

NATIONAL ASSOCIATION OF  
GOVERNMENT EMPLOYEES

LOCAL R-\_\_\_\_\_

*CONSTITUTION & BY-LAWS*

DATE OF ADOPTION

(       )



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ARTICLE I

**ORGANIZATION**

**Section 1. NAME:**

This organization shall be known as \*IAEP, IBPO, IBCO, NAGE Local \_\_\_\_\_ of the National Association of Government Employees, affiliated with Service Employees International Union and may also be referred to as SEIU/NAGE Local 5000.

\*Insert Division to which Local Unit belongs.

**Section 2. ORGANIZATION:**

This Local shall be organized and conducted within the framework of these Local Constitution and By-Laws and the National Constitution and By-Laws of the National Association of Government Employees and any amendments thereof.

**Section 3. OFFICE:**

The Local shall maintain its headquarters and hold scheduled meetings at \_\_\_\_\_\* which has been designated by the Executive Board.

\*You may insert the address of the current local headquarters or union office. The remainder of the provision merely addresses the process to establish or relocate a local headquarters, if necessary.

## ARTICLE II

# MEMBERSHIP

### **Section 1. ELIGIBILITY:**

Subject to the provisions of this article any person shall be eligible for membership in this organization who is (i) employed by (insert the name of the Employer) and a recognized part of the bargaining unit according to the certification (ii) pays all dues and maintains his/her dues on a current basis with the Union.

### **Section 2. NO DISCRIMINATION:**

There shall be no discrimination against any member, or any applicant for membership by reason of race, ethnicity, creed, color, religion, gender, marital status, sexual orientation, national origin, ancestry, age or disability.

### **Section 3. APPLICATION:**

Any individual desiring membership in this Local shall complete and sign an application form prescribed by the Local Unit.

### **Section 4. REINSTATEMENT:**

No person may become a member of Local \_\_\_\_ who has at any time been found guilty of any conduct violative of Article XI of these Local Constitution and By-Laws and Article XII of the National Constitution and By-Laws titled "Discipline of Local and Members" without obtaining a waiver of these provisions by the Executive Board of the Local Unit and the National Executive Committee.

### **Section 5. GOOD STANDING:**

A member who maintains his/her dues on a current basis will be considered a member in good standing.

### **Section 6. RETIREMENT:**

A member, upon retirement or separation from employment is entitled to become a retired member. Such retired member can attend Local Meetings but may not vote or hold Local Office unless he/she is a full dues paying member in good standing and has received a waiver from the National Executive Committee.

Article IV, "Local Units," National Constitution and By-Laws.

**ARTICLE III**  
**OFFICERS**

**Section 1. ELECTED OFFICERS:**

The elected officers of the Local shall be:

1. President
2. Vice President
3. Treasurer
4. Secretary/Clerk

The above-referenced Elected Officers shall constitute the governing body of the local and shall be called The Executive Board.

\* The Elected Officers of the Local are the officers who have been elected by secret ballot and currently serve the Local.

Article IV, "Local Units," Section 5, of the National Constitution and By-Laws, states as follows:

"Each local unit shall elect a President, one or more Vice Presidents a Treasurer and such other officers as they shall deem advisable from the membership of the local unit."

**Section 2. APPOINTED OFFICERS:**

The appointed officers of this Local shall be:

1. Stewards
2. Chief Steward
3. Grievance Committee

\*The appointed officers of the Local are those officers currently serving who have either been appointed by the President or nominated by the President and approved by a majority of the Executive Board. The appointed officers of the local will vary from local to local.

Article IV, "Local Units," Section 5, of the National Constitution and By-Laws states as follows:

"Each Local Unit shall have either an elected or Local President appointed and Local Executive Board approved "Grievance Committee."

\*The Majority of the Local Units follow the structure of having an appointed grievance committee and some locals designate their Executive Board to act as the Local Grievance Committee in addition to their regular duties.

**Section 3. TERM OF OFFICE:**

The term of office for Elected Officers shall be three (3) years.

\*The term of office for Elected Officers may be less than three (3) years but shall not be longer than three years.

