good standing of the Utility Workers Union of America. If a member of the Trial Committee retires after the hearing but before the report and decision is completed, he/she shall continue to serve until after the report and decision are issued. Otherwise, the Trial Committee shall continue any proceedings on the pending charges as long as there are at least three (3) members on the Trial Committee.

Section 15-A. Within thirty (30) days of the conclusion of the hearings, the Trial Committee shall prepare a written report and submit it to the next membership meeting, or special meeting, with its recommendations on the guilt or innocence of the accused on each charge and its recommendations for penalties, if any. The complainant and the charged party shall receive a copy of the report by certified mail prior to the date of the meeting. At the meeting any member in good standing will be permitted to speak in accordance with the parliamentary procedure outlined in the local union bylaws or *Robert's Rules of Order (Newly Revised*) if unspecified. The charged party and complainant shall be accorded full opportunity to present their position on all matters bearing upon the trial and the report and recommendation of the Trial Committee.

Section 16-A. The report and recommendations of the Trial Committee on each charge shall become effective only upon approval by a majority vote of the members voting at the meeting. If the report and recommendation of the Trial Committee on a charge is rejected, no further action will be taken on that charge during that meeting.

Section 17-A. A report of the members' decision, including the report and recommendations of the Trial Committee, shall be forwarded immediately by certified mail to the charged party, the complainant and the National Office.

Section 18-A. The following procedure shall apply if an appeal is filed from either: (1) a final decision of a local union on charges against a member of a local union; or (2) a final decision of a local union on a matter in which the local union's decision

adversely affects a member's rights or interests:

(a) The complainant or the charged party or the aggrieved member may appeal from the decision of the local union within thirty (30) days of the mailing of the local union's decision by sending the appeal in writing, certified mail, to the Secretary-Treasurer at the National Office.

(b) The party filing the appeal shall set forth the specific reasons for the appeal, and shall provide a statement of the facts upon which the appeal is based, including all evidence to support the appeal. This information required for consideration of the appeal must be sufficiently specific to permit the National Union to fully consider the appeal.

(c) The National Union shall notify the prevailing party and the Trial Committee that an appeal was filed. The prevailing party, and the Trial Committee if it so desires, can also send any further information that they believe should be considered no later than thirty (30) days from the date of the notice of appeal.

(d) The National President, subject to the approval of the Executive Committee, may make an administrative decision on the appeal after receipt of all information pursuant to the above-stated procedure.

(e) If he/she does not reach an administrative decision, he/she may assign an Appeal Committee comprised of no fewer than three (3) and no more than five (5) National Executive Board members to review the appeal and make a recommendation to the National Executive Board regarding the appeal. The Appeal Committee has the authority to determine whether to decide the appeal on the information received, to hold an appeal hearing, or to order a new trial.

(f) If a new trial is ordered, the Appeal Committee will recommend to the National Executive Board whether the trial should be held before the Appeal Committee or sent back to the local union.

(g) The Appeal Committee shall issue a report including its findings and recommendations at the conclusion of its deliberations on the appeal.

(h) The National Executive Board shall decide the appeal after full consideration of the report of the Appeal Committee. The decision of the National Executive Board shall be sent by certified mail to the complainant, the charged party, and the local union.

(i) Unless the National Union grants a stay, the decision of the local union shall be in full force and effect.

Section 19-A. An appeal from the decision of the National President (affirmed by the National Executive Committee) or the National Executive Board may be made in writing to the National Secretary-Treasurer no less than thirty (30) days and no more than sixty (60) days prior to the convening of the National Convention.

Section 20-A. Subject to applicable laws, a member who has been aggrieved by a decision or ruling of a local union or the National Union must exhaust all available appeal procedures prior to initiating any action in a court, tribunal or agency.

National Executive Board Charges and Trials

Charges against any officer(s) or member(s) of the National Executive Board for any offense against the National Union must be proffered in writing, signed by four or more members of the National Executive Board, or by at least ten (10) local unions that constitute at least 20% of the membership of the Utility Workers Union of America and must set forth the specific acts upon which the charges are based. In the event such charges are filed, or if any National Officer shall be derelict in the performance of his/her duties or commit any dishonest or disreputable act, the National President may at his/her discretion suspend without pay any such National Officer, subject to review by the National Executive Board and upon appeal to the National Convention, but such decision shall stand pending such review. If such action is finally reversed, the charged party shall

be made whole for any losses suffered.

