

PREAMBLE

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

ARTICLE I

Name

This organization shall be known as the IUE-CWA, the Industrial Division of the Communications Workers of America (CWA), Local 81359. The name shall be referred to briefly as the IUE-CWA Local 81359. Also, this organization shall be affiliated with the state and local AFL-CIO Councils.

ARTICLE II

Jurisdiction and Government of the Union

The jurisdiction of the IUE-CWA Local 81359 shall consist of the hourly employees of Momentive Performance Materials and its subsidiaries and successors at the Waterford site and satellite sites of the Waterford site as assigned by the Union. Jurisdiction of this Local shall also include any other employees and employer sites as assigned by the Union.

This organization, IUE-CWA Local 81359, shall be governed by the Constitution of the CWA, the IUE-CWA Division Rules, this document which is the By-laws of IUE-CWA Local 81359 and all applicable laws and regulations.

ARTICLE III

Object

Section 1. The objects and purposes of this Local are to represent, protect, maintain and advance the interests of the workers within its jurisdiction; to improve their wages, hours and conditions of employment; to engage in legislative, political, educational, civic, welfare and other activities which further, directly or indirectly, the interests of the membership of this organization, of the Union in accordance with the Rules of the Division and the Constitution and policies of the Union, and of workers everywhere in the improvement of general economic and social conditions in the United States of America and Canada, and generally in the nations of the world.

Section 2. To achieve the objectives and purposes of this organization, the funds of this organization are authorized to be managed, invested, expended or used not only for the

purposes and objectives expressly set forth in these By-laws and the Union's Constitution, but also for any additional purposes and objectives not inconsistent therewith as may be contained at any time in the resolutions and programs adopted and/or ratified by Conventions of the Union, Conferences of the Division or by the membership of this Local.

ARTICLE IV Local Structure

The structure of the Local shall consist of the following:

1. Membership
2. Executive Board
3. Officers
4. Committees

ARTICLE V Membership

Section 1. Eligibility: Any person eligible for membership in the Union, as defined in Article V of the CWA Constitution, shall be eligible for membership in this Local, if performing work within the Local's assigned jurisdiction, or if employed on a part-time or full-time basis by the Union or the Local.

Retirees as dues paying members:

1. **Also, those that have retired, as a Local 81359 Member in good standing, from the employer(s) past, present and/or future which this Local has jurisdiction over may continue as dues paying, active members of the Local.**
2. **Each retired, active member shall pay, to the Local's Secretary-Treasurer, an initiation fee (first month's Union dues as a Retiree) of 2% of the total of any and all monthly pension(s), or an amount equal to a monthly portion if a pension(s) is not payed monthly.**
3. **Beginning with the 2nd month (and every month thereafter) of a Retiree's membership, each retired, active member shall pay, to the Local's Secretary-Treasurer, 2% of the total of any and all monthly pension(s), or an amount equal to a monthly portion if a pension(s) is not payed monthly. The manner of payment to the Local shall be determined by the Local Secretary-Treasurer but shall be either received as paid or postmarked by mail no later than the 10th of each month.**
4. **Retirees will not be eligible to serve in any manner as Shop Stewards, Alternate Shop Stewards, Delegates or any Officer of the Local except that they may serve as Trustees of the Local Executive Board. All other**

requirements in these By-Laws to serve as a Trustee of the Local Executive Board will apply.

5. The Local's Website shall be the means to notify Retired Members of all notices to the General Membership of meetings, votes, events, etc.

Section 2. No person, otherwise eligible for membership, shall be denied membership in the Union because of craft, race, color, sex, religion, age, marital/parental status, national origin, physical handicap, sexual orientation, or status as a veteran.

Section 3. No person, otherwise eligible for membership in this Division, shall be admitted to membership if the person has been fined, suspended or expelled by a local of this Union, until the person has complied with the terms of such fine, suspension or expulsion.

Section 4. Each member shall be deemed to have pledged himself or herself to support the Constitution of the CWA, the Rules of the IUE-CWA Division, and to comply with the obligations required by the Local Union.

Section 5. Transfers: The transfer of membership from this Local to the jurisdiction of another Local or from another Local to the jurisdiction of this Local shall be made in accordance with Article V, Section 3 of the Union Constitution.

Section 6. Withdrawal: A withdrawal card shall be issued by this Local in accordance with Article V, Section 4(c) of the Union's Constitution. In the event a withdrawal cardholder obtains employment under the jurisdiction of this Local, he or she shall be admitted to membership in accordance with the Union's Constitution.