**Section 4. VACANCIES:**

The Elected Officers of the Local Unit shall serve until the installation of their successors. An office shall be considered vacant upon creation of the office, death, discharge, resignation, or removal of an officer from the employers' jurisdiction. The Local President shall have the authority to appoint, with approval of the majority of the Executive Board, a member to fill any vacancy for the remainder of the term of office. In the event that the office of the President becomes vacant, the Vice President\* will take office for the balance of the term.

\* Insert the next office in the chain of command. if the Local Unit has 2 Vice Presidents then the one with the longest length of service shall step in and serve.

## ARTICLE IV

# POWERS AND DUTIES OF OFFICERS

### **Section 1. PRESIDENT:**

The President shall preside over all meetings and conduct them in accordance with parliamentary rules as well as those set forth in these Local and the National By-Laws. He/she shall maintain order, and enforce the Constitution and By-laws of this local as well as the National Constitution and By-Laws. The President shall execute all official documents that pertain to the Local. He/She shall cast the deciding vote in the event of a tie. He/she shall counter sign all checks drawn on the Local Treasury. He/She shall perform all the necessary duties to advance the welfare of the Local.

He/She shall have the authority to appoint all appointed officers and committee members subject to a majority approval of the Executive Board. He/she shall have the authority to remove any officer or committee member who holds their office by appointment.

The President by virtue of his or her office shall be the voting delegate to all intermediate, national, or international bodies, including all conventions.

\*This provision will vary as each Local may have special duties and responsibilities for officers.

### **Section 2. EXECUTIVE VICE PRESIDENT:**

The Executive Vice President shall assist the President as required in operation of the Local. In the absence of the President, he/she shall preside over meetings and perform the duties of the President.

\*This provision will vary as each Local may have special duties and responsibilities for officers.

### **Section 3. TREASURER:**

The Treasurer will keep a true and accurate record of all money received, all appropriations and/or expenditures from the Local Treasury. He/She will disburse money only upon receipts approved by the Executive Board. The Treasurer shall make a financial report at each Executive Board meeting and General Membership meeting indicating monetary receipts, disbursements, and the balance on hand. The Treasurer shall submit all bank statements, cancelled checks, and financial documents to the Executive Board as directed. The Treasurer shall co-sign all orders for funds drawn on the Local Treasury.

\*This provision will vary as each Local may have special duties and responsibilities for officers.

**Section 4. SECRETARY/CLERK:**

The Secretary shall record the minutes and call roll at all Executive Board, general membership and special meetings of the Local.

He/she shall maintain a current list of the names, home addresses and telephone numbers of all members of the Local as well as committee lists.

He/she will keep copies of applications for membership and shall keep the National informed of any status change regarding members of the Local.

He/she shall assist the President in the handling and preparation of brochures, pamphlets, articles, bulletins, and shall be responsible for getting out notice of General Membership meetings, reports of meetings, and various materials such as advertisements, notices, posters, and/or flyers.

\*This provision will vary as each Local may have special duties and responsibilities for officers.

**Section 5. EXECUTIVE BOARD**

The Executive Board shall be the governing body of this local and shall act between membership meetings on all matters affecting the membership.

Executive Board action, not specifically authorized by the Constitution and By-Laws or requiring approval by a vote of this Local, shall be taken by a majority vote of the Executive Board, providing such action does not violate the Constitution and By-Laws of this Local or of the National Organization.

The Executive Board shall determine and approve salaries and expenses as they may deem appropriate for the conduct of union affairs. All expenses shall be supported by receipts and/or expense vouchers.

\*This provision will vary as each Local may have additional duties and responsibilities for Executive Board Members.

## ARTICLE V

# APPOINTED OFFICERS AND COMMITTEES

### Section 1. APPOINTMENT OF OFFICERS:

\*As referenced below, Local Units may use two methods to appoint officers and/or committee members.

The President of the Local shall appoint officers to appointed office and committees and shall have the authority to remove those officers whom he or she has appointed.

(or)

The President shall nominate the Appointed Officers of the Local and said appointment is subject to a majority approval of the Executive Board. The President shall have the authority to remove Appointed Officers with the majority approval of the Executive Board.

