



Office & Professional  
Employees International  
Union Local 39

# Constitution and Bylaws

## TABLE OF CONTENTS

	Page
Preamble – Article I .....	2
Name – Article II.....	2
Existence – Article III.....	2
Jurisdiction – Article IV.....	2
Membership – Article V.....	3
Meetings – Article VI .....	5
Officers and Duties – Article VII.....	6
Executive Board – Article VIII.....	9
Elections – Article IX.....	10
Election Board – Article X.....	13
Election Offenses – Article XI.....	14
Finances – Article XII .....	14
Use of Funds – Article XIII .....	15
Auditing of Books – Article XIV.....	16
Offenses and Penalties – Article XV .....	17
Trial Board Procedures – Article XVI.....	17
Applicants – Article XVII .....	18
Procedure at Meetings – Article XVIII .....	18
Removal of Officials – Article XIX .....	19
Withdrawal and Military Service Cards – Article XX.....	19
Strikes – Article XXI.....	21
Vacancies in Office – Article XXII.....	21
Limitations on Committees – Article XXIII.....	21
Affiliations and Delegates – Article XXIV.....	21
International Constitution – Article XXV.....	22
Amendments – Article XXVI.....	22

**OFFICE & PROFESSIONAL EMPLOYEES  
INTERNATIONAL UNION LOCAL 39  
CONSTITUTION AND BYLAWS**

**ARTICLE I**

***Preamble***

This Union declares for its objectives and aspirations the following: to organize all unorganized professional, technical, office and clerical, and related employees; to secure terms and conditions of employment for its members consonant with ideals of fair wages; to promote and encourage harmonious relations between ourselves and our employers; to render all possible assistance to our fellow members in the American Federation of Labor and Congress of Industrial Organizations; and to have, in general, the same aims and purposes of the International Union provided for in its Constitution in the interests of all professional, technical, office and clerical, and related employees.

**ARTICLE II**

***Name***

This organization located at Madison, Wisconsin, shall be known as the Office and Professional Employees International Union, Local No. 39. This Union shall be and remain a chartered Local Union of the Office and Professional Employees International Union of the American Federation of Labor and Congress of Industrial Organizations.

**ARTICLE III**

***Existence***

This Local Union cannot be dissolved while there are seven (7) dues-paying members therein who desire to continue its existence. When any Local Union ceases to represent employees of any employer, the International Union Executive Board may suspend the charter of such Local Union and order it dissolved. Upon the dissolution of this Union, all its properties and assets, including its funds, books and records, shall become the property of the International Union, to be held by the International Union in trust for a period of one (1) year, during which time such property shall be returned to this union if it is reconstituted. After such one (1) year period such properties and assets shall become the property of the International Union, and the funds will be placed in the International Union treasury to be used by the International Union for its general purposes.

**ARTICLE IV**

***Jurisdiction***

SECTION 1. This Union shall embrace with in its membership employees in any phase of professional, technical, office, clerical and related work in the commonly

accepted sense of that term coming within its jurisdiction established under the Constitution of the Office and Professional Employees International Union.

SECTION 2. This Union recognizes the right of the Executive Board of the International Union to determine jurisdiction between Local Unions and to settle all controversies respecting jurisdiction between Local Unions.

## **ARTICLE V** ***Membership***

SECTION 1. No person shall be admitted to membership who is not employed at an occupation under the jurisdiction of this Local Union, or who advocates principles or lends support to organizations or movements whose purposes and objectives are contrary to the fundamental principles of the established governments of the United States or are in conflict with the policies of the International Union.

SECTION 2. No person holding membership in another Local Union of the International Union shall be admitted to or permitted to retain membership in this Local Union.

SECTION 3. All officers and full time paid organizers of the International Union shall be ex-officio members of this Local Union with the privilege of participating in this Local Union's meetings but not voting; provided, however, such officers and organizers shall retain and may exercise full rights of participation in this Local Union if they hold membership in this Local Union.

SECTION 4. MEMBERSHIP CLASSIFICATIONS. Membership classifications shall be active, non-active and associate. No member shall simultaneously hold membership in more than one classification. A person who is suspended or expelled; loses their basis for membership due to an election; is no longer employed by the International Union or one of its subordinate bodies, a Local Union or any Council or other federation of Local Union; has resigned their membership; or any other person who is not a member in accordance with one of the membership classifications provided for in this Article; shall not be considered a member for any purpose, except as may be directed by the President of the International Union; provided; however, in the event that a decision deprives a person of the basis upon which they hold membership, and that decision may be appealed to any body other than the Convention of the International Union, that person shall maintain membership until the ruling on the appeal by the membership of this Local Union or the Executive Board of the International Union upholds the deprivation of the basis upon which membership is held.

### SECTION 5. ACTIVE MEMBERSHIP

a. An individual is eligible to be an active member in this Local Union if that individual is: employed within a collective bargaining unit represented by this Local Union; employed by an employer who is the subject of an active organizing

effort by this Local Union; an employee or officer of the International Union or one of its subordinate bodies; an employee or officer of this Local Union or any Council or other federation of Local Unions. Receipt by this Local Union of the current dues and any required initiation or reinstatement fee, or any installment established by this Local Union for payment of such fee, is required for an eligible individual to become an active member. Continued payment of dues, and if applicable, any remaining installments of the required initiation or reinstatement fee, is required to maintain active membership.

b. An active member who is not actively working due to layoff, illness, disability, or a contractually provided leave of absence, and has applicable recall, reemployment or other employment rights which have not expired under the collective bargaining agreement, or who has been discharged and has a grievance pending under the collective bargaining agreement may elect (1) to continue to pay dues and maintain active membership for the period for which said recall, reemployment or other employment rights are valid or said grievance is pending, (2) to apply for another classification of membership provided in this Article, if eligible, or (3) to apply for a withdrawal card.

c. Active members shall enjoy all rights and privileges of membership in this Local Union and in the International Union including, without limitation, the right to vote at all meetings and in all elections or referenda, to be nominated for and hold any office, and to be elected a delegate to the International Union Convention, if otherwise qualified under this Local Union Constitution and By-Laws and the International Union Constitution and By-Laws.