Section 7. Eligibility to be an Officer of the Local, Local Executive Board Member, Shop Steward and/or as a delegate to the International Convention or as a representative of this Local to any other Convention, Council, etc.:

In order to be eligible, a member shall be:

1. An active employee of an employer that falls under the jurisdiction of this Local as outlined in Article II (Jurisdiction and Government of the Union) of these By-laws.
Or
2. A member in "Good Standing" which includes but may not be limited to:
Absent from work with recall rights for one of the following reasons:
 - a. Not paying dues because of valid medical disability;
Or
 - b. Not paying dues due to being on layoff from work;
Or
 - c. Fired from the Company and have an active grievance.

Or

3. Retirees as active, dues paying members of the Local, see Article V Section 1 “Retirees” (eligible to be Trustees of the Local Executive Board.)

Any other requirement(s) that is contained in these By-laws also applies.

Section 8. Copies of the Local By-laws shall be distributed by the Local to all new members and be available upon reasonable request to any member.

ARTICLE VI

Local Dues, Assessments, Revenues and Arrears

Section 1. Local Dues

- a. Effective January 1, 2009, each member of the Local shall pay minimum membership dues of two and one-quarter hours' pay per month, in accordance with convention action.
- b. It is the Local's intent to hold a vote on July 24 and 25, 2018 (or as soon thereafter as possible) to purchase a property adjacent to the Employer's property. If this purchase is approved along with the proposed dues increase the following will become effective as soon as reasonably possible:
1. Each member of the Local shall pay membership dues of two and three-quarter hours' pay per month, in accordance with convention action.
 2. This sub-section; “b 1 and 2”, of this Article would replace subsection; “a” of this Article. Subsection; “a” would no longer be valid.
- c. Membership dues may be increased above the constitutionally mandated Union's minimum by a majority secret ballot vote in a meeting where a quorum is present, if the question has been advertised on bulletin boards at least seven (7) days in advance of the meeting or by notice mailed postage prepaid to each member at least seven (7) days in advance of the meeting. Dues in excess of the minimum dues shall be retained by the Local.

Section 2. Local Special Assessments

The membership of this Local may levy (impose and collect) a special assessment only in the same manner as provided for changing Local dues. However, any special assessments levied shall be in compliance with Article VI, Section 3 of the Union Constitution.

Section 3. Any member employed ten (10) days or more in any given month shall pay full weekly dues as follows: Minimum weekly dues allowed by International Constitution for all members.

Section 4. The method of collecting dues shall be determined by the contract Agreement between the Union and the Company.

Section 5. The Local's General and Defense funds shall be used for the Local's operating expenses including: Local Strikes, any Step Three (3) or Arbitration cost and aid to other locals on strike. At the discretion of the Local Executive Board, a surplus in the General fund for any given year can be placed in the Defense fund.

Section 6. Any member remains in good standing only for the dues period for which dues were paid. The delinquent member is ineligible to vote and perform other union activities.

- Also in good standing shall be those Members that are (but not limited to):
Absent from work with recall rights for one of the following reasons:
- a. Not paying dues because of valid medical disability;
 - Or
 - b. Not paying dues due to being on layoff from work;
 - Or
 - c. Fired from the Company and have an active grievance.

ARTICLE VII Governing Authority

The affairs of this Local shall be governed by its membership in accordance with the Constitution and policies of the Union in the following manner:

- 1. Through action taken in membership meetings or by referendum of the membership;
- 2. Through actions and decisions of the Executive Board between membership meetings; and
- 3. Through actions and decisions of the Local Officers between meetings of the Executive Board.

ARTICLE VIII Local Meetings, Conduct of Meetings and Other Local Business and Quorums

Section 1. General Meetings of the Union shall be held once every calendar month. A summer recess of the meetings may be voted on and approved by the membership.

Time and place of the monthly meeting to be set by the Executive Board. However, the Local Executive Board may allow the time and place of the monthly meeting to be determined by action taken at one of the regular, monthly meetings.

Fifteen (15) members must be present to constitute a quorum. Three (3) must be elected officers.

Section 2. With the approval of the Local Executive Board, and for all Local Membership and Special Meetings, Membership Votes, Authorized Trips and Other Local Business, the Local Officers, Shop Stewards, Committee Chairs and Committee members will be reimbursed for lost wages (per their regular work schedule) from work.

For attendance at the regular, Monthly Membership Meeting the Local will pay up to 4 hours of lost wages from work. This payment will be available for all that are required to be at this monthly meeting (the Local Officers, Shop Stewards and Committee Chairs). This includes those that are scheduled to work; 3rd shift the night prior to the meeting, 1st shift the day of the meeting and 2nd shift the day of the meeting.

Section 3. Special meetings may be called by a majority vote of the Local Executive Board. The General Membership may also authorize a Special Called Meeting by a petition signed by five members or more (certified as to their good standing by the Secretary-Treasurer) and submitted to the President or his designee. Upon receipt of a proper petition, the Local officers shall call a special meeting for the purpose set forth in the petition to be held within ten (10) days. At a Special-Called meeting only the purpose for which it was called may be discussed.