The National Executive Board shall designate or constitute itself a Trial Committee except that any member involved as defendant or accuser shall be disqualified from sitting on the Trial Committee. At the trial both parties shall be entitled to be represented by counsel. If the defendant shall fail to appear at the time and place designated for the trial without presenting a sufficient reason for his/her absence, the Trial Committee shall proceed to take testimony and make decisions in the same manner as if the defendant was present.

Section 1-B. An appeal from the decision of the National Executive Board may be made to the next National Convention by giving notice to the National Secretary-Treasurer no less than thirty (30) days and no more than sixty (60) days prior to the convening of the National Convention.

Section 2-B. The National President may extend the time for filing any appeal if in his/her opinion justice will be served thereby.

Section 3-B. In no case shall a member or subordinate body appeal to a Civil Court for redress until they have exhausted their rights of appeal under the Constitution of the National Union.

Election Challenges

Section 1-C. All challenges to election results for officers, delegates and representatives, must be made in writing to the local union within 15 days of the time the challenger becomes aware, or reasonably should have become aware, there have been violations of the election procedures of the local bylaws or the Labor-Management Reporting and Disclosure Act of 1959 as amended, which would have affected the outcome of the election. The challenge(s) must be signed by the person(s) proffering the challenge(s) and must set forth the specific violation(s) or wrong(s) and the date on which they allegedly occurred. Any challenge(s) must contain a brief statement of the facts upon which the challenge(s) is based and must be sufficiently specific to permit an adequate investigation into the matter.

Section 2-C. An Investigative Committee shall be designated in a manner specified in the local bylaws. If the bylaws do not provide for an investigation committee, then:

(a) The Executive Board of the local union shall designate an Investigative Committee, and if the officer challenged is a member of the Executive Board, that member shall not participate in the selection.

(b) Neither the member whose election has been challenged nor the individual(s) challenging the outcome of the election shall serve on the Investigative Committee.

Section 3-C. Within seven (7) days after the challenge(s) has been filed, a copy of the challenge(s) to the election results shall be forwarded to the member being challenged, to the member's last known address by certified mail. The Investigative Committee shall convene and shall choose its own chairman, who shall have full voting rights. It first shall review the challenge(s).

(a) If the Investigative Committee determines that the challenge(s), in whole or in part, have not been properly or timely filed, do not state an offense for which an election may be challenged, or have not been supported by the evidence provided by the complainant, it shall render a report and recommendation to the local union's Executive Board as outlined in subsection (5) recommending dismissal of those portions of the challenge(s).

(b) If the Investigative Committee, upon examining the evidence provided by the complainant concerning the remaining portion of the challenge(s), finds there is sufficient evidence to warrant a hearing, the complainant and challenged party shall be notified by certified mail with a written notification of the time and place the Investigative Committee will hold a hearing on the matter. The hearing shall take place not less than one week or no more than twenty-one (21) days from the date of the mailing of the challenges to the member whose election was challenged.

Section 4-C. Upon completion of the hearing, the Investiga-

tive Committee shall submit its report and recommendations to the next meeting of the local union's Executive Board, listing each of the claimed violations of voting procedures and its findings regarding each claimed violation of the voting procedures. The Investigative Committee shall also ascertain whether or not the claimed violations would have affected the outcome of the election and set forth its reasoning for the conclusion reached.

Section 5-C. The local union's Executive Board shall have the right to (1) order a new election; (2) certify the election of all positions involved; (3) certify all positions not affected by the challenge; or (4) refer the matter to a regular or special membership meeting within thirty (30) days for a decision, or (5) otherwise remedy the election violation. A copy of the local union's Executive Board decision shall be forwarded immediately to the challenged and the challenger, with a copy to the office of the National Union.

Section 6-C. If the local union's Executive Board refers the matter to the membership for a decision, the membership may, after receiving the report of the Investigative Committee (1) order a new election; (2) certify the results of the election; (3) certify the election of all positions not challenged or those for which the outcome would not have been affected by the challenge; or (4) otherwise remedy the election violation. A copy of the membership's decision shall be forwarded immediately to the challenged, the challenger and the National Office.