### Section 2. STEWARDS:

The duties of the Stewards shall be to advise members and attempt to settle minor first step grievances with the review and concurrence of the grievance committee and to accompany member to the appropriate Local Officer if further assistance is required. Stewards shall also be responsible for notifying the Executive Board members of unsatisfactory conditions within his or her work area or division.

\*This provision will vary as each Local may have special duties and responsibilities for officers.

### Section 3. CREATION OF COMMITTEES

\*As referenced below, Local Units may use two methods to appoint officers and/or committee members.

The President may establish and/or appoint members in good standing to any committee subject to approval by a majority vote of the Executive Board. Any committee, whether "standing" or other, may be dissolved by the President and a new committee established in its place subject to approval by a majority of the Executive Board or by a majority vote at any meeting of the local.

(or)

The President may establish and/or appoint members in good standing to any committee. Any committee, whether "standing" or other, may be dissolved by the President and a new committee established in its place.

**Section 4. GRIEVANCE COMMITTEE:**

There shall be a Local President appointed and Local Executive Board approved Grievance Committee. \*

The Grievance Committee shall review all grievances submitted by Local Stewards for merit and shall render a decision in writing on whether or not to process the grievance. The Grievance Committee shall screen all grievances prior to requesting arbitration. Any grievance that is not meritorious, or is frivolous or detrimental to the Local may be denied final binding arbitration. The decision of the Grievance Committee shall be based on recommendations of the NAGE National Representatives, NAGE Attorneys, or Executive Board Members who handled the prior step.

Appeal of the Grievance Committee's decision not to proceed to arbitration shall be handled in accordance with Article IX of these By-Laws, titled "Handling of Grievances," and/or Article IVA of the National Constitution and By-Laws.

Article IV, Section 5 of the National Constitution and By-Laws states as follows:

"Each Local Unit shall have either an elected or Local President appointed and Local Executive Board approved "Grievance Committee."

\*The Majority of the Local Units follow the structure of having an appointed grievance committee and some locals designate their Executive Board to act as the Local Grievance Committee in addition to their regular duties.

\*If the members are elected said election should be conducted by secret ballot within the framework set forth herein regarding the election of officers.

## ARTICLE VI

# NOMINATION FOR ELECTION OF OFFICERS

### **Section 1. NOMINATION:**

A reasonable opportunity shall be given for the nomination of candidates and every member in good standing shall have the right to nominate, vote or otherwise support the candidate of his/her choice without being subject to penalty, discipline or improper interference or reprisal of any kind by the Local Unit or any member thereof.

### **Section 2. ELIGIBILITY:**

A member may run for and hold local office if they have maintained good standing for a period of one year prior to the date of the Election.

### **Section 3. NOTICE OF NOMINATION:**

Timely notice of nomination must be given in a manner reasonably calculated to reach all members in good standing.

### **Section 4. NOMINATION PROCEDURE:**

\*There are two (2) procedures for the Nomination of Candidates to run for elected office. Nominations are either conducted at a designated general membership meeting or by mail. The following language addresses the requirements for both nomination procedures.

#### **Nominations at Meetings**

Nominations shall be made at the regular November (the Local shall designate a monthly meeting for nominations) monthly meeting. All nominations shall be made from the floor at the nomination meeting. A nomination is only valid if it is made and seconded by a member in good standing and accepted by the Nominee in writing. A nominee may only accept one nomination and stand for election to one office. Should a member be nominated for more than one office, the member shall designate the office for which he or she intends to run. The secretary shall provide and publish a certified list of all nominees one month prior to the election, listing nominees alphabetically.

\*Arrangements must be made for members working on different shifts or at distant worksites such as holding more than one nomination meeting or allowing nominations by mail.

(or)

#### **Nominations by Mail:**

All nominations shall be made on a form supplied by the Local and shall be submitted 45 days prior to the Election, during the Election year. All nominations must be seconded by at least one member in good standing. Candidates must sign the nomination form or submit notice of the acceptance of the nomination indicating a willingness to serve. A member in good standing may only accept

one nomination and may not run for two local offices at the same time.  
Self-nominations are permissible and must also be seconded by at least one member in good standing.  
The Secretary/Treasurer shall provide and publish a certified list of all nominees one month prior to the election, listing the nominees alphabetically.