Section 4. A Special-Called Meeting is one that has been advertised in the local newspaper or by placards on the bulletin boards in the Waterford Momentive plant and any other site(s) under the Local's jurisdiction, designating the purpose for which it is called, at least three days before the date specified for the meeting, except in a case of urgent labor trouble or imminent crisis to the business of an employer of members of the Local.

The President or the Chief-Shop-Steward shall have the authority to *immediately* call a Special Membership Meeting in case of emergency such as urgent labor trouble or imminent crisis to the business of an employer of members of the Local. This authority is subject to review and oversight by the Local Executive Board.

Section 5. - Order of Business

- a. The order of business at a regular, monthly Local meeting shall be as follows:
 1. Call to order
 2. Reading of minutes of previous meeting
 3. Reading of Treasurer's Report
 4. Report of officers and Executive Board
 5. Report of committees
 6. Unfinished business
 7. New business
 8. Adjournment
- b. The order of business may be suspended by a two-thirds (2/3) vote of the members present.

Section 6. Membership meetings and any other business of this Local shall be conducted under these By-laws and rules of the Local and in conformity with the Division Rules and Union Constitution. On questions where the Local By-laws, the Division rules or the Union Constitution do not clearly apply, Robert's Rules of Order shall govern.

Section 7. A majority of the officers of the Executive Board or a majority of the members of a committee shall constitute a quorum for those bodies.

ARTICLE IX

Local Delegates To The Union (and other) Convention(s), Councils, Etc.

Section 1. In accordance with the CWA Constitution (Article VII) the number of delegates shall be determined as follows:

<u># of members in good standing</u>	<u># of delegates</u>
less than 200	1
200 – 399	2
400 – 599	3
600 plus	one additional for each 400 or major fraction thereof above 600

Section 2. The Local's delegates and alternates shall be the President and other Local Officers as required. The Local's delegates and alternates shall be in the following order (beginning with as many delegates as are allowed and then alternates as needed): President, Vice President, Secretary-Treasurer, Chief Shop Steward and the three Trustees. The Trustees order of selection shall be the Chairperson of the Trustees (also known as the Senior Trustee, see Article XI, Section 2., e., 6.) and then the remaining Trustees by their Local Union seniority.

Section 3. The notices of nominations, elections and the election ballots for Local Officers shall all be worded as required in Addendum No. 1 of these By-laws.

Section 4. Article V – Membership, Section 7. shall fully apply to this Article.

Section 5. In the event the Local elects more than one delegate to the Union Convention, the Local shall determine the convention votes assigned to each delegate in accordance with Article VIII of the Union Constitution.

Section 6. It shall be the duty of the Secretary-Treasurer of the Local to certify the Local delegates to the Union Convention to the Secretary-Treasurer of the Union within the time limits specified in Article VIII of the Union Constitution.

ARTICLE X

Local Committees

Section 1. The Local shall have the following standing committees:

- a. Election Committee
- b. Organizing Committee
- c. Safety and Health Committee
- d. Skilled Trades Committee
- e. Constitution and Local By-laws Committee
- f. *Building Committee***
- g. Other Committees.

Section 2. The President shall name the members of each Committee, subject to the approval of the Local Executive Board. The President shall name the chairperson of each committee.

Section 3. Vacancies on committees shall be filled in the same manner as the original appointments.

Section 4. Any member of any Local committee may be removed by majority vote of the Local Executive Board, subject to the right of the Local to overrule the action of the Executive Board. A committee member may be removed by action of the Local in a membership meeting.

Section 5. Committees and committee members shall have no authority of their own. They shall only have authority as granted by the Local Executive Board.

Section 6. Duties of Committees:

(Note: These are minimum duties. The Local President may add or remove duties and/or combine the duties of two or more committees into one committee, subject to approval of the Local Executive Board.)

- a. Election Committee - The Election Committee shall conduct all nominations and elections and referenda (a vote by the membership) of this Local. The nomination and election of Local officers, members of the Executive Board and delegates to the CWA Convention shall be conducted under the supervision of the Election Committee. This committee shall have the authority and responsibility to see that nominations and elections are conducted in accordance with federal law, the Union Constitution and these By-laws, with reasonable opportunity for each member to nominate and vote for the candidate of his/her choice. The Election Committee shall also conduct any referenda submitted to the membership. A member shall not be permitted to serve on the Election Committee if he/she is a candidate for any office of the Local or delegate to the CWA Convention.