Section 7-C. An appeal from the decision of the local union's Executive Board (other than referral to the membership for decision) or from the decision of the local union's membership may be filed with the National Union Executive Committee by either the challenger or the challenged, within thirty (30) days of the mailing of the decision.

Section 8-C. Within thirty (30) days of the receipt of the appeal from the decision of the local union, the National Union's Executive Committee will review the written challenge, the local Investigative Committee Report, the decision of the local union's Executive Board and/or the decision of the local union.

Section 9-C. The Executive Committee will have the authority to:

(a) order a new election;

(b) certify the results of the election;

(c) certify all positions not involved in the claimed violations and those elections where the outcome would not have been affected by the violations and order a new election only for the positions, the outcome of which would have been affected by the violations.

Section 10-C. Elections challenged by a member will be presumed valid pending a final decision on the claimed violations and their effect on the outcome.

ARTICLE XV

Conventions

Section 1. The regular National Convention shall be held subsequent to the National Convention in June, 1979 at four (4) year intervals during the month of June, of such dates and at such places as may be designated by the National Executive Board; provided that the date of such National Convention may be advanced or postponed to the two (2) months preceding or two (2) months subsequent to the month of June by resolution of the National Executive Board.

Section 2. The Call for each regular National Convention shall be mailed by the National Secretary-Treasurer at least seventy (70) days prior to the convening of the National Convention.

Section 3. Representation shall be based upon the average of the membership of the local union both paid and for whom per capita payments have been duly waived or excused for the last four (4) months preceding the month in which the National Convention is held. Such membership shall be based upon the records of the National Secretary-Treasurer. A local union that has been chartered less than four (4) months preceding the month in which the National Convention is held shall be entitled to send delegates based on the average number of paid up members in the months said local union held the charter.

Section 4. Voting at National Conventions shall be based on per capita membership.

Each local shall be entitled to elect by secret ballot, one delegate for the first 100 members or less in good standing and shall be entitled, after election by secret ballot, to send delegates for each additional 100 members or fraction thereof. However, except as provided in Article XV, Section 4a, no one delegate shall be permitted to represent more than 1,000 members. For local unions having large memberships, it is required that they elect by secret ballot enough delegates to adequately vote their full per capita membership. Any affiliate local union may elect by secret ballot alternate delegates to a National Convention, but said alternates shall only serve as delegates in the event of the inability of a delegate or delegates to attend the National Convention and serve.

Section 4a. In the event a local union is engaged in a duly authorized strike or lockout which prevents it from sending its entire delegation to a National Convention, the local union shall be entitled to have one or more of its delegates, previously elected by secret ballot, vote the total per capita of the local union after having provided evidence to satisfy the Credentials Committee that he/she has been properly authorized by the local union.

Section 5. Local unions within a reasonable radius of one another in the same region may combine and elect delegates to represent them, but no delegate so elected shall be entitled to represent more than 1,000 votes in the National Convention. Joint councils chartered by the National Union and composed of local unions of the National Union, may elect a delegate to the National Convention—such delegate shall be seated with all rights and privileges but shall not be entitled to vote unless carrying credentials of a local union.

Section 6. No local union shall be entitled to representation at the National Convention unless the Financial Officer has paid the National Secretary-Treasurer all dues and initiation fees, etc., that are due to the National Union.

Section 7. Any local union becoming delinquent must com-

ply with Article VI, Section 12, and be in good standing for four (4) months previous to the month in which the National Convention is held, before it will be entitled to representation.

Section 8. No member shall be eligible to be a delegate to a National Convention unless (a) he/she shall have been in continuous good standing for a period of twelve (12) months prior to the National Convention; or (b) if his/her local union has been in existence for less than twelve (12) months prior to the National Convention, he/she must have been in continuous good standing for a period of four (4) months prior to the National Convention; or if his/her local union has been in existence less than four (4) months, he/she must be in good standing for all the months said local held its charter, before he/she will be eligible to be a National Convention Delegate; and is employed in a plant, shop, office, or any other place within the jurisdiction of the National Union, or is one of the staff representatives of the National Union, or an officer, employee, or representative of a local union. The National Officers and the members of the National Executive Board shall be ex-officio delegates to all National Conventions, and shall be seated at the National Convention with all rights and privileges of delegates, but without vote, except that the National President shall have the right to vote in the event of a tie.