#### SECTION 6. NON-ACTIVE MEMBERSHIP

a. An individual is eligible to be a non-active member if that individual is a former active member of this Local Union, including an individual who has retired from the position which made them eligible to be an active member, who desires to maintain membership in this Local Union. Receipt by this Local Union of whatever dues or fees it may establish for non-active members that are currently due is required for an eligible individual to become a non-active members. Continued payment of such dues and fees is required to maintain non-active membership. One half of any such dues or fees shall be paid to the International Union at the same time that per capita taxes are due, but not in excess of the applicable per capita tax.

b. Non-active members may attend and address Local Union membership meetings at the discretion of the Chair. Such person shall have no voice or vote in International Union or Local Union affairs, nor shall they be nominated for or hold an International Union or Local Union or Executive Board position, or be elected a delegate to the International Union Convention.

SECTION 7. Whenever any member is totally and permanently disabled, or reaches retirement age and ceases active employment he or she may apply for

status as retired member. Such member shall be required to pay dues of one Dollar (\$1.00) per month. They shall have the right to attend meetings and participate in deliberations but shall not have the right to vote except in the general election of officers provided for in Article IX hereof, nor shall they be eligible to hold office or serve the Local in any elected capacity.

#### SECTION 8. ASSOCIATE MEMBERSHIP

a. An Associate Member shall be defined as a retiree, a member laid-off, placed outside of a bargaining unit, or from a group of persons not presently covered under a collective labor agreement between the Local and an employer who is seeking unionism. Such Associate Member shall have a voice but no vote at the Local level and cannot assume executive functions in this Local Union. The Associate Member may be seated as an observer at the OPEIU Triennial Convention but cannot run for office.

b. The dues and per capita tax payment shall be as approved by the International Union President.

c. The Associate Member shall be entitled to any OPEIU Newsletter, Workshops in regards to issues that may concern them, and to the various OPEIU Union Privilege Programs such as the Credit Card, Legal Service Plan, etc., and a \$1,000 Life Insurance Upon request.

d. Notwithstanding Section 6 above, Retirees may apply for Associate membership at any time.

### **ARTICLE VI** ***Meetings***

SECTION 1. Regular meetings of the membership of this Union shall be held on the third Wednesday during the months of February, May, August, November at a time and place designated by the Executive Board, unless such day shall fall on a legal holiday, in which event the meeting shall be held on a date selected by the Executive Board of such month.

SECTION 2. Fifteen (15) members in good standing shall constitute a quorum for any regular or special meeting. No meeting shall be called to order unless such quorum is present.

SECTION 3. A special meeting of the Union may be called by the Executive Board if it deems such action necessary or a special meeting of the Union may be called upon a request submitted to the President by not less than ten percent (10%) of the members in good standing, but said meeting shall not take place on the day of adjournment of any regular meeting.

SECTION 4. The Recording Secretary shall send out notices of any special meeting, stating the purpose for such meeting, to all members at least seventy-

two (72) hours before it convenes. No other business shall be transacted at such special meeting.

SECTION 5. No action of the membership shall be deemed valid or binding unless such action is taken by the membership at a regular or special meeting held pursuant to the provisions of this Constitution and Bylaws.

SECTION 6. Only members fulfilling the requirements of Articles V and XX of this Constitution and Bylaws shall be eligible to attend meetings of this Union and to participate to the extent set forth in those Articles; except that invited guests of the Executive Board or of this Union may attend and participate to the extent of the purpose for which they are invited, but shall not vote.

SECTION 7. The Sergeant-at-Arms' duty shall be to assist the President in maintaining order. The Sergeant-at-Arms shall examine all persons entering the meeting hall to ascertain that each person who attends is a bona fide member of the Union or/is an invited guest.

## **ARTICLE VII**

### ***Officers and Duties***

SECTION 1. The Union shall have the following officers: President, Vice President, Secretary-Treasurer, Recording Secretary, Sergeant-at-Arms, and three (3) Trustees.

- a. All officers, stewards, and employees of this Local Union shall be bonded under a bond approved by the Secretary-Treasurer of the International Union.
- b. Every officer and employee of this organization, other than an employee performing exclusively clerical or custodial service, shall file with the Secretary of Labor, U.S. Department of Labor, a signed report, where necessary conforming in all respects to the requirements of Section 202 of the Labor- Management Reporting and Disclosure Act of 1959 and all pertinent rules and regulation there under.

#### **SECTION 2. President**

The President shall preside at all general membership meetings and Executive Board meetings; shall preserve order during its deliberations; sign all checks drawn on the treasury; appoint all committees not otherwise ordered; transact such other business as may of right pertain to his office and which may be necessary to the proper functioning of this Union; and shall have such other powers and duties as are provided for in this Constitution and Bylaws.