## ARTICLE VII

# ELECTION OF OFFICERS

\*Secret Ballot Election for Local Officers and/or delegates to the National Convention shall be conducted either by mail ballot or through an on-site election. The following provisions present guidelines for the conduct of Local Elections but should be amended slightly for the preferred method of election used by the Local.

**Section 1. ELECTIONS:** The election of officers shall be by secret ballot not less than once every three (3) years and will be held on the second Tuesday of December.

\*The Local shall designate a certain day for the holding of elections if they are conducting an on-site election. Otherwise the day of the election shall be the day the ballots must be returned to the local.

**Section 2. ELIGIBILITY TO VOTE:**

Each member in good standing shall be eligible to vote and shall be entitled to one vote. The votes cast shall be counted and the results published.

**Section 3. NOTICE OF ELECTIONS:** No less than fifteen (15) days prior to an election, notice thereof shall be mailed to each member at his/her last known home address.

\*If the Local is utilizing the on-site election procedure the Notice of Election must be mailed 15 days prior to the date of the election.

\*In a mail ballot election, no separate election notice is necessary if the ballot package is mailed at least (15) days prior to the date when ballots must be mailed back in order to be counted and the instructions for marking and returning ballots are clear and complete.

\*If the Local is conducting a mail ballot election the Notice of Election may be mailed with Ballots no less than fifteen (15) days prior to an election.

**Section 4. BALLOTS:**

No less than fifteen days prior to an election, ballots shall be mailed to each member at his/her last known home address.

**Section 5. ELECTION TABULATION:**

All officers of the Local Unit shall be elected by a plurality vote of the membership participating in the election that is eligible to vote. The votes cast shall be counted and the results published.

\* Absentee ballots may be permitted subject to the regulations of the U.S. Department of Labor.

**Section 6. RECORDS OF ELECTION:**

The ballots and records pertaining to the election shall be preserved for three (3) years.

Article IV, Section 7, of the National Constitution and By-Laws states as follows:

"The Ballots and the records pertaining to the election shall be preserved for three (3) years."

**Section 7. ELECTION EXPENSES:**

No monies received by way of dues, assessments, or similar levy shall be contributed or applied to promote candidacy of any person in the election. However, such monies may be utilized for notices, factual statements of issues not involving candidates, and other expenses necessary for holding an election.

**Please Note:**

Article IV, Section 9, of the National Constitution and By-Laws states as follows:

"The National President of the National Association of Government Employees or his/her designee will assist Locals in conducting Local Elections upon written request from the Local Unit."

Article IV, Section 10, of the National Constitution and By-Laws states as follows:

"The National President shall have the authority to order a secret ballot election if a Local Unit has failed to hold an election under their By-Laws, or beyond their three (3) year term limit."

**ARTICLE VIII**  
**MEETINGS**

**Section 1. EXECUTIVE BOARD MEETINGS:**

The Executive Board will meet (\*weekly, monthly, quarterly) to conduct routine business of the Local and also is required to prepare the agenda for General Meetings. The Executive Board shall be comprised of the following members with full voting power: President, Vice President, Treasurer, and Secretary.

A majority approval from the Executive Board is required on all Presidential appointments.

\* This will vary depending on the current structure of the Local and the desires of the Executive Board.

The quorum for the purposes of casting a vote or transacting business by the Executive Board shall be no fewer than 3 members.\*

\* This will vary depending on the current structure of the Local and the desires of the Executive Board, but must be at least a majority of Executive Board members.

**Section 2. GENERAL MEMBERSHIP MEETINGS:**

General Membership Meetings will be held on a quarterly basis at a reasonable place and time as determined by the majority of the Executive Board. The meeting place and time will be announced prior to the meeting. Members shall be notified of each meeting by any practical means of communication, reasonably calculated to reach each member of the local.

Article IV, Section 8, of the National Constitution and By-Laws states as follows:  
"All Local Units shall have at least one general membership meeting annually"

**Section 3. SPECIAL MEETINGS:**

Special Meetings may be called by the President, a majority of the Executive Board in session, or upon written request of at least twenty (25) members in good standing

\*This number is within the discretion of the Local Units and will vary depending on the size of the Local.

**Section 4. QUORUM:**

A Quorum for the purpose of transacting business at a general or special meeting shall be 50% of the membership.

\*This will vary depending on the size of the Local, the majority of the Local Units designate a smaller percentage which allows them to conduct business at meetings despite a smaller attendance.

Article IV, Section 5, of the National By-Laws states as follows:

"Each Local Unit shall establish a quorum, but in no case shall the quorum be fewer than fifty percent (50%)."

**Section 5. CONDUCT:**

All procedural rules not provided for in these By-Laws or the National By-Laws will be decided in accordance with the current edition of Roberts Rules of Order.

**Section 6. RECORDS**

Records of the Local Unit, including bank statements; financial records, checks, correspondence, grievances, grievance records, notes and minutes or official meetings, shall be maintained for six (6) years from the last year filed. Said official records shall be turned over to the duly elected president or his/her designee upon succession to office.

**Article IV, "Local Units," Section 9 National Constitution and By-Laws.**

**Section 7. ORDER OF BUSINESS:**

The order of business shall be conducted by agenda, including but not limited to the following:

1. Call the meeting to order
2. Roll Call of Officers
3. Reading of the minutes of the previous meeting.
4. Old business
5. New Business
6. Report of Officers
7. Report of Committees
8. Treasurer's Financial Report.
9. Adjournment.

\* This is a suggested agenda for the conduct of meetings. The order of business or agenda for Local units meetings are up to the discretion of the Executive Board.

## ARTICLE IX

### HANDLING OF GRIEVANCES

**Section 1. :** Any person employed in a bargaining unit represented by this Local Unit of the National Association of Government Employees (hereinafter the "Grievant") shall have the following rights and shall employ the following remedies under the provisions of this Constitution and By-Laws if he or she believes that the Local Grievance Committee has acted improperly in handling that member's grievance under the Collective Bargaining Agreement.

**Section 2. :** The Grievant, upon receiving written notification from the Local Unit Grievance Committee that the Committee has determined either to (1) reject his or her grievance (2) settle the grievance; or (3) decline further process of the grievance, shall take the following action to protect his or her rights:

**A. STEP ONE:** The Grievant shall, within seventy-two (72) hours of notification of the Local Committee's action complained of, notify at least one member of the Grievance Committee, in writing, that the Grievant appeals the Committee's decision to the National President. **The Local shall immediately take the required action to protect the Grievant's rights under the Collective Bargaining Agreement by proceeding to the next step of the Grievance Procedure.**

**B. STEP TWO –** The Grievant must notify the National President, in writing within five (5) calendar days following the decision of the Local Grievance Committee, that s/he appeals the Local Committee's decision.

(a) Such appeal shall set forth a complete narrative as to the facts in support of the Grievance, a copy of the Collective Bargaining Agreement, the decision of the Local Grievance Committee and whatever documents are reasonable necessary for an understanding of the case.

(b) The Appeal will be decided by a National Officer duly designated to act by the National President.

(c) The duly designated National Officer will schedule and conduct a hearing on the Grievant's Appeal as soon as is administratively possible.

(d) The duly designated National Officer, at his or her sole discretion may (1) render a decision conducting whatever investigation s/he deems necessary or (2) refer the matter for decision to the National Executive Committee.

(e) The duly designated National Officer may, at any time, (1) order the Local Grievance Committee to take all steps necessary to protect the Grievant's rights under the Grievance Procedure pending the decision of the National Officer under (d) above, or (2) if the final decision is in favor of the Grievant, such National Officer shall order the Local to take whatever actions s/he deems necessary under the Collective Bargaining Agreement. Arbitration of termination cases so decided by the National Officer or National Executive Committee will be paid for by the National.

**Section 3.** Any member of a NAGE Local Unit who believes that his or her grievance has been improperly handled by the Local Unit Grievance Committee or other authorized local bargaining agent shall, without exception, employ the remedies and procedures contained herein. No complainant shall be entitled to enforce or present his or her claim against NAGE or its Local subordinate in any Court or other administrative body without first exhausting these internal procedures.

**Article IVA, "Handling Grievances," National Constitution and By-Laws.**

## ARTICLE X

# DELEGATES TO CONVENTIONS AND REGIONAL MEETINGS

Article VI, Section 5, titled "Governing Body" of the National Constitution and By-Laws states as follows: "the Local Unit officers elected by secret ballot also may be voting delegates to intermediate or national bodies including National Conventions if the Constitution and By-laws of the Local Unit so provide. If the number of elected officers is less than the number of delegates, then arrangements shall be made for nominations in the Local Unit and a secret ballot election, if required. If the total number of officers is greater than the number of delegates allowed, then officers shall attend as delegates in the order listed in the Local Unit By-Laws.

### **Section 1. DELEGATES: \***

The President of the Local Unit is the ex-officio delegate to all intermediate or national bodies including National Conventions, provided s/he has been elected by a secret ballot vote in accordance with U.S. Department of Labor rules and regulations.

(or)

The Local Unit Officers who have been elected by secret ballot shall serve as the voting delegates to intermediate and/or national bodies including National Conventions. If the total number of officers is greater than the number of delegates allowed, the officers shall attend as delegates in the following order:

1. President
2. Vice President
3. Treasurer
4. Secretary/Clerk

\*Locals shall select one of the two versions of section one depending on how they choose to select delegates.

### **Section 2. NUMBER OF DELEGATES:**

The number of delegates and/or alternates the Local designates to the National Convention shall be in accordance with "Article VI, Section 5" of the National Constitution and By-Laws, which states that each Local Unit shall be allocated one delegate for 500 members or less, and one additional delegates for every 500 members or fraction thereof.

**Section 3. SELECTION OF ADDITIONAL DELEGATES**

If the number of elected officers is less than the number of delegates, then arrangements shall be made for nominations in the Local Unit and secret ballot election.

**Section 4. ELECTION OF DELEGATES:**

Election of delegates must be conducted by secret ballot. Notice of elections must be mailed to each member of the local at his/her last known address, not less than 15 days prior to the election. Notice of nominations and elections may be combined provided that a reasonable time is allowed for nominations. The Local Secretary shall preserve for three (3) years the ballots and all other records pertaining to the election.

## ARTICLE XI

### **DISCIPLINE**

**Section 1.** Local officers or members may be charged with the following:

- (1) Violation of any specific provision of this Local Constitution and By-Laws and/or the National Constitution and By-Laws of the National Association of Government Employees;
- (2) Violation of the oath of loyalty and/or their duty to the International Union, NAGE the Local Unit and/or the members thereof;
- (3) Misfeasance, malfeasance, or nonfeasance such that they have breached their duty to the International, NAGE, the Local Unit and/or the members thereof;
- (4) Disloyalty or conduct unbecoming a member;
- (5) Financial malpractice;
- (6) Corrupt or unethical practices or racketeering;
- (7) Advocating or engaging in dual unionism or secession;
- (8) Disobedience to the regulations, rules, mandates and decrees of the International Union or NAGE or the Local Unit;
- (9) The wrongful taking or retaining of any money, books, papers, or any other property belonging to the International Union, NAGE or the Local Unit; or the wrongful destruction, mutilation or erasure of any books, records, bills, receipts, vouchers or other property of the National Union or the Local Unit;
- (10) Working as a strike breaker or violating wage or work standards established by the International Union or Nage or the Local Unit;
- (11) The bringing of false charges against a member or officer without good faith or with malicious intent;
- (12) Failing to pay his or her proper union membership dues, or failing to remit proper dues from the Local to the National;
- (13) Discrimination or advocacy of forbidden discrimination against any other member on the basis of race, ethnicity, creed, color, religion, gender, marital status, sexual orientation, national origin, ancestry, age or disability.

If such charges are substantiated in accordance with the procedures established hereafter, such remedial and/or punitive action can be taken as is justified and in the best interest of the organization and its members.

#### **Section 2. DISCIPLINARY PROCEDURES:**

Charges brought by Member(s) of the Local Unit and Determined at the Local Level:

A. Charges alleging any conduct in Section 1 above on the part of any member or officer of a Local Unit shall be filed in duplicate with the Secretary of the Local Unit, who shall serve a copy thereof on the accused either personally or by registered or certified mail, directed to the last known address of the accused, at least ten (10) days before the hearing upon the charges. The Local Unit President shall send a copy of this Notice to the

National President. The charges must specify the events or acts which the charging party believes constitute the basis for charges and must state which subsection(s) of Section 1 of this Article the charging party believes have been violated. If the charges are not specific, the Trial Body may dismiss the charges either before or at the hearing, but the charging party shall have the right to re-file more detailed charges which comply with this Section. No Charges may be filed more than six (6) months after the charging party learned, or could have reasonably learned, of the act or acts which are the basis of the charges.