Section 9. Upon certification by the President and Secretary of a local union, with the local union's seal attached, of all delegates properly elected to the National Convention, the National Secretary-Treasurer shall send to each delegate at his/her home address an original copy of the delegate's credential signed by the National President and National Secretary-Treasurer with the National Seal affixed. The duplicate shall be retained by the National Secretary-Treasurer to be turned over to the Credentials Committee prior to the opening of the National Convention. All delegates shall present their credentials to the Credentials Committee prior to the first session of the National Convention. The notification letter containing the names of the delegates properly elected by each local union must be received by the National

Secretary-Treasurer not later than twenty-five (25) days prior to the opening of the National Convention.

Section 10. Delegates to the National Convention shall be elected by secret ballot of the local union after the Call for the National Convention is received and has been read to the local union. The local union officers shall issue a notice, in accordance with the provisions of the Labor-Management Reporting and Disclosure Act of 1959, as amended, stating those delegates will be elected by secret ballot. Delegates must receive a plurality vote of the members voting. Notwithstanding the above, if a local's bylaws provide that any of its officers shall also serve as National Convention Delegates, then such officers, when elected to office, shall also be elected as delegate to the National Union Convention and, in accordance with the Labor Management Reporting and Disclosure Act of 1959, as amended, the nomination and election process for officer, including the notice of nominations and election and the voting ballots, shall include "UWUA National Convention Delegate." Additional delegates and alternates shall be nominated and elected in the manner prescribed in the National Constitution.

Section 11. When any delegate's credentials are to be contested, notice of such contest shall be sent to the National Secretary-Treasurer not later than five (5) days prior to the date for convening the National Convention.

Section 12. All proposed Constitutional amendments and resolutions to be considered by the National Convention shall emanate from:

(a) a duly constituted local membership or local union Executive Board meeting,
(b) an authorized National Union council,
(c) the National Executive Committee and/or the National Executive Board,

and shall be sent to the National Secretary-Treasurer. Amendments must be received no later than thirty (30) days and resolutions no later than ten (10) days prior to the convening of the National Convention. The National Secretary-Treasurer shall

submit all proposed amendments to the National Constitution and all resolutions so received to the chairpersons of the appropriate committees. Time limits may be waived by the National Executive Committee for good cause.

Section 13. A National Convention shall not consider internal appeals or grievances unless the lower tribunals of the organization have previously considered them.

Section 14. On questions coming before the National Convention, a roll call shall require a majority vote.

Section 15. The National Secretary-Treasurer shall have a roll of accredited delegates prepared and make such other arrangements as will expedite and facilitate the calling of the roll.

Section 16. The National President shall appoint, prior to the opening date of the National Convention and subject to the approval of the National Convention, such committees as are necessary to conduct the affairs of the National Convention. Such committees shall meet before the opening date of the National Convention, and shall proceed to consider all resolutions, appeals, reports, and constitutional amendments submitted to the National Convention.

Section 17. All National Conventions shall be governed by the following order of business unless suspended by a two-thirds (2/3) vote:

1. Call to order by National President or his/her designee.
2. Report of Credentials Committee.
3. Roll Call.
4. Report of Committee on Rules and Order.
5. Ratification of Committee Appointments.
6. Report of Officers.
7. Submission of Minutes of Last Convention.
8. Report of Committees.
9. Unfinished Business.
10. New Business.
11. Nomination and Election of Officers.
12. Recommendations on Place for Next Convention.
13. Good and Welfare.
14. Adjournment.

Section 18. A quorum for the National Convention shall consist of two-thirds (2/3) of the registered delegates to the National Convention.

Section 19. Parliamentary procedure at all National Conventions shall be governed by *Roberts Rules of Order (Newly Revised)*, except as otherwise provided in this National Constitution.