#### **SECTION 3. Vice President**

- a. The Vice President shall perform the duties of the President in the absence of that officer, and, in case of resignation or death of the President, shall perform the duties of President until such vacancy is filled by the next regular election as provided for in this Constitution and Bylaws. The Vice President shall also preside when called upon by the President and at times when the President may

be temporarily unable to discharge the President's duties. The Vice President shall also be chairman ex officio of all standing committees and shall have such other powers and duties as are provided for in this Union's Constitution and Bylaws.

b. The Vice President shall act as Chairman of the Trustees and is required to call no less than quarterly meetings of the Trustees. He/she shall have the right to require the presence of all necessary officers at such meeting including the Secretary-Treasurer.

#### **SECTION 4. Secretary-Treasurer**

The Secretary-Treasurer shall perform or delegate the following duties. However, the delegation of the functions by the Treasurer described in this Article does not change the Treasurer's responsibility for that function.

a. Keep all financial accounts of this Union and shall maintain correct and proper accounts of all its members; collect all initiation and reinstatement fees, dues, assessments, and fines from members of this Union; make all disbursements for this Union as provided for in Article XIII of this Constitution and Bylaws; keep a correct record of all money's received and expended; and prepare financial statements by calendar months to be submitted to the Secretary-Treasurer of the International Union monthly, and to the next regular membership meeting of the Local Union.

b. Monitor the deposit of all funds of this Union in a financial institution recommended by the Trustees. The Secretary-Treasurer shall submit all his/her books and records to the Trustees for audit and approval whenever called upon to do so, and, upon the expiration of his/her term, turn over to his/her successor all properties and assets, including funds, books, and records of this Union. Before turning over such properties and assets to his successor, the Secretary-Treasurer must see to it that such successor is properly bonded. The Secretary-Treasurer shall turn over all properties and assets including funds, books and records, to the Secretary-Treasurer of the International Union or his/her duly authorized representative when properly called upon to do so.

c. Transmit monthly to the Secretary-Treasurer of the International Union all financial obligations owing to the International Union not later than the fifteenth (15th) day of the following month. The Secretary-Treasurer shall follow such accounting and reporting procedures as shall be formulated by the Secretary-Treasurer of the International Union. The Secretary-Treasurer shall be required to make monthly reports to the Secretary-Treasurer of the International Union of all dues-paying members on forms prescribed by the Secretary-Treasurer of the International Union.

d. Be required to include in each monthly report the social security number, name and address of all newly initiated and reactivated members; and members who have withdrawn, died, or have been suspended, including members automatically suspended after three (3) months delinquency in dues, or expelled; and the names of all persons to whom working permits were issued during the month.

- e. Be properly bonded by a bonding company and under a bond approved by the Secretary-Treasurer of the International Union.
- f. File annually with the Secretary of Labor, U.S. Department of Labor, a financial report containing the following information in such detail as may be necessary to disclose this Union's financial conditions and operations for its preceding fiscal year:
  - 1. assets and liabilities at the beginning and end of the fiscal year;
  - 2. receipts of any kind and the sources thereof;
  - 3. salary and other direct or indirect disbursements (including reimbursed expenses) to each officer and also to each employee who during the fiscal year, received more than ten thousand dollars (\$10,000) in the aggregate from this Local Union;
  - 4. direct and indirect loans made to any officer, employee or member, which aggregated more than two hundred and fifty dollars (\$250.00) during the fiscal year, together with a statement of the purpose, security, if any, and arrangements for repayment;
  - 5. direct and indirect loans to any business enterprise, together with a statement of the purpose, security, if any, and arrangements for repayment; and
  - 6. other disbursements made by it including the purposes thereof; all in such categories as the Secretary of Labor, U.S. Department of Labor, may prescribe.
- g. Make available the information contained in the above-mentioned reports to all of the Local Union's members.
- h. Preserve all records in accordance with the provisions of Section 206 of the Labor-Management Reporting and Disclosure Act of 1959 which have been turned over to him until these records are at least five (5) years old. He/she shall turn over to his successor all such records to be kept until they are at least five (5) years old.
- i. In order for a collective bargaining agreement to which this Local Union is a party, to be effective, it must be signed by either the Secretary-Treasurer or the President of this Local Union.
- j. Maintain a petty cash fund established by the Executive Board to pay immediate necessary petty cash demands upon this Local Union. Replenishment of this fund shall be by check, as needed, the amount being the total paid-out vouchers for prior disbursements.
- k. Check the requirements of Section 201 (a) of the Labor-Management Reporting and Disclosure Act of 1959 to as-certain whether any changes have occurred which will cause the information required to be filed to be reported to the Secretary of Labor, U.S. Department of Labor, at the time of filing annual financial reports as required in subsection i of this Section and as required by Section 201 (b) of the Labor-Management Reporting and Disclosure Act of 1959.

## **SECTION 5. Recording Secretary**

The Recording Secretary shall:

- a. Keep the minutes of all meetings and proceedings of the Union and the Executive Board and shall send out all meeting notices.
- b. Keep copies of all agreements at the Union Office (if one exists) so that they will be available for inspection by any member or employee whose rights are directly affected.
- c. File a copy of all collective bargaining agreements entered into by this Union with the President of the International Union.