**B. The Executive Board of the Local shall act as the Trial Body.\***

The accused may appear in person and with witnesses to answer the charges against him/her and shall be afforded a full and fair hearing. The person charged may select any person to act as his or her advocate unless otherwise limited by these Local Constitution and By-Laws.

Article XII, Section 2, B., of the National Constitution and By-Laws states as follows:

"The Executive Board of the Local shall act as the Trial Body unless the Constitution and By-Laws of the Local Unit provide for another trial procedure."

\*The majority of the Local Units designate their Executive Board to act as the Trial Body, but the National Constitution and By-Laws provides some discretion to Local Units who may choose to appoint a Trial Body.

**C. If any portion of the charges is sustained by the evidence, then the trial body shall render such judgment and impose such discipline as it considers just. If the charges are not sustained, they shall be dismissed and the accused shall be restored to full rights or membership and/or office.**

**D. If the charges brought are against member(s) of the Local Executive Board or Trial Body, that person(s) charged shall not sit as a member of that body for the purposes of deliberating on the charges. If this results in an insufficient number of persons to constitute a quorum of the Trial Body, the parties shall agree to a method of establishing a fairly constituted panel to determine the sufficiency of the charges and to issue a judgment. If the parties cannot agree, either party may submit that issue the National President by contacting the National Executive Secretary in writing. The National President shall determine the method of establishing a fairly constituted panel, or shall order that the National take immediate jurisdiction.**

**E. If the accused is unable or unwilling to be present at any hearing provided for herein, a defense may be presented in writing. In default of appearance or defense, the Trial Body shall proceed with the hearing regardless of the absence of the accused.**

**F. The Trial Body, after requisite due process has been afforded, may impose such penalty as it deems appropriate and as the case requires. The National President shall be notified of the Hearing Decision.**

Article XII, "Discipline of Locals and Members," National Constitution and By-Laws

## ARTICLE XII

### APPEALS

#### **Section 1. APPEAL OF DISCIPLINARY ORDER:**

Any person or body against whom disciplinary action has been taken or whose charges have been dismissed in whole or in part shall have the right to appeal. An appeal to the National Executive Committee may be taken either by the accused or the member filing the charges from any decision of this Local Unit with respect to such charges, provided such decision is a final decision under the terms of the Constitution and By-Laws of the Local Unit. Any such appeal must be filed in writing with the National Executive Secretary by registered or certified mail, within fifteen (15) days after the decision. No specific form or formality shall be required, except that such appeal shall clearly set forth the decision being appealed and the grounds for the appeal. During the pendency of any appeal, the decision being appealed from shall remain in full force unless it is stayed by the National Executive Committee. The National Executive Committee may decide the appeal on the records made by the Trial Body or may, in its discretion, upon at least ten (10) days notice, hear arguments or hold a rehearing either itself or before a hearing officer or officers designated by it. The National Executive Committee may confirm, reverse, or modify the decision appealed from.

Article XIII, "Appeals," National Constitution and By-Laws.

#### **Section 2. APPEAL OF ELECTIONS:**

Any member of this Local may use the following procedure to appeal the results of an election for Local Officers and/or delegates to the National Convention. Within fifteen (15) calendar days after the tally of ballots has been furnished to the members of the Local, any member of the Local may file objections to the conduct of the election or conduct affecting results of the election to the Local's Executive Committee or Board. Objections must be made in writing and must contain specific reasons in support thereof.

Article XIII, "Appeals," National Constitution and By-Laws.

