

Constitution & By-Laws

Branch #4623

National Association of Letter Carriers

Clementon, New Jersey

PREAMBLE

For the purpose of effecting uniformity in the administration of its privileges, honors, and benefits, the National Association of Letter Carriers, in convention, ordains the following Constitution for the government of branches under its jurisdiction.

ARTICLE 1

Name and Object

Section 1. This Branch shall be known as Clementon Branch Number 4623 of the National Association of Letter Carriers of the United States of America.

Section 2. The objectives of this Branch are to unite all employees who are eligible for membership under Article 2, Section 2 of the National Constitution into one harmonious body for their mutual benefit, and to assist the National Association of Letter Carriers in its efforts to improve the condition of its entire membership.

ARTICLE 2

Membership

Section 1. Membership in the National Association of Letter Carriers shall be open without regard to race, creed, color, sex, national origin, age, religion, handicap, or marital status.

Section 2. Application for membership must be made in writing, signed by the applicant, stating age, Social Security number, place of residence, and such other information as may be determined by Branch #4623

Section 3. Regular branch members are letter carriers who are not supervisory employees in the Postal Career Service, or, are members who the Executive Council has determined were unjustly separated from the Postal Career Service, or, retirees from that Service who were regular members of the NALC when they retired, or persons leaving the Service with coverage under Office of Workers Compensation Programs (OWCP). Such retirees, OWCP departees, and non-letter carrier regular members shall have no voice or vote in the branch in any matter pertaining to the ratification of a national working agreement, local memorandum of understanding, or proposed work stoppage;

Section 4. Present members who have left the Postal Service, or have been temporarily or permanently promoted to supervisory status, may retain their membership but shall be members only for the purpose of membership in the NALC Life Insurance Plan and/or the NALC Health Benefit Plan. These members shall have no voice or vote in any of the affairs of such Branch, except they shall have a voice and vote at the Branch level upon matters appertaining to the NALC Life Insurance Plan, and/or the NALC Health Benefit Plan, if they are a member thereof, and on any proposition to raise dues. These members are not eligible to be candidates for any State Association, Branch, or National office, or delegates to any conventions. They may attend only that part of the meeting which concerns them, such as change of dues structure and information concerning Health or Life Insurance.

Section 5. a Form 1187 (Dues Check-off Provision) must be signed and filed by all applicants seeking membership within the NALC;

Section 6. a Form 1189 (Dues Check-off Provision) must be signed by all retiring members within the NALC who wish to retain their membership in said organization, effective October 1, 1982.

Section 7. Upon proper execution and receipt of Form 1187, the new member shall be provided by the NALC with a complimentary copy of the current National Agreement and NALC Constitution.

Section 8. Any regular branch member on tendering a written resignation of membership and paying all fines, assessments, and dues shall receive from the Secretary a certificate thereto. Such certificate shall be proof of good standing at the time of resignation.

Section 9. Any regular branch member in good standing in this Branch, moving his/her employment to another city, or retiree in good standing in this Branch moving to another city, may transfer membership to the Branch located in such city.

Section 10. The membership of any member shall be transferred in accordance with procedures established by the Secretary-Treasurer of the National Association.

ARTICLE 3

Meetings

Section 1. The regular meeting of this Branch shall be held on the second Tuesday of each month at Five P.M., except during the months of July and August, on legal holidays, or where conditions prevail beyond our control. Rescheduling of the meeting shall be at the call of the President. The members of this Branch shall be notified of all meetings of this Branch prior to the meeting specifying place and time of meeting.

Section 2. Special meetings shall be called by the President upon the written request of ten (10) members in good standing or by vote of the Branch. Special meetings shall be called within forty-eight (48) hours. Notification of such meetings, stating the object of the call shall be given the members by the Recording Secretary.

Section 3. No business shall be transacted at a special meeting other than that for which it may have been called.