## **SECTION 6. Trustees**

The Trustees shall examine each check issued by the Union. Reasons for failure to concur shall be submitted to the Executive Board by the Chairman of the Trustees. The Executive Board will make a determination subject to approval of the membership. The Trustees shall periodically, at least quarterly and at the end of each fiscal year, make an audit of all books and financial records and report to the Union and to the Secretary-Treasurer of the International Union, or, if the Local Union so chooses, it may, as an alternative, have the audit conducted annually by a certified public accountant in the United States, and have such audits reported to the Local Union and to the Secretary-Treasurer of the International Union. They shall meet at the designated time with the Vice President of Union who will act as Chairman of the meeting. They shall also have such powers and duties as provided for in this constitution and Bylaws and as delegated by the President and/or Vice-President.

## **SECTION 7. Sergeant-at-Arms**

- a. The Sergeant-at-Arms shall examine all persons entering the meeting hall to ascertain that each person who attends is a bona fide member of this Union or/is an invited guest.
- b. The Sergeant-at-Arms shall be familiar with the International Constitution, Local Union Constitution and By-Laws, and Roberts Rules of Order; and ensure that the policies and procedures stated in the above documents are followed during any and all Local Union meetings.

## **ARTICLE VIII *Executive Board***

SECTION 1. The Executive Board shall consist of the President, Vice President, Secretary-Treasurer, Recording Secretary, Sergeant-at-Arms, and three (3) Trustees. Executive Board members are elected by a plurality of the voting membership.

SECTION 2. Each member of the Executive Board shall have one (1) vote.

SECTION 3. Five (5) members of the full Executive Board shall constitute a quorum, and such quorum shall have power to transact all business of the Executive Board. Regular meetings of the Executive Board shall be held on the second Tuesday of each month at a time decided by the Executive Board. Special meetings of the Executive Board may be called by the President, and must be called by him or her upon the request of a majority of the members of the Board. All members of the Board shall be given reasonable notification by the Recording Secretary of any special meeting of the Board.

SECTION 4. The Executive Board shall conduct the affairs of the Union in the intervals between general membership meetings. It is empowered to authorize and perform all acts for the conduct of the Union's business between such membership meetings.

SECTION 5. The Executive Board shall prepare an annual budget to be presented to membership.

SECTION 6. The Executive Board shall act as the Trial Board of the Union.

SECTION 7. Any officer or member of the Executive Board as enumerated in Section 1 of this Article who fails to attend three (3) successive meetings, without being excused from such attendance by the Executive Board, shall be deemed to have forfeited such office, and the Executive Board, pursuant to Article XXII, may appoint a successor for the balance of the unexpired term; provided, however, that if the office of the President is thus declared vacant the Vice President shall perform the duties of the president until such vacancy is filled by an election as provided in Article IX.

## **ARTICLE IX** ***Elections***

SECTION 1.

a. It shall be the aim of the Union to elect to the Executive Board the most capable members of the various groups comprising the membership of the Union.

No person who has been convicted of, or served any part of prison term resulting from the conviction of robbery, bribery, extortion, embezzlement, grand larceny, burglary, arson, violation of narcotics laws, murder, rape, assault with intent to kill, assault which inflicts grievous bodily injury, or a violation of Title II or III of the Labor-Management Reporting and Disclosure Act of 1959, or conspiracy to commit any such crimes, shall serve as an officer, trustee, member of the Executive Board or similar governing body, business representative, business manager, organizer, or other employee (other than as an employee performing exclusively clerical or custodial duties) or for five (5) years after such conviction or after the end of such imprisonment, unless prior to the end of such five (5)

year period, in the case of a person so convicted or imprisoned, (1) his citizenship rights, having been revoked as a result of such conviction have been fully restored, or (2) the Board of Parole of the United States Department of Justice determines that such person's service in any capacity referred to in the above clause would not be contrary to the purposes of the Labor-Management Reporting and Disclosure Act of 1959.

b. No more than three members from a single bargaining unit may hold an executive board office simultaneously except where such additional seat or seats are uncontested. If more than three candidates from the same unit receive the highest number of votes cast for the Executive Board offices they are seeking and those offices are contested, then the three candidates from that bargaining unit receiving the highest number of votes for the offices they seek, will be elected.

## SECTION 2.

a. The officers and members of the Executive Board shall be elected by the membership and shall hold office for a term of three years. The nominations shall be declared open at the regular membership meeting to be held in the month of November the year prior to an election year. Notice of such meeting shall be given to all members in good standing not less than fifteen (15) days prior to the date of such meeting.

b. In order to maintain continuity, members of the Executive Board shall have staggered three-year terms.

c. In order to accomplish this, the terms of office for Vice President, Secretary-Treasurer, Sergeant-at-Arms, and Trustee (#1) shall end in February of 2006 and every three (3) years thereafter. Nominations for these four offices will be declared open at the November 2005 meeting and every three (3) years thereafter.. The terms of office for President, Recording Secretary, Trustee (#2), and Trustee (#3) shall end in February 2007 and every three (3) years thereafter.. Nominations for these four offices will be declared open at the November 2006 meeting and every three (3) years thereafter..

SECTION 3. All persons nominated shall indicate their acceptance or declination (1) verbally if present at the meeting, otherwise (2) in writing within five (5) days after such nomination. Notice of such meeting shall be given to all members in good standing not less than fifteen (15) days prior to the date of such meeting.

SECTION 4. The elections shall take place at the February meeting. Notice of such meeting shall be given to all members in good standing not less than fifteen (15) days prior to the date of such meetings.

SECTION 5. No member of this Union shall be permitted to vote unless in good standing in the Union.