#### **Section 3. APPEALS OF LOCAL UNIT ACTION:**

Any member or officer aggrieved by any action of this Local Unit not covered by the provisions of Article XIII of the National Constitution and By-Laws (including determinations of election protests) may petition the National President within fifteen (15) days after the act complained of, or may petition the National Executive Board, within fifteen (15) days after the action of the National President thereon, to review the action of the Local Unit or affiliated body. The President will endeavor to have a hearing held within thirty (30) days of the petition or protest, if the President deems a hearing to be necessary, and shall attempt to render his or her decision within sixty (60) days thereafter.

Article XIII, "Appeals," National Constitution and By-Laws.

## ARTICLE XIII

# FINANCIAL RECORDS

### **Section 1. FINANCIAL RECORDS:**

Financial records of the Local Unit shall be kept on a fiscal year basis. The Fiscal year shall begin September first (1<sup>st</sup>) and end on August thirty-first (31<sup>st</sup>).

Article X, "Revenues," Section 1, National Constitution and By-Laws.

### **Section 2. REVENUES:**

The revenues of the Local Unit shall be derived from membership dues and from such other sources as may be approved by the Local Executive Board.

### **Section 3. FINANCIAL DATA TO NATIONAL:**

The Local Unit shall submit bank statements, canceled checks, and any other information as may be requested periodically by the National Audit Committee pursuant to Article VII Section 4(E) of the National Constitution and By-Laws. The Local Unit shall submit this material to the Audit Committee within thirty (30) days from the date of the request. In the event that a Local Unit refuses to comply with this section, the Per Capita payments under Section 6 of Article X of the National Constitution and By-Laws will be suspended until such time as the Local Unit complies. No Local Unit shall be required to provide the requested information more than twice in any year except under special circumstances. Information provided under this section shall be submitted to the Auditors of the National Association of Government Employees.

Article X, "Revenues," Section 9, National Constitution and By-Laws.

### **Section 4. BANK ACCOUNTS:**

The Local Unit shall maintain a separate bank account for the business of the Local and shall not commingle union monies with any personal accounts. No bank debit/ATM cards will be utilized for this Local Unit's Banks account(s). The Local may request a waiver from the National President to justify the use of ATM/Debit Cards for this Local's Business.

Article X, "Revenues," Section 10, National Constitution and By-Laws.

### **Section 5. SIGNATORIES:**

All checks drafted by the Local Unit must be signed by two (2) officers of the Local.

Article X, "Revenues," Section 10, National Constitution and By-Laws.

### **Section 6. RECORDS:**

Records of the Local Units, including bank statements, financial records, checks, correspondence, grievance records, notes and minutes of official meetings, shall be maintained for six (6) years from the last year filed. Said official records shall be turned over to the duly elected president or his/her designee upon succession to office.

ARTICLE XIV

**BONDING OF LOCAL OFFICERS**

**Section 1. BONDING OF LOCAL OFFICERS:**

Every Officer, agent, or employee of the Local handling funds or other property of the Local whose property and annual receipts exceeds \$5,000 in value shall be bonded, with a recognized surety company, in accordance with the provisions of Section 502(a) of the Federal Reporting and Disclosure Act of 1959 as amended. The bond of each such person shall be fixed at the beginning of the Local's fiscal year and shall be in an amount not less than ten (10%) of the funds handled by such person and his predecessor or predecessors, if any, during the preceding fiscal year of the Local, but in no case more than \$500,000.

Article XI, "Bonding of Officers and Employees," National Constitution and By-Laws.

\*Please see attached Memorandum from the National Treasurer regarding Bonding.

ARTICLE XV

**AMENDMENTS**

**Section 1. AMENDMENTS:**

Proposed Amendments to this Constitution and By-Laws shall be submitted to the Executive Board of the Local in writing, and signed by five (5) members in good standing. The proposed amendment shall be cited within the call for a regular or special membership meeting. The proposal may be amended at the regular or special meeting by a simple majority vote of the members present and voting. The Amendment shall require a two-thirds (2/3) vote for adoption by the members present and voting.

ARTICLE XVI

**CONFLICTS**

**Section 1. CONFLICTS:** In the event that these Local By-Laws conflict with the National By-Laws and/or are silent, the National By-Laws will supersede and control.

**Section 2. PARLIMENTARY PROCEDURE:**

All procedural rules not provided for in this Constitution and By-Laws or the National Constitution and By-Laws shall be decided in accordance with the most current edition of Robert's Rules of Order.