

# COMMUNICATIONS WORKERS OF AMERICA, AFL-CIO

## Local 9404

### BY-LAWS

We, the Communications Workers of America, 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 in the communications field, do, through our constitution, under God, seek to form a more perfect means of securing for ourselves and labor generally full employment of the inherent rights which our institutions were obtained to preserve.

As Revised March 16, 2011

### PREFACE

Any organization, be it fraternal, governmental, or labor, must have certain rules and laws under which it operates to fulfill the desires and objectives of its members. These Bylaws are the rules and laws that govern the business and activities of Local 9404 of the Communications Workers of America. They are not static, but may be changed by the membership as necessary, to continue to work for the betterment of the members. It is the duty of each member to know the regulations under which the Local operates.

### ARTICLE I – Name

This local shall be known as Local 9404, Communications Workers of America, AFL-CIO, hereinafter referred to as the Local, Chartered February 16, 1951, by the International Communications Workers of America, AFL-CIO, and hereinafter known as the Union.

### ARTICLE II - Jurisdiction

Jurisdiction of the Local shall be over the work performed by, employees eligible for Union membership, who are employed by companies and/or employers entering into collective bargaining agreements with the Union and such other jurisdiction as may be assigned by the Executive Board of the Union.

The Local shall establish geographical districts to include, but not limited to:

- A. District I All cities and unincorporated areas located within Marin County, CA, and the areas serviced by those telephone exchanges.
- B. District II Richmond, Rodeo, Pinole, and that part of the city of El Cerrito, CA, serviced by the Richmond Telephone Exchange, and all other areas serviced by these cities. Pittsburg, Martinez, Antioch, East Contra Costa, CA, and all other areas serviced by the cities located in Contra Costa County, CA.

- C. District III Novato, Los Gatos, Morgan Hill, and all other areas serviced by these cities located in Marin and Santa Clara Counties.
- D. District IV Napa County, Vallejo, Benicia, City of Sonoma, and other areas serviced by these locations.

### **ARTICLE III – Purpose**

The purpose of the Local shall be to represent and serve the workers within its jurisdiction in accordance with these Bylaws and rules of the Local and the Constitution and policies of the Union.

### **Article IV – Structure**

The structure of the Local shall consist of the following:

1) The Membership

2) The Officers

The Officers shall consist of:

- President
- Executive Vice-President
- Secretary-Treasurer
- District Vice-Presidents (one from each District)

3) The Executive Board

The Executive Board shall consist of the elected officers of the Local and one member from each of the Local Districts.

4) Committees

5) Stewards

6) Financial Trustees consisting of all members of the Executive Bd.

### **Article V - Membership**

#### Eligibility

Any person eligible to membership in the Union, in accordance with Article V, Section 1, of its Constitution, shall be eligible for membership.

#### Dues

Each member of the Local shall pay membership dues in the amount of two and 1/4 hours or the CWA Constitutional minimal requirement (whichever is greater).

### Application

The Membership Committee of the Local has the right to refuse membership to any individual.

### 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 in accordance with Article V, Section 3, of the Union Constitution.

## **ARTICLE VI - Governing Authority**

The affairs of this Local shall be governed by its membership in accordance with the following:

- 1) The CWA Constitution, action of the membership at CWA conventions, and the CWA Executive Board.
- 2) Through action taken in membership meetings and by referendum of the membership.
- 3) By actions and decisions of the Local Executive Board between membership meetings, provided such actions and decisions are in compliance with the Union Constitution and policies of these Bylaws, and decisions prescribed at membership meetings

## **ARTICLE VII - Local Meetings**

1) General Membership meetings of this Local shall be held at least once during each quarter of the calendar year. The Local shall endeavor to conduct such quarterly meetings within Districts on a rotational basis to be determined by the Executive Board or the President. Due Consideration will be given to major areas involved in major negotiations.

2) Special General Membership meetings may be called by the President, or by a majority vote of the Executive Board, or by a petition signed by 10% of the membership. Upon receipt of a proper petition, the Local Officers shall call a special General Membership meeting within fifteen (15) days, when possible.

