

UE Local 170

WEST VIRGINIA
PUBLIC WORKERS UNION

Constitution & By-Laws

(revised 10/10/2009)

Preamble:

We, UE Local 170 the United Electrical, Radio and Machine Workers (UE), the West Virginia Public Workers Union, affirm that the struggle for better working conditions for public sector employees requires our collective organization. We therefore form this organization in order to unite all workers on the basis of rank-and-file democracy and membership control of our union, regardless of job classification, race, gender, national origin, language, age, sexual orientation, religion, disability, or political belief.

Name:

Article 1. This organization shall be known as the UE Local 170, West Virginia Public Workers Union.

Purpose:

Article 2. The purpose of UE Local 170, West Virginia Public Workers Union, shall be to promote, advance and defend the interests of public sector workers in West Virginia and to be a vehicle for their empowerment.

Objective:

Article 3. The objective of UE Local 170, West Virginia Public Workers Union, is to organize public sector workers into a democratic, member-controlled union in order to exercise collective power in both the workplaces and communities of our state.

Affiliation:

Article 4. UE Local 170, West Virginia Public Workers Union, shall be affiliated with the United Electrical, Radio and Machinery Workers (UE) and with the UE Eastern Region.

Membership:

Article 5.

Section 1. The membership of UE Local 170, West Virginia Public Workers Union, shall be organized as follows:

- (a) All public sector workers in West Virginia are eligible for membership in West Virginia Public Workers Union in workplaces, locations or agencies with either an established chapter or an organizing committee of WVPWU.
- (b) Public sector workers where there is no established chapter or organizing committee are eligible for membership at an at-large

status. Retired public service workers, and workers who are laid-off, terminated, or on extended, unpaid leave for medical or personal reasons, are eligible for membership at an associate status.

Section 2. Rights and Obligations.

All members of a chapter or organizing committee shall enjoy all the rights of membership, including the right to run for office, the right of free expression, the right to a full and clear accounting of union funds, and full participation in the decision-making of this union.

Section 3. Dues, Initiation Fees and Rebates.

Dues for chapter and/or organizing committee members, and for at-large members, in UE Local 170, West Virginia Public Workers Union, shall be seventeen dollars (\$17.00) per month and through payroll deduction in accordance with the payroll schedule of each workplace. Members not using payroll deductions shall pay dues on either a three (3), six (6) month or twelve (12) month increment, and such payments may not be paid in cash, but in checks or money orders payable to "UE Local 170." Associate members dues shall be twelve dollars (\$12.00), paid annually, and are entitled to all member rights except voting. After December 31, 2007, UE Local 170 shall collect from each newly signed member a one-time initiation fee of ten dollars (\$10). However, collection of initiation fees from new members may be waived upon application by the statewide local to the UE General Executive Board and notification of such approval.

Section 4. Chapter Rebate.

Effective December 1, 2009, after the required monthly per capita has been paid to the national union and the regional union, and after the expenses to conduct the business of the statewide Local have been paid, each chapter shall receive a quarterly financial report from the Secretary Treasurer of UE Local 170, the West Virginia Public Workers Union, and a rebate of one dollar (\$1.00) per dues paying member per month for the purpose of funding the independent conduct of the business and activities of the chapter. The chapter rebate financial report shall specify the number of dues paying members per chapter and the chapter rebate amount for each month of the reporting period.

Section 5. Expense Reimbursements. No union member, union officer, union staff nor any other person shall be reimbursed for any expenses without approval from the Chapter or Executive Committee as appropriate. No expense for reimbursement shall be paid without an itemized voucher and a receipt for each expenditure to be provided to the appropriate Secretary Treasurer to be kept with the financial records and books.

Governance and Administration:

Article 6.

Section 1. The UE Local 170, West Virginia Public Workers Union, membership meeting at a statewide convention shall be the highest governing authority of the West Virginia Public Workers Union, and shall be convened annually. A membership referendum is called for when the executive committee is presented with a petition of 10% or more of members in good standing. Any changes to the constitution and bylaws must be made at statewide convention or through a statewide membership referendum vote. Passage requires a simple majority of members casting ballots.

Section 2. Delegates to statewide convention shall be elected by each chapter based on one (1) delegate for each twenty five (25) members or major fraction thereof, and each chapter delegation shall have as many votes as the number of delegates to which that chapter is entitled.

Statewide Officers:

Article 7.

Section 1. The statewide officers of the West Virginia Public Workers Union, shall be: President, Vice-President, Recording Secretary, Secretary Treasurer, and Chief Steward. Statewide officers shall be elected by a secret ballot vote of delegates at the state convention or membership referendum vote and shall serve for a one (1) year term.

Section 2. The President shall be charged with presiding, in accordance with *Robert's Rules of Order*, over the meetings of the executive committee and of the state convention, and with carrying out the mandates put forth by the membership of the West Virginia Public Workers Union. The President shall make or cause to be made reports to the membership to be presented at each executive committee meeting. The President shall also sign checks jointly with the Secretary Treasurer and give bond in the amount required by the National Union. As the presiding officer at Executive Board and Statewide Conventions, the President shall only cast a ballot in the event of a tie vote.

Section 3. The Vice-President shall perform the functions of the President in the absence of the President. The Vice-President shall serve as coordinator for political activities for the Local and report on those to the executive committee and state-wide conventions.

Section 4. The Recording Secretary shall keep a fair and accurate report of the proceedings of all executive committee meetings and statewide conventions, the minutes of which shall be available to all members and reported at the next executive committee meeting.

Section 5. The Secretary Treasurer shall, with the assistance of administrative organizers which may be hired at the discretion of the executive board, shall oversee all financial transactions from the membership dues of the UE Local 170, West Virginia Public Workers Union. The Secretary Treasurer shall prepare financial reports for executive committee meetings and statewide conventions. The Secretary Treasurer shall also sign checks jointly with the President and give bond in the amount required by the National Union.

Section 6. The Chief Steward shall report to the conventions and to the Executive Committee on behalf of the Stewards Council and organizing campaigns. The Chief Steward shall also convene statewide Stewards Councils on a periodic basis.

Section 7. There shall be in addition three (3) trustees, who are elected by the statewide convention who shall audit and certify the Treasurer's reports. Trustees term office shall be one (1) year. As required by the UE's National Constitution, Trustees shall prepare quarterly audit reports and forward such reports to the UE National Office. Trustees are not members of the Executive Committee.

Executive Committee:

Article 8.

Section 1. The executive committee of UE Local 170, the West Virginia Public Workers Union, shall be composed of the statewide officers of the Local, the President, Vice-President, Secretary Treasurer, Recording Secretary, statewide Chief Steward and the President of each chapter or a designee, who shall be a member of that chapter in good standing. The executive committee shall coordinate and conduct the activities of the West Virginia Public Workers Union between statewide conventions, including oversight of the activities of statewide officers.

Section 2. In votes of the executive committee, each chapter President or designee shall have one (1) vote for each fifty (50) members or majority portion thereof that belong to that officer's chapter.

Section 3. A recall of statewide officers shall be carried out by referendum vote once the executive committee has received a petition of 25% of members in good standing requesting the recall. An officer is removed by a simple majority of members casting ballots. A vacancy shall be temporarily filled by a simple majority vote of executive committee members, subject to ratification by a simple majority vote of members in good standing. Article 8.

Chapters:

Article 9.

Section 1. Chapter Organization. Whenever fifty (50) or more members in an agency or location choose to, they may petition the statewide executive committee for status as a chapter. Chapters so approved shall be granted a charter by the executive committee and elect, every year by secret ballot, a President, Recording Secretary, Secretary Treasurer, and Chief Steward, as well as at least two trustees, whose duties shall correspond to those of statewide officers. All Presidents or a designee shall be members of the statewide executive committee. No one may simultaneously serve in more than one statewide and chapter office, except those of steward or chief steward which shall not disqualify a member from also serving in one other office at the same time. Five or more members within an agency workplace or location may form a *shop* organization for the purposes of organizing, joint action, and electing shop stewards.

Section 2. Chapter Audits. Each Chapter shall direct the trustees of their respective chapters to perform an audit of the books and financial records of the Chapter. The books and financial records of the Chapter shall be audited by not less than two trustees. Chapter audits shall be conducted in January and July of each year.

Section 3. Chapter Reports. The President and Secretary Treasurer of each Chapter shall report to the Secretary Treasurer of UE Local 170,

the West Virginia Public Workers Union, stating what the condition of the books and financial records of their chapter are, to be reported at least twice per year. Such reports shall state the beginning and ending balance of the chapter accounts for the reporting period, a copy of the minutes for the reporting period and an official notice within thirty (30) days of the audit confirming that the books and financial records have been audited. Such official notice shall be witnessed and signed by the trustees. If a Chapter fails to comply with the audit requirements of this section, the Secretary Treasurer of the Local shall withhold the Chapter Rebate until such time as the Chapter is in compliance with these audit requirements.