All questions concerning the conduct and challenges of elections shall be determined by the Election Committee, subject to the right of appeal to the governing body and membership of the Local in accordance with Article XV, Section 4 of the CWA Constitution.

b. Organizing Committee - The Organizing Committee shall assist the Local officers and members in organizing all non-union employees within the Local's jurisdiction as well as unorganized workers in external units.

c. Safety and Health Committee - The Safety and Health Committee shall be responsible to be knowledgeable about safety and health issues affecting the membership in their work. They shall work with the employer and other resources to inform the members on Health and Safety issues.

d. Skilled Trades - The Skilled Trades Committee shall ensure that the interests, including training, apprenticeship and contract issues, of the skilled trades members are addressed.

e. Local By-laws Committee:

1. It shall be the responsibility of the Local By-laws Committee to consider and recommend to the Local Union membership proposed amendments at any regular scheduled Membership and Stewards Meeting.

2. Any motion in writing at a General Membership meeting, framed for the purpose of amending the Local By-laws shall be referred to the Local By-laws Committee without debate for its consideration and recommendations, such recommendations to be presented for decision of the Local as governed by preceding section 6, e., 1. of this article.

3. These Local Union By-laws and amendments thereto shall become effective upon their adoption by the Local, if they do not conflict with the IUE-CWA Division Rules or the Constitution of the CWA; subject, however, to the approval of the IUE-CWA Executive Council and, after the transition period, the Division President and the CWA Executive Board. The Local shall send for review copies of the By-laws and any amendments thereto to the Division, within thirty days following their adoption.

If these By-laws or part thereof is disapproved, the By-laws or part disapproved shall become ineffective. In the event of a conflict between these By-laws and the IUE-CWA Division Rules or the Constitution of the CWA, as such may hereafter be amended, the Division Rules and the CWA Constitution shall prevail.

After adoption, these By-laws shall be amended by the following method:

Majority vote of the members present in the Local meeting, if the proposed amendment has been introduced at a previous membership meeting or has been advertised to the membership by use of the Local newsletter, Bulletin Boards or U.S. Mail, postage prepaid, at least seven (7) days in advance of the meeting.

f. Section 6—Building Committee

The Building Committee shall be appointed by the President and confirmed by the Local 81359 Executive Board. It shall be composed of five members. The Building Committee shall manage and control, under the direction of the Local 81359 Executive Board and subject to the functions of the Local's Secretary-Treasurer with respect to the making of disbursements connected therewith, any and all real estate which the Local Union may acquire, in its own name or in the name of its designee, for use as a Local headquarters or for the furtherance of any legitimate objectives of the Local. The members of the Building Committee, for the time being, shall serve as trustees for the Local Union, under the direction of its Local Executive Board, for the purpose of acquiring and holding title to in its own name or in the name of its designee, managing, controlling, borrowing money upon, pledging by way of mortgage or deed of trust any loan secured thereon, guarantying repayment of any loan thereon by its designee, leasing, letting, subletting and conveying in fee simple or in any lesser estate, any and all real estate which may be acquired or otherwise dealt with for or on behalf of the Local Union. The foregoing powers shall be exercised only at such times and in such manners as the Local membership may, from time to time, direct by resolution of a majority of the members of the Local present in a regular or special membership meeting of the Local at which a quorum is in attendance.

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

- g. Other Committees as requested by the Local President and approved by the Local Executive Board.

ARTICLE XI

Local Officers, Executive Board, And Their Duties

Section 1. The officers of the Local shall be:

- a. Local President
- b. Local Vice President
- c. Local Secretary - Treasurer
- d. Chief Shop Steward..
- e. Three trustees

The Executive Board shall be composed of the above Officers. They shall serve on the Executive Board for the duration of their respective term of office.
Article V – Membership, Section 7 shall fully apply to this Article.

Section 2. The duties of Local officers shall be as follows:

a. The Local President shall:

1. Be responsible for the conduct of all Local business;
2. Preside at Local Membership and Local Executive Board meetings;
3. Approve all bills to be paid, and countersign all checks drawn on the Local treasury;
4. Preserve order, interpret and enforce the By-laws of the Local and enforce the Constitution of the International Union;
5. Be an ex-officio member of all committees; but shall have no vote at such meetings, except in case of a tie;
6. Appoint, subject to the approval of the membership, all special committees when an election of same is not called for;
7. Be accountable to the Executive Board;
8. Be an automatic delegate to all bodies to which the Local sends a delegate;
9. Be responsible to direct the Local's COPE, legislative and organizing activities and take actions as necessary to ensure the effective implementation of these programs within the Local Union;
10. Send a copy of the annual audit and official notice, in conjunction with the Local Secretary-Treasurer, that the Local's books and records have been audited and stating the condition of the books and records to the Division President and the CWA Secretary-Treasurer;
11. Perform such other additional duties as may be assigned by the Local, the Local Executive Board or required by the policies or Constitution of the Union;
12. Declare all members suspended who shall be reported in arrears by the Executive Board, subject to the approval of the General Membership;
13. Be bonded in an amount covering no less than one-half of the liquid assets of the local as shown by its previous annual audit, but no less than \$500.00 and no less than required by applicable federal law. The fees for such bonds shall be paid by the Local.
14. Where not otherwise provided for, he shall be governed by Robert's "Rules of order".

b. The Local Vice President shall:

1. The Vice President shall assist the President in the discharge of his duties, and in the absence of the President shall preside and perform the duties of the President, in which case a Vice President pro tem may be appointed by the Local Executive Board;
2. The Vice President will be responsible for overseeing that all parties abide by the National Contract as well as the Local Supplements regarding Job Posting and Upgrades. These duties will include monitoring all in plant moves, timeliness in posting vacated positions, the time frame in which open positions are filled by candidates after they have accepted the job, etc. All records shall be kept on file and up to date by the Vice President; and
3. Perform such other additional duties as may be assigned by the Local, the Local Executive Board or the Local President.

c. The Local Secretary-Treasurer shall:

1. Be custodian of all assets of the Local. At least once a month he must deposit in a bank, so specified by the Executive Board, all moneys received by him and belonging to the Union;
2. Report to each membership meeting on the financial status of the Local;
3. Be bonded in an amount covering no less than one-half of the liquid assets of the local as shown by its previous annual audit, but no less than \$500.00 and no less than required by applicable federal law. The fees for such bonds shall be paid by the Local, as must any other person who handles Local funds or other property in accordance with the Union Constitution or any state or federal law;
4. Cause the payment of all bills approved by the Local President. He shall sign all checks drawn on the Union's treasury, in conjunction with the President;
5. Cause the proper filing of all reports or filings required by federal, state or local law;
6. He shall keep a fair and impartial record of the proceedings of all meetings;
7. Maintain a record of the Local membership;
8. Record and maintain the minutes of all meetings of the Local and the Local Executive Board;
9. Furnish the Division Vice President and the International Secretary-Treasurer copies of any changes in these By-laws within ten (10) days after such changes are adopted;
10. Certify the Local delegates to the Union Convention to the International Secretary-Treasurer within the time limits specified in Article VIII of the Union Constitution; and

11. Perform such other additional duties as may be assigned by the Local, the Local Executive Board or the Local President.
- d. The Chief Shop Steward shall:
1. Preside over all meetings of the Stewards Council;
 2. See that all provisions of the contract are enforced;
 3. Assist the department steward in any emergency situations that may arise during working hours;
 4. Respond to emergency calls from union members where department stewards are unable or unwilling to act;
 5. Check the activities of the department stewards in order to improve the functioning of the stewards system and to make reports and recommendations to the Local Executive Board and to meetings of the Stewards Council for this purpose;
 6. He shall supply an up to date Seniority List to the Executive Board, Shop Stewards and General membership, every odd year beginning in 1985; and
 7. Perform such other additional duties as may be assigned by the Local, the Local Executive Board or the Local President.
- e. The Trustees shall:
1. Be members of the Executive Board with full voting privileges;
 2. Take inventory at least once a year and safeguard all properties of the Union;
 3. In conjunction with the Local's President and Secretary-Treasurer they shall also retain the service of a certified Public Accountant to audit the financial accounts of the Union;
 4. Audit all books and records of the Local once per (CWA) fiscal year, and witness the official report by the President and Secretary of the Local to the International's Secretary-Treasurer that the Local's books and records have been audited;
 5. Make a written report of findings and recommendations (from "4." of the Trustees duties) at the next regular meeting following such audit;
 6. **After each three (3) year officer election, the Local President shall call a meeting of the newly installed Trustees. The Trustees shall elect one (1) of the Trustees as the chairperson of the Trustees (also referred to as the Senior Trustee) for their term(s). In the case of a tie vote, the President shall cast the deciding vote;** and
 7. Perform such other additional duties as may be assigned by the Local, the Local Executive Board or the Local President.

Section 3. Local Executive Board

The duties of the Local Executive Board shall be as follows:

- a. Be responsible for making decisions and taking action on behalf of the Local membership between Local meetings on all matters concerning the good and welfare of the members;
- b. Meet as necessary (at least once (1) a month). The Local President shall call a meeting of the Executive Board whenever he deems necessary or when requested by a majority of the Board Members to do so. He shall give reasonable notice of all meetings so as to provide all Board Members the opportunity to be present at the meeting.
- c. Each member of the Executive Board shall have one (1) vote except for the President of the Local Union. The President shall have a voice but no vote(s), except in the case of a tie vote by the Executive Board, in which event the President shall have a vote.
- d. Four (4) members of the Executive Board shall constitute a quorum.
- e. All decisions of the Executive Board shall be by a majority of those members present.
- f. Determine the financial arrangements necessary to ensure that the business of the Local functions in an orderly way.
- g. Be responsible for the operation of strike action procedures as outlined in the Union Constitution.
- h. The Executive Board at any time may require from an officer a full and detailed statement of account of any action or business done in the name of the Local or Union.
- i. Officers and members of the Local Union shall not be loaned funds of the Local Union, nor shall they use funds of the Local for purposes not related to the Local's official activities.

ARTICLE XII

Eligibility, Nomination, and Election of Officers of the Executive Board

Section 1. Nominations will take place at the first Membership Meeting in November. Elections will be held the first Tuesday in December from 6:00 a.m. to 12 Noon, and the first Wednesday in December from 6:00 a.m. to 5:00 p.m. At the conclusion of the first election day (Tuesday) the ballot box(es) shall be secured overnight by one of two methods:

1. The services of a security agency (including a local law enforcement department).
Or
2. By sealing and security procedures known and observable to all candidates that want to observe.

At least 15 days prior to the nomination meeting in November of an election year, the President or his designee shall announce to the membership and by posting notices on appropriate bulletin boards, that nominations shall be held at the next regular meeting.

The Election Committee will be responsible for conducting the election in compliance with Federal Law requirements concerning election notices and procedures. The Secretary-Treasurer shall notify the membership through electronic media, and/or posting sample ballots on company bulletin boards. This notification shall include, notification not less than 15 days prior to the election, to each member of the names of all candidates, the offices to which they have been nominated and the date(s), hours and place of the election (place of the election shall be determined by the Executive Board). This notice will be inserted in the issue of the IUE-CWA News to be published and mailed not less than 15 days prior to the election. The notices of nominations and elections and election ballots shall include the required wording in Addendum No.1 of these By-laws. Also see Article IX, Section 2.

Section 2. Nominations for office shall be made from the floor at the nomination meeting. The order of nominations shall be President, Vice President, Secretary, Treasurer, Chief Steward, and Trustees. Nominees may accept nomination to only one office.

Section 3. No member shall be eligible for nomination or election to any office in this Local nor as a member of the Local Executive Board (nor as a delegate to the International Convention nor as a representative of this Local to any other convention, council, etc.) unless the person shall have been a member in good standing in this Local Union continuously for one year.

Also, in order to be eligible, a member shall be an active employee of an employer that falls under the jurisdiction of this Local as outlined in Article II (Jurisdiction and Government of the Union) of these By-laws or absent from work with recall rights for one of the following reasons:

Also eligible (“in good standing”) shall be those Members that are (but not limited to):

Absent from work with recall rights for one of the following reasons:

- a. Not paying dues because of valid medical disability;
- Or
- b. Not paying dues due to being on layoff from work;
- Or
- c. Fired from the Company and have an active grievance.

Also eligible: A retired member who continues their membership by way of Article V Section 1 and meets all other requirements would be eligible to be nominated and elected for the Office of Trustee of the Local Executive Board.

Any other requirement(s) that is contained in these By-laws also applies.

No member whose dues have been withheld by the employer for payment to the Local pursuant to the voluntary authorization provided for in a collective bargaining agreement shall be ineligible to be a candidate for office or to vote by reason of delay or default in the payment of the dues so withheld.

Section 4. No person shall hold more than one (1) position on the Executive Board in the Local, a person who holds an office shall be eligible to be nominated and elected by the majority or plurality (whichever applies, see Article XII Section 11. below) vote of the members voting, the officer shall resign or be immediately removed when installed to the new office.

Section 5. When there is only one (1) nominee for the office, the nominee shall be declared elected by the Secretary - Treasurer.

Nominees not present at the meeting at which nominations are made shall be informed by the Secretary personally or through certified mail within five calendar days following the date of nomination of the office for which they have been nominated and asked to reply in writing within three calendar days if they accept or decline the nomination. Any such nominee failing to reply within the specified time shall be deemed to have declined the nomination.

Section 6. The newly elected officers will be inducted into office at the General Membership Meeting in January.

Section 7. All books, records, money and all other properties of the Local shall be delivered to the newly elected officers upon their induction into office, which shall take place at the regular monthly meeting following their election. A member, upon accepting nomination for office, acknowledges and accepts this duty and responsibility and thereafter shall be subject to charges and discipline, including expulsion from membership in the IUE-CWA in accordance with the procedures as herein provided, for noncompliance with this provision.

Section 8. A vacancy in the office of Local President shall be filled by the Local Vice President. All vacancies in the other offices of the Local, when there is more than six (6) months left in the vacant term, shall be filled by nominations and elections no later than the second regular meeting after the vacancy occurs. Nominations and elections to fill vacancies shall be conducted in accordance with the procedure of this Article insofar as applicable. Any vacancy, **other than the Office of President**, occurring within six months prior to the expiration of the term of office may be filled by the Executive Board of the Local, subject to approval of the appointment by the Local membership within sixty (60) days of the appointment.

Section 9. Article V – Membership, Section 7. fully applies to this Article.

Section 10. Only members of the Local in good standing shall be eligible to vote.

Section 11. For the offices of Local President, Vice President, Secretary-Treasurer and Chief Shop Steward, the nominee in any election receiving the majority of the votes cast shall be declared elected. If no one nominee has a majority on the first ballot, the vote shall be taken again and the two nominees having the greatest number of votes on the first ballot shall be nominees on the second ballot. (See Addendum No. 2 for explanation of manner of counting ballots and arriving at the number necessary to constitute a majority.) The offices of Trustee shall be elected by plurality (the greater number of votes, not necessarily a majority).

Section 12. The term of office shall be for three (3) years unless removed or until their successors are elected.

Section 13. The officers shall take office at the 1st regular membership meeting in January.

ARTICLE XIII Recall of Local Officers

Any elected officer or executive board member of this Local may be recalled in accordance with the provisions of Articles XXI, Section 2, and XXII, Sections 8 and 9, of the Union Constitution.

ARTICLE XIV Stewards Duties and Election

Section 1. - Duties

- a. To enforce the contract and Local Union By-laws and to protect and advance the rights of the workers.
- b. Handling grievances.
- c. Watching for violations of contract and of labor laws affecting workers.
- d. Calling meetings of employees in their department or section to discuss problems;
- e. Reporting to the Chief Steward with respect to grievances and other matters arising under the contract.
- f. Informing members of union meetings, activities, goals, policies and accomplishments;
- g. Getting acquainted with new members as soon as possible and providing them with information about the Union;
- h. Keeping informed on all matters of general concern to the Local;
- i. Supporting the political and educational work of the Union; and

- j. Attending meetings of the stewards, Local Union membership and other appropriate meetings.

Section 2.

- a. All Stewards shall be elected every three (3) years, in December, at properly advertised meetings of the Local's members in the departments or sections they are to represent. Nominations and Elections for Stewards shall be in the same year as Officer nominations and elections. Stewards shall be elected by plurality of the vote. Newly elected Stewards will take office on January 1st.
- b. The number of Stewards and the method of filling vacancies occurring between elections (subject to Article XVI, section 2. c.) shall be determined by the Executive Board. Stewards, and all of their activities on behalf of the Union, shall be accountable to the Local Executive Board.
- c. An alternate Steward shall be elected at the same time as the Steward. The alternate Steward shall take office in the event the Steward resigns or is removed from office. In the event of any ties in the Steward or Alternate Elections, Local union seniority shall prevail.
- d. Stewards are to represent hourly employees by interacting with the Company at the foreman or immediate supervisor level or lower.
- e. Article V – Membership, Section 7 fully applies to this Article.

ARTICLE XV
Strike Vote Procedure

Section 1. The calling, conduct and termination of strikes affecting this Local shall at all times be carried out in compliance with the rules prescribed by the Union and Article XVIII of its Constitution.

Section 2.

- a. Approval for a strike vote must come from the membership present at a Regular Monthly Meeting or a Special-Called Meeting.
- b. A strike vote will be advertised for a minimum of three days, in compliance with the first paragraph of Article VIII, Section 3 of these By-Laws.
- c. A strike vote will be held over two consecutive days in a manner similar to an Election vote, ***with voting hours of no less than*** 6 AM to 12 Noon the first day and 6 AM to 5 PM the second day.

Section 3. For the purpose of taking a strike vote on the days of the strike vote members of the Executive Board will be present to answer any members question(s) regarding strike issue(s). Voting will be done on a secret ballot.

Section 4. At the conclusion of the first day of voting the ballot box(es) shall be secured overnight by one of two methods:

1. The services of a security agency (including a local law enforcement department).
Or
2. By sealing and security procedures known and approved by the Local Executive Board.

ARTICLE XVI
Charges, Trials, Discipline and Appeals
(Refer to the International Constitution)

Section 1. Charges: Members of this Local may be fined, suspended and/or expelled, in the manner provided in these bylaws, for any of the acts enumerated in Article XIX of the Union Constitution.

Section 2. Trials: Any accused member, including officers, of this Local shall be tried under the provisions of Article XX of the Union Constitution.

Section 3. Appeals: A member or officer of this Local, upon being found guilty by a Local Trial Court, may appeal as provided in Article XX of the Union Constitution.

Section 4. Local Trial Court: A Trial Court of this Local shall be composed of at least three (3) and no more than seven (7) persons, who are members of this Local and not parties to the proceedings, and who shall be selected by the Executive Board of the Local.

Article XVII
INSTALLATION OF OFFICERS

Each elected officer of the Local, after meeting all other qualifications, shall be duly installed upon taking the following oath:

Installing Officer: "Brother or Sister....., do you accept the office to which you have been elected?"

Officer Elected: "I do."

Installing Officer: "Raise your right hand and repeat after me: I do solemnly swear (or affirm) in the presence of the assembled members that I will faithfully execute the office to which I have been elected; and will, to the best of my ability, preserve, protect and defend, the Constitution of the CWA, the Rules of the IUE-CWA Division, and the By-laws of IUE-CWA Local 81359. I further swear (or affirm) that I will protect and conserve the property of this Local, and that I will make an accounting for, and turn over all such property to my successor in office. I further swear (or affirm) that I will adhere to and support all trade union policies determined upon or subscribed to by the CWA and the IUE-CWA."

**ARTICLE XVIII
FISCAL YEAR AND AUDIT**

Section 1. The fiscal year of this Local shall be from October 1st of each year to and including September 30th of the succeeding year.

Section 2. The financial records of this Local shall be audited by a Certified Public Accountant, or by a committee established by the Local, at the end of each fiscal year. The results of such audit shall be made available for the inspection of any member of the Local and a copy thereof shall be sent to the Division President and the CWA Secretary-Treasurer.

**ARTICLE XIX
ADOPTION**

These By-laws shall be adopted upon the approval of a majority of the members voting upon their adoption in the membership meeting called for that purpose.

These By-laws Adopted ___ Fall, 2003 _____.

Revised By-laws Adopted ___ 12/07/2011 _____.

Revised By-laws Adopted 7/25/2018

Revised By-laws Adopted _____.

(Note: Include the date of original adoption as IUE Local Constitution on your By-laws. As the By-laws are revised and reprinted to include revisions, the original adoption date should continue to be shown, as well as this and all future revision dates.)

ADDENDUM NO. 1

REQUIREMENTS FOR THE LOCAL ELECTION COMMITTEE
WHEN A LOCAL PROVIDES IN ITS BY-LAWS THAT THE LOCAL PRESIDENT
AND OTHER LOCAL OFFICERS SHALL BE A DELEGATE(S) TO CWA
CONVENTIONS HELD DURING THEIR TERM OF OFFICE.

NOTICE OF NOMINATIONS

It is required that this language be included in the notice of nominations:
"The nomination of a person for the office of President, Vice President, Secretary-Treasurer or Chief Shop Steward shall also constitute the nomination of the same person as a delegate to CWA Conventions held during the term of office for which the election is being conducted."

NOTICE OF ELECTION AND THE BALLOT

It is required that this language be included in the notice of election and on the ballot:

"A vote cast for a candidate for the office of President, Vice President, Secretary-Treasurer or Chief Shop Steward shall also constitute a vote for such candidate to serve as a delegate to CWA Conventions during the term of office for which the election is being conducted, in the event such candidate is elected to office."

ADDENDUM NO. 2

A GUIDE FOR THE LOCAL ELECTION COMMITTEE
IN COUNTING AND REPORTING BALLOTS CAST

* * * * *

All ballots cast, except blanks, must be counted. Blank ballots are simply ignored and are neither counted nor reported. Ballots which are not cast for actual persons (for example, a ballot cast for Mickey Mouse) are considered as blanks. If two or more filled-out ballots are folded together they are both rejected and reported as one (1) fraudulent vote; however, they are counted as one (1) vote cast. Votes for ineligible persons are rejected and so reported; however, they are counted as votes cast.

EXAMPLE: One hundred (100) ballot papers are found in the ballot box. Three (3) of them are blank; two (2) are filled out but folded together; one (1) is cast for a person who is ineligible to hold office; and ten (10) are cast for a "write-in" candidate. The ballots cast should be counted and reported as follows:

Number of votes cast	96 ^(a)
Number necessary for election	49
Candidate A received	49 ^(b)
Candidate B received.....	35
Candidate C ("write-in") received.....	10

-- Illegal Votes --

Two (2) ballot papers cast for Candidate A
(or 1 for A and 1 for B) but folded together..... 1
One (1) ballot for Candidate D (ineligible)..... 1

(a) The three (3) blank papers are ignored, and two (2) papers folded together are counted as a single vote cast, thus 96 votes were cast.

(b) Since Candidate A received a majority of the votes cast, he/she is elected.

[Note: For more detailed information concerning the counting and reporting of ballots cast, see Robert's Rules of Order.]

ADDENDUM NO. 3

In order to conform to the CWA Constitution and CWA election cycle, all offices of the Executive Board of this Local shall be “up” for nomination (November 2005) and election (December 2005). Thereafter the Local officer elections shall be every three (3) years. The newly elected officers will take office at the 1st regular membership meeting in January 2006 (2009, 2012...).