SECTION 6. No person shall be elected or appointed to an office in or as an Executive Board member of this Union unless such person has been a member of this union in continuous good standing for at least the preceding twelve (12) months.

SECTION 7. No member shall hold more than one (1) of the offices specified in Section 1 a of Article VII at one and the same time.

SECTION 8. The names of all candidates will be placed on the ballot for each contested office.

SECTION 9. The candidate(s) receiving the greatest number of votes for the respective offices shall be declared elected except as provided in Section 1c of this Article.

SECTION 10. No votes for any member who is not duly nominated and listed on the ballot may be counted by the Election Board. (No sticker or write-in candidates.)

SECTION 11. There shall be no voting by proxy, or mail ballot, except that in circumstances where geographic location may cause difficulties in following the usual election procedures, and upon submission to the International President of an approved voting plan, mail balloting may be allowed.

SECTION 12. All officers and Executive Board members shall be inaugurated and assume office immediately following the election. Before entering upon the duties of their respective offices, the newly elected officers shall subscribe to the following installation obligation:

"I \_\_\_\_\_ do solemnly pledge my word and honor before these witnesses that I will, to the best of my abilities, perform the duties of my office. At the close of my official term, I will turn over to my successor all books, records and all other properties, including funds, of this Local Union, that may be in my possession. I will also deliver all such properties to the International Union upon lawful demand. I will at all times devote my efforts to further the objectives and best interests of my Union."

SECTION 13. The Recording Secretary of this Union shall be required to notify membership in good standing, of the nomination and election of officers; such notices to be delivered or mailed not later than fifteen (15) days preceding such nomination or election.

SECTION 14. Delegates to the OPEIU Convention shall be nominated and elected by secret ballot vote at a membership meeting as per the International Constitution.

**ARTICLE X**  
***Election Board***

SECTION 1. An Election Board of three members shall be selected at the regular membership meeting after nominations for officers have been closed. The Election Board shall have the right to appoint any clerical help required.

SECTION 2. The Election Board is charged with the duty of conducting the election of officers and Executive Board members of the Union. It shall make such regulations as shall assure the members of a fair and honest election. Any candidate shall have the right to have an observer at the polls and at the counting of the ballots.

SECTION 3. The Election Board shall have the duty of enforcing the right to vote of the members and shall see that such right of franchise is not interfered with or hindered by anyone.

SECTION 4. The Election Board shall examine the membership status of all members before permitting them to vote, and shall compare the said status with lists to be supplied by the Secretary-Treasurer.

SECTION 5. After an election has been held and the report of the Election Board has been rendered, all election records and ballots shall be turned over to the Secretary-Treasurer for safekeeping among the records of the Union for one (1) year. The election records cannot be opened unless authorized by the Union.

SECTION 6.

a. A recount may be ordered upon presentation to the Executive Board of a petition signed by 25 members of the Union in good standing. The petition must be presented to the Executive Board within fourteen (14) days after the election, and this petition shall enumerate the reasons why such members believe a recount should be held. If the Executive Board rules that a recount should be held, it shall proceed to appoint a Recount Committee of disinterested members of the Union to conduct the recount. If the Executive Board denies the petition, it shall make a report of its ruling to the next regular membership meeting. It shall require a majority vote of those present at that meeting to reverse the Executive Board's decision. Upon receipt of a recount petition the President shall call a special meeting of the Executive Board to consider such petition.

b. If the membership meeting reverses the Executive Board's decision, the matter shall revert to the Executive Board and it will appoint a Recount Committee. No candidate elected or defeated shall be eligible for membership on the Recount Committee, but any candidate shall be permitted to attend all meetings of the Recount committee as an observer. The committee shall report its findings to the membership at the next regular or special meeting. If a report of the committee declares that their tabulation shows that a defeated candidate has actually been the recipient of the greatest number of votes cast for that office, and if the committee's report is accepted by a plurality of the members

present at the meetings, the candidate actually receiving the greatest number of votes shall be declared elected.

SECTION 7. Any member may appeal the ruling of the Recount Committee or Election Committee concerning any election related issue. Copies of the Appeal Procedure are available through the Secretary-Treasurer of the international Union.

## **ARTICLE XI** ***Election Offenses***

Any member found guilty by the Trial Board of tampering with ballots, illegal voting, committing fraud, violence, coercion, or other conduct not included in the foregoing, which in any manner interferes with a member's right of franchise, shall be subject to expulsion, suspension, or fine by the Trial Board.

## **ARTICLE XII** ***Finances***

SECTION 1.

a. The regular dues of this Union shall be as outlined in the OPEIU Local 39 Dues Policy and shall increase each year by the amount and at any time authorized by the OPEIU International at its Convention. Such policy will be available for inspection by members of the Local 39 bargaining unit upon request.

b. The initiation fee for applicants for membership shall be \$80.00 for applicants normally working 21 hours per week or more. The initiation fee for applicants for membership shall be \$40.00 for applicants normally working less than 21 hours per week. Initiation fees shall be waived for any employee who provides proof of previous membership in any AFL-CIO affiliated union, provided that previous membership was in good standing.