ARTICLE XVI

Human Rights Committee

Section 1. The Human Rights Committee Members shall be appointed by the National President subject to the approval of the National Executive Board, and shall consist of a Director, appointed from among the fulltime officers of the National Union, and a minimum of six members, including at least one member from each region. The National President will appoint one member as Chairperson. The Chairperson shall participate in all regular meetings of the Executive Board as an advisor to the Executive Board. Committee members shall serve for a period of four years or until the next Convention.

Section 2. The Human Rights Committee shall meet in conjunction with the Convention Committees and will consider matters of discrimination and affirmative action. Additional meetings of the committee shall be at the discretion of the National President.

Section 3. Lost time from regular employment, all necessary traveling, meals, and hotel accommodations incurred while attending the National Convention or any other meeting called by the National President will be paid by the National Union.

Section 4. The Human Rights Committee Members shall concern themselves with charges of discrimination in hiring practices, promotions, and other conditions of employment; seek to improve communications between the National Office and the offices of the regional director and the local unions in all matters concerning Human Rights. They will promote the establishment of a Human Rights Committee in each local union. They will promote and

develop the active participation in union affairs for all minority groups. They will assist local unions in the elimination of discriminatory practices in hiring and employment.

However, at no time shall the Human Rights Committee interfere with the normal operations of the local unions in their administration of the contracts with employers or normal operations of the grievance procedures, which are the province of the elected officers of the local unions.

Section 5. Members may file complaints with the Human Rights Committee upon belief that the local union has acted in a discriminatory manner in representing the member's rights in the administration of contracts or in the grievance procedures. All complaints will be directed to the headquarters of the National Union.

Section 6. Upon receipt of a specific complaint brought by a member, a copy of the complaint will be sent to the local union involved with a request for specific information relative to the complaint; a copy will also be sent to the committee member(s) from the local union's region. Upon receipt of the local union's information and copies of the original charge, the local union's response in writing will be presented to the committee for consideration. Upon receipt of all of the pertinent facts, the committee shall consider all possible solutions to the situation and make recommendations to the National Union and the Executive Board for final action

Section 7. Upon request of the appropriate officers of a local union, a Human Rights Committee Member, with the approval of the National President, may attend meetings and assist the local union in resolving claims of discrimination.

ARTICLE XVII

Election and Installation of Officers

Section 1. Election of National Officers shall be held at the Convention and shall be conducted by roll call vote of the delegates present. In the event an election is uncontested, the National Secretary-Treasurer or his/her designee shall be directed to cast one vote to elect.

Section 2. The terms of the National Officers shall be in accordance with Article XV, Section 1, and shall run from the date of election until their successors shall have been elected and installed in office, except, upon request of any newly-elected National Officer, his/her time of assuming the duties of his/her office may be extended a maximum of sixty (60) days so as to provide sufficient time for the transition.

Before entering upon the duties of their respective offices, the newly elected officers shall subscribe to the following affirmation:

"I, ……do hereby pledge my honor to perform the duties of my office as required by the Constitution of this Union; to bear true and faithful allegiance to the Utility Workers Union of America, to deliver all books, papers, and other property of the Union that may be in my possession at the end of my term to my successor in office, and at all times to so conduct myself as becomes a member of this Union."

The National Union
of the
UTILITY WORKERS UNION OF AMERICA
Affiliated with the AFL-CIO

D. Michael Langford, *National President*
Steven VanSlooten, *National Executive Vice President*
John Duffy, *National Vice President*
Michael Coleman, *National Secretary-Treasurer*

Executive Board Member Region I
James Slevin
Executive Board Member Region II
Robert Whalen
Executive Board Member Region III
David Thompson
Executive Board Member Region IV
Craig Wright
Executive Board Member Region V
Milton Davis

Executive Board Members-At-Large

Greg Adams
James W. Anderson
Nicholas J. Caracappa
Noel J. Christmas
Patrick M. Dillon
Richard D. Harkins
Robert Hoffman
Keith Holmes
Daniel Hurley
Cindy McCormick
Frank Meznarich Sr.
Richard Passarelli
Anthony Pedagna
Craig A. Pinkham
James Shillitto
Michael P. Smith
Robert K. Stahl
Joseph G. Swenglish
Lisa Vella

* this printing 2015

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