3) District meetings shall be held monthly within each respective district during each of the calendar months not scheduled for a General Membership meeting. The order of business for district meetings shall be limited to the concerns of that particular district conducting such meetings. The President may assign the District Vice-President or Executive Vice-President to chair such district meetings in the President's absence.

4) Expenses involved in holding meetings shall be paid by the Local, provided prior approval has been given by the Executive Board

## **ARTICLE VIII - Local Delegates to International Convention**

Local convention delegates shall be composed in accordance with

Article VIII, Section 4, of the CWA Constitution. Local Officers, upon being elected, shall serve as delegates or alternates to the Convention during their full term of office as listed below, and in the following priority:

- 1) The President shall serve as chairperson of the delegation.
- 2) Secretary-Treasurer
- 3) Executive Vice-President
- 4) District Vice-Presidents (one from each District)

The number of delegates to be sent to the Convention shall be the maximum recommended by the Local Executive Board in accordance with Article VIII, Section 4, of the Constitution.

#### **ARTICLE IX - Local Committees**

The Local shall have the following regular committees:

- 1) Education Committee
- 2) Organizing Committee
- 3) Legislative Committee
- 4) Next Generation Committee (website)
- 5) Trustee/Audit Committee
- 6) Bylaws Committee
- 7) Community Services Committee
- 8) Membership Committee

Chairs of all committees shall be appointed or removed by the Local President subject to the approval of the Executive Board. Committee members shall be appointed by committee chair, subject to the approval of the Local President. Committee members shall be appointed by the chair, subject to the approval of the President. Vacancies on Committees shall be filled in the same manner as originally filled.

A member of any Local Committee may be removed by a majority vote of the Local Executive Board.

A Committee member may also be removed by the action of the Local in a membership meeting.

#### **Duties of Committees**

**Membership Committee**, consisting of the elected Executive Board, may accept or reject membership applications in accordance with the Bylaws and rules of the Local and the Constitution and policies of the Union.

**Legislative Committees** shall assist in developing and pursuing the program of the Union and Local, in the legislative field. It shall be responsible for the Local's program to register each qualified voter.

**Organizing Committee** shall assist in organizing all prospective members within the Local's jurisdiction.

**The Trustee/Audit Committee**, consisting of the Elected Executive Board, shall each month review a list prepared by the Secretary-Treasurer. Such list shall show each financial transaction including vouchers and corresponding receipts. Trustee shall sign and date each monthly report to be filed and recorded by the Secretary-Treasurer.

**Bylaws Committee** shall receive proposed amendments to the Bylaws thirty (30) days in advance of a regular meeting to review and present to the floor at the next regular meeting.

**Community Services Committee** shall operate and function in accordance with these bylaws.

**Education Committee** duties as assigned.

### **ARTICLE X - Conduct of Meetings**

A. Membership meetings, and all other meetings of the Local, shall be conducted under these bylaws and rules of the Local, and in conformity with the Union Constitution. On questions where the Local Bylaws, the Local Rules, or the Union Constitution does not clearly apply, "Robert's Rules of Order Revised" shall govern.

B. The number constituting a quorum for Local meetings will be 4% at any session. No official business can be conducted without a quorum present at the meetings.

C. When due notice of the meeting has been given; the members present shall constitute a quorum. Due notice shall mean written notice furnished to each member's last known address at least 7 days prior to the meeting.

D. The order of business shall be as follows:

- 1) Call to order.
- 2) Pledge of Allegiance to the United States of America. (optional)
- 3) Roll Call (optional).
- 4) Reading and action: on minutes of previous Local and Executive Board Meetings.
- 5) Treasurer's Report.
- 6) Reports of Officers.
- 7) Reports of Committees.
- 8) Unfinished Business.
- 9) New Business.
- 10) Good and Welfare.
- 11) Adjournment.

E. The order of business may be suspended by a two-thirds (2/3) vote of the membership present at the meeting.

### **ARTICLE XI - Officers, Executive Board, and the Duties**

**A. The Officers of the Local shall be as follows:**

- 1) President
- 2) Executive Vice-President
- 3) Secretary-Treasurer
- 4) District Vice-Presidents

**B. The duties of the President shall be as follows:**

To preside at membership meetings, and at meetings of the Executive Board; be responsible for the conduct of the Local, including:

- The prosecution of grievances.
- Is an ex-officio member of all committees.
- For counter signing checks drawn on the Treasury of the Local.
- Shall appoint Local Staff Representatives and/or District Directors when necessary.

Shall have additional duties as assigned by the Local, or required by the Constitution or policies of the Union.

Shall hold no other elected office in the Union.

Shall receive the annual salary established for the office by the Local, payable biweekly.

Shall appoint all Stewards and/or Chief Steward with approval of the Executive Board.

**C. The duties of the Executive Vice-President shall be as follows:**

- 1) To serve as Executive Assistant to the President.
- 2) To carry out Union duties that may be assigned by the President.
- 3) To assume the office of Local President in the event of a permanent vacancy.

**D. The duties of the Secretary-Treasurer shall be as follows:**

- 1) Shall maintain a record of the membership and shall keep minutes of all Membership and Executive Board Meetings.
- 2) Shall furnish the District Vice-President of the Union with two copies of any changes in the Bylaws within ten (10) days after such changes are made.
- 3) Shall be responsible for furnishing the Secretary-Treasurer of the Union with all proper forms signed by the Local Officers which are required by State and Federal laws immediately upon execution.
- 4) Shall be Recording Officer of the Local.
- 5) Shall be bonded and shall be custodian of all assets of the Local, and shall make a report to each membership meeting.
- 6) Shall perform all such other duties as may be assigned by the President, and/or Executive Board of the Local.
- 7) Shall cause the payment of all contracts, services and financial obligations incurred by the officers of the Local only when approved by the Executive Board.
- 8) Shall hold no other elective office or chairpersonship in the Local.
- 9) Shall receive the annual salary established for the office by the Local, payable biweekly.
- 10) Shall prepare a list of all monthly expenditures including check, voucher and corresponding receipts and income to be presented for review by the Local Trustee/Audit Committee.

**E. The duties of the District Vice-Presidents shall be as follows:**

- 1) Shall work under the direction of the President and shall perform such duties within their respective Districts as assigned by the President.
- 2) Shall conduct District meetings of the members and stewards within said District when so assigned by the President.

**F. The duties of the Executive Board shall be as follows:**

- 1) Shall be responsible for making decisions and taking action on behalf of the membership between Membership Meetings on all matters concerning the good and welfare of the members.
- 2) Shall at all times follow the policies and programs of the Union and Local and shall have authority to establish policies and programs between meetings of the membership
- 3) Shall have regular monthly meetings.
- 4) A quorum shall exist if a single majority of the Executive Board members are present.
- 5) To serve as trustees of the Local and review each month all income, payments, vouchers, and otherwise audit all financial transactions for accuracy and proper receipts.

**ARTICLE XII – Stewards**

It shall be the duty of the Local and its Officers to maintain an effective Steward organization at all times. The Stewards responsibility is as follows:

- 1) To see that the job is Union by signing all workers they are responsible for as members.
- 2) To see that the contract is adhered to by management.
- 3) To report immediately all grievances and assist in processing them.
- 4) To see that Union Bulletins are placed in all administrative group work locations.
- 5) To maintain all Bulletin Boards within the Steward's responsible area.
- 6) To see that the membership is informed at all times about Union policies, programs, bargaining, political action legislative, and other important activities, and to see that there is full participation by the membership.
- 7) To assist the officers to administer the affairs of the Local.

**ARTICLE XIII - Nominations and Election of Local Officers & Executive Board Members**

**A. Nominations**

- 1) Officers and Executive Board members shall be nominated from the floor at the regular meeting in October, in accordance with Article XV, Section 3, of the Union Constitution.
- 2) All members nominated for office shall be present and acknowledge acceptance or submit a written signed letter of acceptance within seven (7) days.

## **B. Election of Officers**

- 1) Election of Officers shall be by secret ballot. Balloting shall be by US Mail ballot, during the month of November, in accordance with Article XV, Section 3, of the Union Constitution.
- 2) Installation of Officers shall take place at the regular meeting in December.

## **Election of Executive Board Members**

The Executive Board shall be comprised of the Officers, plus one (1) member from each District within the Local in accordance with Article IV, Section A3, of these Bylaws.

- 1) Vacancies shall be filled for unexpired terms as provided for under paragraph "H" of this section.
- 2) Members of the Executive Board shall be elected by the membership within their particular District.
- 3) District Vice-Presidents shall be nominated by the membership within their particular District.

## **C. Local Elections Committee**

An Elections Committee may be appointed to coordinate local elections using the guidelines of U.S. Department of Labor. The elections committee shall conduct any U.S. mail referenda submitted to the membership. The committee shall not dispose of any ballots for a minimum period of one (1) year. A member shall not be permitted to serve on the election committee of a candidate for any office of the Local.

## **D. General Provisions**

- 1) Officers shall be elected by majority vote. If not one nominee has a majority on the first ballot, the vote shall be taken again in accordance with Article XV, Section 4F, of the Union Constitution.
- 2) Executive Board members shall be elected by plurality vote in accordance with Article XV, Section 4F, of the Union Constitution.
- 3) Only members of the Local in good standing shall be eligible to vote.
- 4) Only members of the Local in good standing shall be eligible to hold office.
- 5) No elected officer of the Local, or member of the Executive Board, shall be qualified to take office unless, and until he or she has executed all compliance forms necessary to permit the Local to exercise their full rights under State and Federal laws.
- 6) To be eligible to hold office a member must attend **six (6)** of twelve (12) General Membership and/or District Meetings immediately preceding the month nominations are held unless excused by the Secretary-Treasurer from a General Membership Meeting or the District Vice-President from the District Membership Meetings.



The following procedure will be used for a U.S. Mail referendum and elections.

- A letter of instructions with each ballot.
- The ballot
- Provide the envelope marked "Ballot," in which the secret ballot will be sealed.
- Provide a self-addressed envelope in which the secret ballot envelope can be returned to the Committee for tally.

**E. Order of Nominations**

1. The order of nominations of Local Officers in a meeting

- President
- Executive Vice-President
- District Vice-Presidents
- Secretary-Treasurer
- Executive Board Members

**F. Term of Office**

1. The terms of office for the Officers shall be in accordance with Article XV, Section 3c, of the Union Constitution. The terms of office for members of the Executive Board, or for any other office elected under the Bylaws, shall be the same as the regular terms of the Officers.

**G. Vacancies in office**

- 1) A vacancy in any elected office shall be filled by the Executive Board until the next regularly scheduled elections for the remaining term, except as specified in Article XIII, H, 3, below.
- 2) If a vacancy in any office occurs within the last twelve (12) months of term, said vacancy will be filled by appointment by the Local President subject to the approval of the Executive Board and the membership.
- 3) A permanent vacancy in the office of President shall be filled by the Executive Vice-President.

**ARTICLE XIV – Strikes**

The calling, conduct, and the termination of strikes shall, at times, be carried on in accordance with the rules prescribed by the Union and its Constitution. However a strike called by and affecting only this Local may be terminated as follows.

- 1) By a majority vote of the members present in a membership meeting.
- 2) By a U.S. Mail Referendum.

**ARTICLE XV - Charges, Trials and Appeals**

**Charges**

Members of this Local may be fined, suspended or expelled for any of the acts enumerated in Article XIX of the Union Constitution

### **Trials**

Any accused person shall be tried under the provisions of Article XXI of the Union Constitution.

### **Appeals**

A member or Officer of this Local, upon being found guilty by a Local trial court, may appeal as provided in Article XXI, Section 4, of the Union Constitution.

### **Trial Court**

- A trial court of the Local shall be composed of seven (7) persons who are members of the Local and not parties to the proceedings.
- Members of the trial court shall be elected by the members in a membership meeting of the Local.
- The Local trial court shall elect its own chairperson.
- Charges must be submitted within sixty (60) days after the time the accuser becomes aware of the alleged offense.
- Conduct of the Local trial shall follow "Preparation and Procedure for Local Trials under Article XXI of the CWA Constitution," as adopted by the International Executive" Board in 1960.

## **ARTICLE XVI - Recall of Officers**

An elected Officer of this Local may be recalled in conformity with the provisions of Article XX, Section 2, and Article XXII, Section 9, of the Union Constitution.

Any District Vice-President or District Executive Board member may be recalled by the membership within the District in conformance with provision in Article XX, Section 2, and Article XXII, Section 10, of the Union Constitution, by members of the same group from which he or she was elected, or by a three fourths (3/4) majority vote of the entire membership of the entire Local.

## **ARTICLE XVII - Amendment of These Bylaws**

After adoption, these Bylaws may be amended by either of the following Methods:

- 1) By a majority of the members present at a General Local Meeting after the proposed amendment has been introduced at a previous General Meeting by the Bylaws Committee Chairperson and a notice of intent to change said Bylaws shall be mailed in accordance with Article X, paragraphs B and C of said Bylaws.
- 2) By submission of the proposed amendment to U.S. Mail Referendum.

### **ARTICLE XVIII- U.S. Mail Referendum**

- 1) The Local Election Committee shall submit any question to a U.S. Mail Referendum when directed to do so by action of a regular or special membership meeting.
- 2) Propositions submitted to U.S. Mail Referendum shall be determined by a majority vote of those voting on the question.
- 3) U.S. Mail Referendum shall mean the mailing of the proposition and ballot to the entire membership of this Local as filed in the Secretary's Office by use of First Class U.S. Mail.

### **ARTICLE XIX - Financial Reports and Audits**

- 1) The Fiscal Year of the Local shall be from October 1, to and including September 30, of the succeeding year.
- 2) The bills, receipts and financial transactions of the Local shall be submitted to a Certified Public Accountant each month. The financial report prepared by the CPA shall be presented to each following Membership Meeting.
- 3) The Local Executive Board shall serve as the Financial/Audit Committee. Each month the Committee will review all bills, vouchers, receipts, and financial transactions for accuracy and integrity. Such transactions shall be listed on a report prepared monthly by the Secretary-Treasurers.

### **ARTICLE XX - Oath of Office**

"I, (given name) hereby accept the office of (name of office) of Local 9404 Communications Workers of America, with full knowledge of the responsibilities and duties of such office."

"I promise to discharge faithfully my duties according to the Bylaws and rules of the Local and the Constitution and policies of the Union."

"I further promise to give my successor in office all books and records in my possession. I shall, at all times, endeavor to serve my Local and the Union to the best of my abilities, so help me God."

### **ARTICLE XXI - Adoption of These Bylaws**

A. These Bylaws 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 Bylaws adopted February 26, 1951

These Bylaws adopted November 03, 1960

These Bylaws adopted November 06, 1962

These Bylaws adopted August 06, 1969

These Bylaws adopted October 06, 1970

These Bylaws adopted October 05, 1971  
These Bylaws adopted June 05, 1973  
These Bylaws adopted October 19, 1974  
These Bylaws adopted May 26, 1975  
These Bylaws adopted September 01, 1979  
These Bylaws adopted September 16, 1980  
These Bylaws adopted March 20, 1986  
These Bylaws adopted April 01, 1997  
These Bylaws adopted March 16, 2011

## **ARTICLE XXII - Contract Ratification**

- 1) Contract ratification shall be in accordance with Article XVII, Section 6, of the Union Constitution, or other approved means established in each Bargaining Unit.
- 2) In the event that ratification by membership voting is directed in accordance with Article XVII, Section 6, of the Union Constitution, the election committee shall conduct the balloting by polled ballot of the Local.

### **Glossary**

**Calendar Days** - Any day on the calendar, Sunday through Saturday.

**Majority Vote** - More than half, or 50% plus 1 of the votes cast by person legally entitled to vote, excluding blank or illegal ballots.

**Plurality Vote** - The greatest number of votes cast by persons legally entitled to vote, excluding blank or illegal ballots.