SECTION 2.

a. Any former member of a union affiliated with the American Federation of Labor and Congress of industrial Organizations or the Canadian Labour Congress not under the jurisdiction of the International Union who accepts employment under the jurisdiction of this union shall, (providing that such former union has a reciprocal plan of accepting withdrawal cards from Local Unions of the International Union in lieu of an initiation fee), upon application for membership and irrevocable surrender of an honorable withdrawal card or evidence of honorable termination of membership in those instances where unions do not issue withdrawal cards, and upon payment of one (1) month's dues in advance, if accepted in this Union, be inducted into this Union, without payment of any initiation fees (the Secretary-Treasurer of this Union to forward such evidence to the International Secretary-Treasurer in lieu of initiation fee on such applicant) ; and provided further, that

b. When, in the judgment of the President of the International Union, it shall be deemed by him to be in the best interests of the International Union to waive

initiation or reinstatement fees in whole or in part in connection with any particular organizational campaign, the President of the International Union shall be empowered to waive such fees if this Union shall so request.

SECTION 3. Any member, more than three months in arrears in dues, shall be classified as a "suspended" member, and not in good standing. Such suspended member must pay a reinstatement of \$35.00, together with all dues up to and including the current month before good standing status can be regained in the Union.

SECTION 4.

a. Regular Monthly Membership Dues shall increase automatically with each increase voted by the Office & Professional International Union at its Convention. In the event of an increase voted by the OPEIU at its Convention, Local 39 dues shall increase in accordance with convention mandate. All proposals for assessments and increases of dues other than those just stated must be presented to the Executive Board. If the Executive Board approves of an assessment or such increase of dues, the motion shall be incorporated in its minutes to be read to the next membership meeting. There can be no vote on the subject of the assessment or dues increase at that meeting, but it shall be held over until the succeeding membership meeting. The meeting notice for the succeeding meeting shall contain a statement informing the members of the nature of the proposal and that a vote will be taken at that membership meeting. A majority vote, by secret ballot, shall be required to constitute acceptance of the proposed assessment or dues increase. Notice of such meetings shall be given to all members in good standing not less than fifteen (15) days prior to the date of such meeting.

b. This Union shall not assess its members more than one dollar (\$1.00) per member per month, or more than four dollars (\$4.00) per member in any fiscal year, except that in emergency situations this Union may make additional assessments with the permission of the President of the International Union.

c. All assessments are subject to the approval of the President of the International Union in advance of being levied.

SECTION 5. No initiation fee shall be required by this Local Union of any person involuntarily inducted into the armed services of the United States or entering such services during emergency periods as determined by the International Union Executive Board, if such person applies for membership within a period of one (1) year after being discharged, provided it has been other than a dishonorable discharge and provided same is initial employment following such service.

### **ARTICLE XIII** ***Use of Funds***

SECTION 1. The funds of this Local Union cannot be divided in any way among individual members and can be utilized only for valid Union purposes.

SECTION 2. The general fund shall be used for the payment of expenses incurred by this Union on behalf of its membership primarily for organizing, defense, service and contract administration, and as a depository for its moneys.

SECTION 3. All disbursements shall be made by checks drawn on the general fund, and shall be signed by any two of the following: President, Vice President, Secretary-Treasurer or Business Manager.

SECTION 4. The fiscal year of this Union shall be the twelve (12) month period ending with the last day of the month of December of each year.

SECTION 5. The per capita tax, initiation fees, reinstatement fees, strike Benefit Fund, Convention Fund and other obligations owed by this Union to the International Union shall constitute a preferred claim and must be paid promptly by this Union each month prior to the payment of any other obligation of this Union.

SECTION 6. Local 39 shall maintain a separate Convention Fund to be used solely for payment of expenses for Local 39 delegates to attend triennial OPEIU Convention.

SECTION 7. Local 39 shall make a reasonable effort to maintain a Strike and Defense Fund as provided under the terms and conditions of that fund.

SECTION 8. Any fund established by this Local Union will be maintained, monitored, disbursed and accounted for in accordance with this Constitution and Bylaws.

#### **ARTICLE XIV** ***Auditing of Books***

SECTION 1. The Trustees shall examine every check issued by the Union. They shall periodically (at least quarterly and at the end of each fiscal year) audit all books, vouchers and other financial records of the Union, and shall report each such audit to the Union and to the Secretary-Treasurer of the International Union, or, if the Local Union so chooses, it may, as an alternative, have the audit conducted annually by a certified public accountant in the United States and have such audits reported to the Local Union and to the Secretary-Treasurer of the International Union.

SECTION 2. The Trustees shall prepare a report and submit same to the Executive Board. Following the submission of the Trustees' report to the Executive Board, the same shall be read at the next regular membership meeting and shall be posted on the bulletin board in the office of the Union for the ensuing two (2) weeks.

**ARTICLE XV**  
***Offenses and Penalties***

SECTION 1. In any case involving disciplinary action there shall be no resort to a court of law until such relief within the Local Union under its Constitution and Bylaws, and within the International Union under its Constitution, has been exhausted.

SECTION 2. Any member may be penalized for committing any one or more of the following offenses:

- a. Publicizing or giving information about Union affairs to persons not entitled to such information;
- b. Working for an employer against whom the Union has declared a strike or whom the Union has declared to be unfair unless permission has been granted by proper officers of the Union;
- c. Working for less than the rate of pay provided for by the contract with the Union;
- d. Permitting any other person to use or work on the membership book;
- e. Failure to appear before the Executive Board or the Trial Board when ordered to do so;
- f. Obtaining membership through fraudulent means, or by misrepresentation;
- g. Violation of the oath of membership, or office if an officer;
- h. Working in the interest of any organization or a dual union opposed to the interests of this Union;
- i. Being present or entering a meeting of members of the Executive Board while intoxicated, or disturbing the peace of any such meeting by creating or participating in disturbances, or of similar conduct in and about the headquarters of the Union;
- j. Causing or participating in a stoppage of work because of any alleged grievance or dispute without the authorization of the union or its proper officers;
- k. Any acts of misconduct which are detrimental to best interests of the Union, or of conduct unbecoming a member of the Union; or of violation of any of the provisions of the Constitution and Bylaws of this Union or of the Constitution of the International Union.