Stewards Council:

Article 10. All elected stewards and Chief Stewards shall constitute a Stewards Council for the purposes of training, consultation and coordination of grievances and workplace actions and to meet and conduct business in a manner to be determined by the council.

Offenses:

Article 11. The Local shall have the right to discipline by suspension, or by expulsion any member of the Local who may be found guilty, after a hearing as hereinafter provided, of violation of the Constitution and By-Laws, or the general good and welfare, of the Local, the District Council, or the National Union.

Trials and Appeals:

Article 12.

Section 1. If a member of the Local commits an offense against the Constitution and By-Laws, or the good and welfare of the Local, District Council or National Union, they shall be given an impartial trial by the Local. The offense for which they are charged shall be presented in writing to the Local by a member in good standing in the United Electrical, Radio and Machine Workers of America. The Local Recording Secretary shall give a copy of such charges to the accused member.

Section 2. A Trial Committee of five members shall be elected by the members present at the next regular executive board meeting of the Local following the submission of the charges. The Trial Committee shall record the testimony and make recommendations as to the disposition of the case to the next regular membership meeting of the Local which shall vote on the recommendations.

Section 3. The member preferring the charges and the accused shall have the right to appeal to the Eastern Regional Council, and then to the General Executive Board of the United Electrical, Radio and Machine Workers of America, and from that body to the ensuing National Convention. The respective decisions of the Local, the Regional Council and the General Executive Board shall be final until otherwise decided by the higher body.

Section 4. If a member of the Local commits the offense of engaging in raiding or secession activities, the following procedure shall be followed notwithstanding any other provisions of the National Constitution, or the Regional Constitution, or this Local Constitution. They shall be given an impartial trial by their Local Union. Such charges must be presented in writing by the member making the charges to the

Local of which the accused is a member. The member making the charges must be a UE member in good standing. A copy of said charges is to be given to the accused by the Local Recording Secretary. A decision on such charges shall be made by the Local not later than ten (10) days after receipt of the charges by the Local. Either the member preferring the charges or the accused shall have the right to appeal to the Regional Council, which Regional Council shall have the power to elect from its body a committee to investigate the facts and hold hearings as deemed necessary. A decision of the Regional Council or of the Regional Executive Board between meetings of the Council shall be rendered to appellant not later than seven days from the receipt of the appeal by the Regional Council. Appeals can further be taken to the UE General Executive Board and from that body to the ensuing convention. The decision of any lower body shall be final until otherwise decided by a higher body. If a Local does not comply with the provisions of this Section, the General Executive Board shall have the power to assume jurisdiction on such charges of raiding or secession pending before any such Local.

Election of Delegates:

Article 13.

Section 1. The election of delegates to the National Convention of the United Electrical, Radio and Machine Workers of America shall be by secret ballot at the annual statewide convention upon at least 15 days written notice (by first class mail or publication in the UE News) to the membership.

Section 2. Delegates to the Regional Council meetings shall be by secret ballot at the annual statewide convention upon at least 15 days written notice (by first class mail or publication in the UE News) to the membership.

Defense Fund:

Article 14. A monthly per capita of \$.50 from each month's dues shall be placed to the credit of the Local's Defense Fund. This fund shall be used by the Local for defense purposes only.

Amendments:

Article 15.

Section 1. Any member in good standing of the Local, may, with the written endorsement of 20 members in good standing of the Local, submit proposed amendments to this Constitution, which amendments shall be submitted in writing to the Local executive committee. The Local executive committee shall also have the authority to submit amendments to the statewide convention for membership vote.

Section 2. The member submitting the amendment must state the Article and Section of the Constitution sought to be amended.

Section 3. The Local executive committee shall report the proposed amendment to the regular Local meeting within thirty (30) days after the proposed amendment has been received. The executive committee shall

make its recommendations on the proposed amendment to the membership. At least seven (7) days prior to the annual statewide convention the Recording Secretary shall send to the membership copies of the proposed amendment. The proposed amendment shall become part of this Constitution by a majority vote in favor of the proposed amendment of the members present at the statewide convention, provided such amendment does not conflict with the Constitution of the Regional Council or the National Union.