Section 4. The Branch shall be called to order at the time prescribed if a quorum is present. Ten (10) members of the Branch shall constitute a quorum for the transaction of business at any regular or special meeting, but less than that number may adjourn to meet at a future specified time, provided the membership is notified of such action.

Section 5. In the absence of the President and Vice-President, any member in good standing may be elected to preside by a majority of those present.

ARTICLE 4

Officers

Section 1. The officers of this Branch shall be President, Vice-President, Recording Secretary-Treasurer, Sergeant-at -Arms, Health Benefits Representative, and a Board of Trustees composed of three (3) members.

Section 2. All officers shall be elected biennially and hold office for two (2) years or until their successors are duly elected and installed. Except the Board of Trustees who shall be elected for a term of three (3) years. A special election will be held each year to elect one (1) Trustee.

Section 3. Any member of this Branch in good standing shall be eligible to hold any office therein, or shall be eligible for election as delegate to the State or National Conventions.

Section 4. All candidates for office or delegation must be present at the meeting when nominated or, when absent, signify in writing their willingness to serve if elected.

Section 5. Delegates: (a) The National Convention delegation shall consist of:
President, Elected officers, and delegates from the floor as needed.
(b) The State Convention delegation shall consist of:
President, Elected officers and delegates from the floor as needed.
(c) The Congressional Breakfast delegation shall consist of
delegates at large to
be elected from the floor.
(d) The Rap Sessions or Shop Steward meetings calling for
Representation of
Branch 4623 shall consist of:
President, Elected Officials and delegates from the floor
as needed.
(e) Representation for the above articles is contingent upon
available funds.

ARTICLE 5

Elections

Section 1. Nomination of officers shall take place at the regular meeting during the month of February. Every regular member shall have the right to nominate a candidate for any office or position to be filled.

Section 2. All regular members shall be eligible to hold any office or position in the Branch, except that a member who voluntarily or otherwise holds a accepts or applies for a supervisory position in the Postal Career Service for any period of time, whether one (1) day or fraction thereof, either detailed acting, probationary or permanently, shall immediately vacate any office held, and shall be ineligible to run for any office or other position for a period of two (2) years after termination of such supervisory status. Upon nomination, the candidate must verify that he or she has not served in a supervisory capacity for the twenty-four (24) months prior to the nomination.

Section 3. All regular members shall be entitled to one (1) vote for each office or position to be filled.

Section 4. Election of officers shall take place at the regular meeting during the month of March. Notice of balloting for the nomination and election of officers shall be

submitted to the Postal Record in January of the election year by the Recording Secretary.

Section 5. All balloting shall be by secret ballot. When there are two (2) or more candidates for any office, the election shall be by ballot and the plurality of all votes cast for such office shall be necessary to elect. There shall be no write-in votes for candidates not officially on the ballot. Any such write-in shall not be counted, but will not invalidate the rest of the ballot. When there is but one (1) candidate for any office, the President may declare that such person has been elected. Adequate safeguards to insure a fair election shall be provided, including the right of any candidate to have an observer at the counting of the votes. Ballots shall be distributed to every regular member, in good standing, no later than one (1) week prior to the March meeting. Ballot Boxes will be furnished, in each office, into which all ballots will be cast. Votes will be counted at the March meeting and the results announced.

Section 6. Installation of Branch Officers shall take place at the regular meeting during the month of April and shall be by such ceremony as the National Association may provide. Any National Officer, a Past President of the National Association, a President or Past President of a State Association, shall act as Installing Officer, provided that in their absence any officer of a State Association or the Past President of a Branch may act as such.

ARTICLE 6

Duties of Officers

President

Section 1. The President shall preside at all meetings of the Branch, preserve order, sign all warrants on the treasurer ordered drawn by the Branch, and all other papers ordered by the Branch, have general supervisory powers over the Branch, see that the officers perform their duties, enforce the Constitution, By-Laws, rules and regulations of the Branch, appoint all committees not otherwise provided for, give the deciding vote when a tie occurs, and examine and announce the result of all balloting and other votes. He/She shall not make or second any motion or take part in any debate while in the chair, he/she shall ascertain from the Recording Secretary before adjournment of the meeting the amount of money received since the previous meeting. At the end of his/her term, he/she shall make a report showing the progress and condition of the Branch. he/she shall, together with the Treasurer, sign and file with the Secretary of Labor on behalf of the Branch, an annual financial report if required by public law. The filing of such report will be required unless the Branch has received express notification from the National Association that it is exempt from such requirements. He/She shall, by virtue of his/her office, be the chief steward from the Branch and he/she may delegate such authority to other members.

Vice President/Steward

Section 2. The Vice President shall preside in the absence of the President, and in case of death, resignation, disqualification, refusal or neglect of the president to discharge the duties of his/her office, the Vice President shall then perform all duties incumbent upon the President for the remainder of the term of office. He/She shall be responsible for keeping records of all new regulations and to report same to the membership at our regular meetings. He/She shall also be responsible for the general maintenance of the substitute and excess regular lists and for keeping the seniority list corrected.

Recording Secretary-Treasurer

Section 3. The Recording Secretary-Treasurer shall keep a correct record of the proceedings of the Branch in a book to be kept for that purpose. He/She shall draw all warrants ordered by the Branch, and as Treasurer he/she shall pay all warrants drawn on him/her voted by the Branch and signed by the President, and have all accounts receipted upon payment of the same. He/She shall notify applicants for membership in writing of their election or rejection and members of their suspension, expulsion, or acceptance of resignation. He/She shall report to the National Secretary Treasurer immediately the suspension, expulsion or reinstatement of a member. He/she shall semi-annually furnish the National Secretary-Treasurer with a list of names of all members of the Branch in good standing and shall notify the National Secretary-treasurer monthly of the election of new members, also those deceased or resigned. He/she shall attend to all correspondence of the Branch, and properly mark and file all papers ready for inspection at any time, and notify the members of special meetings when ordered by the Branch President. He/she shall make semi-annually a report to the Branch showing the number of members elected, rejected, initiated, suspended, reinstated, withdrawn, and the number of deaths, giving the date of death: also, the receipts, benefits paid, amount expended, and the amount on hand. He/She shall also keep a record book showing the names of members, when admitted and place of residence, collect dues and all other money due the Branch, keep a regular account thereof, and at each meeting (or prior thereto whenever the prompt payment of the National per capita tax or other necessity may require same) pay the same to the treasury, take his/her receipts and retain them as vouchers in settlement. He/She shall personally solicit payment from all members in arrears, and on the day of election and before a ballot taken, furnish the President with a list of members not entitled to vote. He/she shall keep an account of all properties, investments, and funds of the Branch which at all times shall be open for inspection. As Recording Secretary-Treasurer, he/she shall receive, receipt for, and disburse all moneys of the Branch, and keep a regular account thereof. He/she shall, whenever requested by the President, and at the end of his/her term, make a report showing his/her receipts, disbursements, and amount of money on hand; deliver his/her books, papers, moneys, and property in his/her possession belonging to the branch to his/her successor in office, when qualified. The Recording Secretary-Treasurer shall also perform duties as the MBA representative of the Branch as required by the Constitution and Laws of the MBA.

Sergeant-at-Arms

Section 4. The Sergeant-at-Arms shall preserve order in the meeting under the instruction of the President. It shall be his/her duty to see that none but members are present at the meeting unless directed by the President or a vote of the Branch.

Health Benefits Representative

Section 5. The Health Benefits Representative shall perform such duties as the Constitution and Laws of the National Association of Letter Carriers Health Benefits Plan require. He/She shall, whenever requested by the President, and at the end of his/her term make a report showing his/her receipts, disbursements, and amount of money on hand; deliver his/her books, papers, and money to his/her successor in office, when installed.

Trustees

Section 6. The Trustees shall examine and report to the Branch the condition of the books of the officers at least once every six (6) months, compare the vouchers and records and see that they correspond with the collections and disbursements. They shall have custody of all Branch property, and shall perform other such duties as the Branch By-Laws may require of them. The Board of Trustees shall be known as the Trustees of Clementon Branch Number 4623 of the National Association of Letter Carriers of the United States of America.

Additional Duties

Section 7. In addition to the duties assigned to each officer, he/she shall perform such other duties as the Branch may from time to time direct.

ARTICLE 7

Fees, Dues, Fines and Assessments

Section 1. Monthly dues shall be equal to two (2) hours base pay for a Level 5, Step "D" letter carrier employed by the United States Postal Service. Two thirds (2/3) of such dues shall be allocated back to Branch #4623.

Section 2. The rate of dues may be increased only by a majority vote by secret ballot of the regular members in good standing at a special or regular meeting after reasonable notice has been given that this question will be before the meeting. The same rules of procedure shall apply to a levy of a special or general assessment and to the imposition of fines upon members found guilty of charges preferred against them, except that such assessments or fines must be approved by a two-thirds (2/3) vote.

Section 3. Any member leaving the Postal Career Service for any reason other than retirement, OWCP, or any member temporarily or permanently promoted to a supervisor position within the U. S. Postal Service, may retain membership only in accordance with Article 2, Section 2 of the National Constitution.

Section 4. Any member failing to pay any fine, assessment or monthly dues within thirty (30) days after the same shall become due, shall forfeit his/her membership. He/she shall vacate any office held in the Branch or Association, effective on the date of such forfeiture. He/she shall not be eligible for nomination or election to any office; provided, that the Branch for good and sufficient reasons, under reasonable rules uniformly applied, may extend the thirty (30) day grace period for not more than an additional sixty (60) days.

Section 5. A former member whose membership has been forfeited may be reinstated by the payment of back fines, assessments and dues, as well as such reinstatement fee as the Branch may prescribe by reasonable rules, uniformly applied.

ARTICLE 8

Sick, Relief and Funeral Funds

Section 1. A Branch member in the hospital or out of work for a period of four (4) weeks shall receive \$25.00. For a death in the immediate family, the member shall receive \$25.00. For the death of an active Branch member, the member's family shall receive \$500.00. For the death of a retired Branch member, the member's family shall receive \$150.00.

Section 2. A retiring member of Branch #4623 shall receive \$20.00 for each year of Branch #4623 membership or a minimum of \$100.00. Anyone who belonged to Branch #4623 for the majority of their Postal career, but retires from any other craft in the Postal Service, and is no longer a member of this Branch shall receive \$100.00.

ARTICLE 9

Committees

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ARTICLE 10

Charges

Section 1. Any member of the Branch who shall violate Constitution or By-Laws of the Association or Branch may have charges preferred against him/her, and if such charges are proved, shall be fined, reprimanded, suspended or expelled as the laws may direct the Branch determine. Any officer of the Branch who shall fail or neglect to discharge the duties of his/her office, or who may be guilty of gross misconduct,

may be removed from office. These determinations shall be made by the members present and voting at the next regular Branch meeting after which said charges were read to the Branch. The vote regarding any of the above matters may be continued once, by motion, to the following regular Branch meeting.

Section 2. Charges must be made in writing, specifying the offence, failure, neglect, or misconduct so as to fully apprise the member or officer of the nature thereof, and shall be signed by a member of the Branch; and a copy of said charges, under seal of the Branch, shall be served upon him/her. Said charges shall be read by the Recording Secretary at the first regular Branch meeting after service on the member or officer.

Section 3. The President, or if the President is the person against whom the charges are made, the Vice-President, shall then appoint a committee of three (3) disinterested members, who shall forthwith summon the parties, hear and take down or cause to be taken down or recorded, the testimony and/or documentary evidence presented. It shall be the duty of the committee to find the true facts and report to the Branch. The parties are entitled to be heard by the committee, to present evidence, and to cross examine all witnesses who make statements to the committee, but rules of evidence and rules of judicial procedure need not be observed. The committee, after completing its fact finding duty, will present to the Branch a written report of the facts elicited, and immediately thereafter disband and be eligible to vote. The Branch shall then decide, by simple majority vote, the issue of whether or not the facts, as found by the committee, sustain the charge, then the Branch shall entertain a motion to fix the penalty, if any be required.

Section 4. Questions of expulsion or removal from office shall be decided by ballot, and require a two-thirds (2/3) vote. If less than two-thirds (2/3) of the ballots are for expulsion or removal from office, the Branch shall proceed to determine whether the punishment shall be suspension, fine or reprimand. A fine and the amount thereof must be approved by a two-thirds (2/3) secret ballot vote. If suspension be determined upon, the President or Vice-President, if the President be the person against whom the charges were made, shall reprimand the accused in an open meeting.

Section 5. During the suspension for an offense, a member is not exempt from dues, and he/she shall be subject to all the penalties of Article 7, Section 4, for the non-payment of same.

Section 6. Any member or officer suspended for any offense shall be reinstated on the removal of the cause and the payment of all demands against him/her, or at the expiration of the term for which he/she was suspended, without action of the Branch, and the President or Vice-President, as the case may be, shall declare in open meeting his/her reinstatement. This provision does not apply where the member is suspended pursuant to charges brought by the National Association or by any officer or representative by the authority of the President or Executive Council of the National Association.

Section 7. An expelled member can be reinstated only after the manner of a new applicant.

Section 8. Any National, State, or Branch Officer or a member of a Branch who, having first been charged under this Article with using or attempting to use the Branch, or any portion of it, or his/her influence therein, for political purposes, is determined by the Branch in accordance with the procedures prescribed in this Article to be guilty of the charge, shall be guilty of perjury and shall suffer expulsion.

ARTICLE 11

Appeals

Section 1. An appeal may be taken to the President from the decision of any other officers of the Branch, and to the Branch from any decisions of the President, which appeal must be taken at the meeting at which the subject appealed from is under consideration, and before any other business is taken up for action; and any member considering that an injustice has been done him/her by a decision of the Branch, may appeal in writing to the Committee on Appeals of the National Association.

Section 2. When an appeal from the action of the Branch is taken, the following rules must be observed:

First : The appeal must be in writing and filed with the Recording Secretary of the Branch together with any written testimony, arguments and briefs, within twenty (20) days from the date of the Branch meeting at which the decision to be appealed was made.

Second: The Recording Secretary shall submit, and read to the Branch at its next regular meeting following the receipt of the appeal and all written testimony, arguments, briefs, and evidence submitted by the appellant.

Third: The Branch shall then be allowed twenty (20) days to prepare its reply which shall be in writing with the seal of the Branch attached thereto.

A copy of this reply shall be immediately transmitted by the Recording Secretary to the appellant. The Recording Secretary shall also immediately transmit the appeal, together with all testimony, arguments, briefs, and evidence submitted by the appellant and the reply of the Branch thereto via registered mail, to the Chairman of the Committee on Appeals of the National Association. Either party to an appeal from a decision of the Branch to the Committee on Appeals of the National Association may, if dissatisfied with the decision, appeal to the National Convention of the National Association of Letter Carriers, in accordance with the procedure set out in Article 11, Section 4 of the National Constitution.

ARTICLE 12

Funds

Section 1. All funds of the Branch shall be deposited in such bank or savings institution as the Branch may determine; provided, that the Treasurer may retain a sum not to exceed \$25.00 in his/her hands for current expenses.

Section 2. No money shall be paid out by the Treasurer except on a warrant ordered by the Branch and signed by the President and Secretary; provided. That it shall be the duty of the President and Secretary to issue a warrant in favor of the National Secretary-Treasurer in payment of the semi-annual per capita tax promptly after the 1st of June and the 1st of January, respectively.

Section 3. All funds shall be devoted to such uses as the Branch may determine. This Branch only supports and contributes to charitable organizations recognized at the national level of the NALC. No appropriation shall be made except when ordered by a majority vote of the members present and voting at a regular meeting.

ARTICLE 13

Indemnification

Section 1. The Branch is authorized, upon affirmative vote of the membership, to pay all expenses for investigating services, employment of counsel, and other necessary expenditures in any cause, matter, case or cases where an officer, representative, employee, agent or one charged with acting in behalf of the Branch is charged with any violation or violations of any law, or is sued in any civil actions with respect to any matter arising out of his/her official duties except if such officer, representative, employee, or agent is charged with a breach of his/her trust to the Branch or any subordinate body or member thereof. This provision does not apply to suits brought against the Branch or any of its officers, representatives, and agents by the National Association.

ARTICLE 14

Amendments

Section 1. These By-laws shall not be suspended, but may be altered or amended by a two-thirds (2/3) vote of the members present and voting at any regular meeting or special meeting called for that purpose, provided that all proposed alterations or amendments be in writing, signed by three (3) or more members in good standing, and be presented to, at least one (1) meeting prior to the one at which final action shall be taken. Suitable notification to members shall be made ten (10) days before the regular meeting at which the vote is to be taken. By-laws and amendments thereto fixing the amount of initiation fees and dues and reinstatement fees, or the time and place of the

meetings, shall become effective at the time determined by the Branch. All other by-laws must be submitted in duplicate to the chairperson of the NALC Committee of Laws and shall not become effective until approved by the Committee of Laws as provided in Article 11, Section 3 of the National Constitution.

ARTICLE 15

Order of Business

1. Roll Call
2. Reading of minutes of previous meeting
3. Reading of communications, notices, bills, etc.
4. Application for membership
5. Reports of Standing and Special Committees
6. Unfinished Business
7. New Business
8. Good of the Association
9. For the Improvement of the Service
10. Recording Secretary-Treasurers report of receipts and expenditures
11. Adjournment

ARTICLE 16

Compensation

Section 1. The employees of this Branch shall be compensated at the following rates:

President- Three hundred percent (300%) of the yearly Union dues

Vice President/Steward- Two Hundred Fifty percent (250%) of the yearly Union dues

Recording Secretary-Treasurer-Two Hundred Fifty percent (250%) of the yearly Union dues.

Steward-Two Hundred percent (200%) of the yearly Union dues.

Compensation for the annual term (April-March) shall be paid in the month of December for that term.

Section 2. All compensated Union officials are required to attend all regularly scheduled monthly meetings. Any official failing to attend a meeting may have his/her reimbursed Union dues reduced by one-tenth (10%) for each regular meeting missed upon majority vote of the members of the Branch. This reimbursement reduction shall not apply to any official who is in annual or sick leave status, or attending another Union function on the date of the meeting.

Section 3. Employees of Branch #4623 will be compensated at the rate of three-quarters ($\frac{3}{4}$) of an hour pay, at their rate, for every hour of work lost while attending to any Union business; (Conventions, Rap Sessions, Regional and State Meetings, Congressional Lobby Trips and other approved gatherings) which result in any lost work hours. Any delegate from the floor of Branch #4623 attending to any Union business; (Conventions, Rap Sessions, Regional and State Meetings, Congressional Lobby Trips and other approved gatherings) which results in any lost work hours, shall be compensated at the rate of one-half ($\frac{1}{2}$) of an hour pay, at their rate, for every hour of work lost.

Section 4. Per-Diem for Union business travel shall be at the prevailing Federal Per Diem rate for such city traveled to, plus reasonable expenses with receipts.