SECTION 3. Any member who has been found guilty of any of the above offenses or for violation of the International Union Constitution by the Trial Board may be expelled, suspended and/or fined by action of the Trial Board.

**ARTICLE XVI**  
***Trial Board Procedures***

Local Unions in the United States may discipline their members or officers only as permitted by federal law, for violation of the International Constitution or the Local Union Constitution and/or Bylaws, or for engaging in any activity or course of conduct which is deemed to be contrary or detrimental to the welfare or best interest of this Local Union. Uniform procedures adopted pursuant to the International Union Constitution, including rights of appeal to insure full

compliance with applicable law, are available to any member upon request of the Secretary-Treasurer of the International Union.

None of the foregoing is applicable to any matter involving delinquency or failure to pay dues. Any Local Union may provide in its bylaws for automatic suspension of any member who is delinquent a minimum of one (1) month in the payments of dues, but in any event any member of any Local Union who becomes three (3) months delinquent in such dues payment shall be automatically suspended.

## **ARTICLE XVII**

### ***Applicants***

SECTION 1. No applicant shall be barred from membership in the Union on the basis of race, color, national origin, sex, religion, age, disability, political beliefs, sexual orientation, and marital or family status.

SECTION 2. All applicants shall take the following oath:

"I, \_\_\_\_\_, pledge my honor before these witnesses to faithfully comply with the constitution, laws, and all amendments thereto of Office and Professional Employees International Union, Local No. 39, and of the International Union."

## **ARTICLE XVIII**

### ***Procedure at Meetings***

SECTION 1. The President of the Union shall act as Chairman at all regular or special meetings of the Membership and Executive Board. Except as otherwise provided in this Constitution and Bylaws, the current edition of Robert's Rules of Order Revised shall apply at all meetings of this Union.

SECTION 2. Order of Business

1. Roll call of officers and stewards
2. Approval of minutes of previous meeting(s)
3. Introduction of new members
4. Business Manager's Report
5. Secretary-Treasurer's Report
6. Chief Stewards' Reports
7. Reports of Committees
8. Communications & Announcements
9. Old Business
10. New Business
11. Adjournment

SECTION 3. It is provided further that any member requesting the floor from the Chairperson shall make that request by stating his or her name and place of employment.

**ARTICLE XIX**  
***Removal of Officials***

SECTION 1. All officers, Trustees, Executive Board members, and all members of all standing committees are deemed "officials" within the purview of this Article.

SECTION 2. Any official who has been found guilty of any of the following offenses shall be removed from office, and in addition may be expelled from membership, or be forever barred from holding any office in the Union:

- a. Dishonesty in the conduct of such office, fraud, corruption, accepting any bribes or intimidation of any members;
- b. Abuse of office or gross negligence in the conduct of such office;
- c. Conduct unbecoming an official of this Union;

SECTION 3. No impeachment proceeding may be entertained unless there has been a petition filed with the Executive Board, signed by twenty-five percent (25%) of the members in good standing. The petition shall state the specific offense with which the official is charged, as well as a brief statement sufficient to apprise the signatories of the charge being proffered.

SECTION 4. The Executive Board shall act as the Trial Board in all proceedings under this Article. Any official under charges by virtue of any impeachment petition shall be automatically barred from acting as a member of the Trial Board.

SECTION 5. The Trial Board shall follow the same procedure as provided for in Article XVI in any impeachment proceeding.

SECTION 6. Any official found guilty of violating any provision of this Article shall have the right to appeal to the International Union Executive Board at its next meeting. Pending any decision of such appeal, the determination of the Trial Board shall be final unless its decision is reversed in the manner provided for in Article XVI of this Constitution and Bylaws.

SECTION 7. Each unit shall establish procedures for the election and removal of stewards.

**ARTICLE XX**  
***Withdrawal and Military Service Cards***

SECTION 1. This Local Union may issue withdrawal cards only to active members who, at the time of request for same, are in good standing with all obligations to the International Union and the Local Union paid, including the current month. Such cards shall be issued as follows:

a. A withdrawal card shall be issued by this Local Union to any active member requesting same who is leaving the jurisdiction of the International Union.

b. Any person bearing a withdrawal card shall not be entitled to participate in the operation of this Local Union. A person bearing a withdrawal card and who has complied with the conditions of the same shall upon resuming work within the jurisdiction of this Local Union deposit such card and thereafter shall be admitted to membership in this Local Union without the payment of any initiation or transfer fees.

SECTION 2. Members entering the armed services of the United States during emergency periods as determined by the Executive Board of the International Union and who are in good standing with all obligations to the International Union and the Local Union paid, including the month in which they entered the armed services, shall be issued military service cards which shall continue their membership without the payment of dues or other fees for the period of the service required by such emergency periods and for an additional ninety (90) day period or until they again resume work within the jurisdiction of the Local Union, whichever occurs first, except that such persons shall only accrue rights to benefits to the extent determined by their respective Local Unions.

SECTION 3. Withdrawal and military service cards shall be issued by the Secretary-Treasurer of the Local Union and monthly reports of all such cards issued, deposited or canceled shall be made to the Secretary-Treasurer of the International Union.

SECTION 4. Local Unions may issue work permits to persons employed for a period not exceeding ninety (90) days for work within the jurisdiction of the Local Union in establishments where the Local Union has union agreements, which work permit shall allow such person to work without the payment of initiation fees and dues; provided, however, that any such person may apply at any time during such period for membership in such Local Union. In the event a person works beyond ninety (90) days, then any extension beyond this period will be subject to approval by the International President. Such permits if used by a Local Union shall be issued monthly and the charge shall be the same as the Local Union's regular monthly dues. Work permits shall be issued by the Local Union Secretary-Treasurer and monthly reports of all work permits issued shall be made to the Secretary-Treasurer of the International Union.

SECTION 5. All withdrawal, military service and work permit cards shall be secured by the Local Union from the Secretary-Treasurer of the International Union.

## **ARTICLE XXI**

### ***Strikes***

SECTION 1. No Local Union shall call a strike against an Employer, or employers, unless the members of the Local Union employed by such employer, or employers, by a majority vote of those present at a meeting called for this purpose so request by secret ballot; provided, further, that the Executive Board of the Local Union must vote to grant sanction of each strike; provided, further, that this Local Union may by secret ballot at a meeting dully called for such purpose, confer blanket or other authority upon its executive Board to call and/or sanction any or all strikes and provided finally that approval of the President of the International Union, shall be obtained. Approval of the President of the International Union shall not be construed as approval, ratification, or participation by the International Union in any particular activity of the Local Union involving such strike and shall imply no more than that such strike is not contrary to the best interests of the International Union, its Local Unions, and its members.

## **ARTICLE XXII**

### ***Vacancies in Office***

In the event any vacancy is created by the resignation or removal of an official of the Union, except the office of President which shall be filled in accordance with Article VIII, Section 7, the Executive Board shall be empowered to appoint a successor to fill the balance of the unexpired term, and such appointee shall hold office until the next regular election for that office,

## **ARTICLE XXIII**

### ***Limitations on Committees***

SECTION 1. In addition to other committees and boards established by this Constitution and Bylaws, this Union shall provide for such other standing committees, and, from time to time such special committees, as may be proper and necessary to conduct the business of this Union.

SECTION 2. In establishing such other committees, the duties of the committee, the extent of its authority, and the permissible amount of expenditures that may be made by such a committee must be made a part of the minutes. In any event, such committees shall not be permitted to exercise functions belonging to other committees or boards; shall not make or authorize expenditures without the prior approval of the membership; and shall not exceed the authority granted to them by the membership. The President shall be an ex officio member of all committees.

## **ARTICLE XXIV**

### ***Affiliations and Delegates***

SECTION 1. This Union shall be affiliated with the educational conference embracing its geographical jurisdiction as designated by the International Union Executive Board.

SECTION 2. This Union may be affiliated with central labor organizations, councils, departments or federations chartered by or affiliated with the American Federation of Labor and Congress of Industrial Organizations.

SECTION 3. Delegates to the aforesaid central labor organizations, councils, departments or federations shall be selected in such manner as determined by vote of the membership at a regular meeting of this Union.

SECTION 4. Each delegate to Convention of the Office and Professional Employees International Union must have been in continuous good standing in the Local Union for at least twelve (12) months prior to the convening of the Convention. Each delegate shall be selected by a secret ballot vote of the Local Union. Notice of such meeting shall be given to all members in good standing not less than fifteen (15) days prior to the date of such meeting.

SECTION 5. Delegates shall attend the meetings or sessions of the body or assembly to which they have been delegated, faithfully represent this Union and protect its interests, and properly present and support its declared policies and instructions. They shall report to this Union the proceedings of the organization to which they were delegates and perform such other duties as pertain to their office.

#### **ARTICLE XXV** ***International Constitution***

The Constitution of the International Union shall be the paramount law applying to the government of this Union, and all provisions of said International Union Constitution insofar as the same are or may be applicable to the affairs and activities of this Union are hereby, by reference thereto, incorporated into and made a part of this Constitution and Bylaws, and any provision contained herein which is contrary to or in conflict with the provisions of the International Union Constitution shall be inoperative and of no effect except as the International President may otherwise specifically approve.

#### **ARTICLE XXVI** ***Amendments***

SECTION 1. A proposed amendment to this Constitution may be introduced by the Executive Board, or by a petition containing the proposed amendment which has been signed by at least **25** members in good standing. Such petition must be presented to the Executive Board before it can be considered by the body.

SECTION 2. The Executive Board shall include the proposed amendment in its minutes to be read at the next membership meeting. There can be no vote on the subject of the amendment at that meeting, but it shall be held over until the succeeding membership meeting.

SECTION 3. The meeting notice for the succeeding meeting shall contain a statement informing the members of the nature of the proposed amendment and that a vote will be taken at said meeting. A vote of two-thirds (2/3) of the eligible members voting on such matters under the Local Union's Constitution shall be required to constitute acceptance of the proposed amendment to this Constitution and Bylaws except as provided in Article XII, Section 4a herein.

SECTION 4. No amendment to this Constitution and Bylaws shall take effect until the approval of the President of the International Union has been secured.

Amended: August 19, 2009

Voted & Approved by Membership: November 18, 2009

Approved by International: