

**CONSTITUTION AND BY-LAWS**  
**OFFICE AND PROFESSIONAL EMPLOYEES INTERNATIONAL UNION**  
**LOCAL NO. 32**

**ARTICLE I**  
***Preamble***

This Union declares for its objectives and aspirations the following: to organize all unorganized professional, technical, office and clerical 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 the Canadian Labour Congress; and to have, in general, the same aims and purposes of the International Union provided for in its Constitution in the interest of all professional, technical, office and clerical employees.

**ARTICLE II**  
***Name***

This organization, located at Newark, New Jersey, shall be known as the Office and Professional Employees International Union, Local No. 32. 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 and the Canadian Labour Congress.

**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 within 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 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, Canada, and Commonwealth of Puerto Rico, 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 Union.

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

**Section 4.** Any member of this Union who secures employment under the jurisdiction of any other union affiliated with the American Federation of Labor and Congress of Industrial Organizations or the Canadian Labour Congress not under the jurisdiction of this

International Union, who is thereby required to become a member of such other union, may retain his membership in this Union.

**Section 5. a.** All members shall be good-standing members and entitled to participate fully as members in the affairs of this Union until expelled, or suspended and not reinstated, or until such members have been issued withdrawal cards in accordance with the Constitution and By-laws of this Union.

**b.** However, in the event any member becomes a supervisor within the meaning of existing applicable legislation in the United States, Canada or the Commonwealth of Puerto Rico, and does not make application for and receive a withdrawal card, such member shall not be eligible to participate or have a vote in any of this Union's proceedings which affect the wages and conditions of employment of the employees in the establishment where he is employed as supervisor.

**c.** In the event any member becomes a supervisor within the meaning of existing applicable legislation in the United States, Canada or the Commonwealth of Puerto Rico, and does not make application for and receive a withdrawal card, such member shall not be eligible to be a candidate for office nor eligible to hold an office, nor shall he be eligible to represent this Union in any official capacity whatsoever.

**Section 6.** Whenever any member, if totally and permanently disabled and/or reaches retirement age and ceases active employment, he may apply to his Local Union to be placed on retirement member status, in the event the Local Union establishes such retirement member status. Retired members shall be required to pay dues of one dollar (\$1.00) per month, shall have the right to attend meetings and participate in deliberations, but shall not be entitled to vote unless the Local Union provides such right to vote in its constitution and shall not be eligible to hold office or serve the Local in any elected capacity. Local Unions shall not be obligated to pay per capita tax for retired members.

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

**Section 1.** Regular meetings of the membership of this Union shall be held on the third Thursday during the months of January and May 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 the fourth Thursday of such month.

**Section 2.** Twenty-five (25) 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 notify members of any special meeting, stating the purpose for such meeting, 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 By-laws.

**Section 6.** Only members fulfilling the requirements of Article V and XX of this Constitution and By-laws 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.

## **ARTICLE VII** ***Officers and Duties***

**Section 1. a.** The Union shall have the following officers: President, Vice President, Secretary-Treasurer, Recording Secretary.

The officers shall, by virtue of their election, serve as delegates to the International Convention. The Executive Board shall select the remaining delegates from their number. The Executive Board shall designate the number of alternate delegates to the convention.

**b.** All officers, stewards and employees of this Local Union shall be bonded under a bond approved by the Secretary-Treasurer of the International Union.

**c.** 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 regulations thereunder.

## **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 pertain to this 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 By-laws. The President shall appoint a Sergeant-at-Arms whose duties shall be to assist the President in maintaining order.

## **Section 3. Vice President**

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 the President until such vacancy is filled by the next regular election as provided for in this Constitution and By-laws. 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 duties vested in the office. The Vice President shall also be chairperson ex officio of all standing committees and shall have such other powers and duties as are provided for in this Union's Constitution and By-laws.

## **Section 4. Secretary-Treasurer**

The Secretary-Treasurer shall perform the following duties:

**a.** The Secretary-Treasurer shall keep all financial accounts of this Union and shall maintain correct and proper accounts of all its members. The Secretary-Treasurer shall collect all initiation and reinstatement fees, dues, assessments and fines from members of this Union. The Secretary-Treasurer shall make all disbursements for this Union as provided for in Article XIII of this Constitution and By-laws. The Secretary-Treasurer shall keep a correct record of all monies 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.** The Secretary-Treasurer shall deposit all funds of this Union in a bank recommended by the Trustees. The Secretary-Treasurer shall submit all

books and records to the Trustees for audit and approval whenever called upon to do so, and, upon the expiration of term of office, turn over to the successor all properties and assets, including funds, books and records of this Union. Before turning over such properties and assets to the 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 the duly authorized representative when properly called upon to do so.

**c.** The Secretary-Treasurer shall transmit monthly to the Secretary-Treasurer of the International Union all financial obligations owing to the International Union not later than the fifteenth (15<sup>th</sup>) 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.** The Secretary-Treasurer shall 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.** The Secretary-Treasurer shall sign each collective bargaining agreement negotiated by representatives of this Local Union.

**f.** A petty cash fund may be established by the Executive Board and shall be maintained by the Secretary-Treasurer to pay immediate necessary petty cash demands upon this Local Union. Replenishment of this fund shall be by check, at least once monthly, the amount being the total paid-out vouchers for prior disbursements.

**g.** The Secretary-Treasurer shall be properly bonded by a bonding company and under a bond approved by the Secretary-Treasurer of the International Union.

**h.** The Secretary-Treasurer shall, during his term in office, check the requirements of Section 201 (a) of the Labor-Management Reporting and Disclosure Act of 1959 to ascertain 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.

**i.** The Secretary-Treasurer shall 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 (\$10,000.00) 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.

**j.** The Secretary-Treasurer shall make available the information contained in the above-mentioned reports to all of the Local Union's members.

**k.** The Secretary-Treasurer shall 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.

## **Section 5. Recording Secretary.**

a. The Recording Secretary shall keep the minutes of all meetings and proceedings of the Union and the Executive Board and shall send out all meeting notices.

b. The Recording Secretary shall keep copies of all agreement at the Union office (if one exists) so that they will be available for inspection by a member or employee whose rights are directly affected.

c. The Recording Secretary shall file a copy of all collective bargaining agreements entered into by this Union with the President of the International Union.

## **ARTICLE VIII**

### ***Executive Board***

**Section 1.** The Executive Board shall consist of the President, Vice President, Secretary-Treasurer, Recording Secretary and additional Executive Board Members shall be elected by their respective groups as specified in this Article.

**Section 2.** Each member of the Executive Board shall have one (1) vote except the President of the Union. The President shall act as Chairperson and shall have a voice but not vote, except in the event of a tie vote by the Executive Board, in which event the President shall have a vote.

**Section 3.** A majority of the members of the 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 first Monday during the months of September through June at 6:00 p.m. Special meetings of the Executive Board may be called by the President, and must be called by the President 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 may engage legal counsel and determine the compensation for such services.



**Section 6.** The Executive Board may appoint temporary organizers for a period of time to be determined by the Executive Board but not to exceed the term of the Executive Board and determine the compensation for such services.

**Section 7.** The Executive Board shall add to the Board Executive Board representatives from large units of 100 members or more that are organized during their term of office. Such groups shall elect their Executive Board representatives among their membership.

- a.** A group of 1,000 or more members shall be entitled to one (1) Executive Board Member to be elected from their group. Only those members employed in that unit shall be eligible to be nominated and elected.
- b.** Should the Bargaining Unit strength of a unit described in this Section fall below 100 at the end of an Executive Board member's term, that Board member's seat shall be declared vacant at the end of the term and no election shall be held for that seat unless Bargaining Unit strength grows to 100 employees or more.

**Section 8.** In addition to those Executive Board members elected pursuant to Section 7 and 7(a), there shall be three (3) Executive Board members to be elected by members who work in bargaining units having less than 100 employees. Those eligible to serve in this three (3) seats shall be employed in and shall be elected by the members of the following geographic units:

- a.** Two (2) members to be elected from bargaining units of employers located in the states of Pennsylvania and Delaware and in the eight southernmost counties of the State of New Jersey (Burlington, Ocean, Camden, Gloucester, Atlantic, Salem, Cumberland, and Cape May counties).
- b.** One (1) member to be elected from bargaining units of employers located in the thirteen northern counties of the State of New Jersey (Monmouth, Mercer, Middlesex,

**Section 9.** The Executive Board shall act as the Trial Board of the Union.

**Section 10.** The Executive Board shall authorize employment of such clerical or professional assistance as it deems necessary for the proper conduct of the Union's business and shall determine the compensation for such employees.

**Section 11.** The Executive Board shall determine compensation for all officials of the Union.

**Section 12.** The number of stewards for each company and their apportionment among the various departments shall be as determined by the Executive Board.

**Section 13.** 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.** 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.

**a.** No person who is or has been a member of the Communist Party or who has been convicted of, or served any part of a 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) of this Local Union during or for five (5) years after the termination of such membership in the Communist Party, 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) the 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.

**Section 2.** The officers and trustees shall be elected by the membership and shall hold office for a term of three (3) years and be elected by the membership for the above term at the election of the Union to be held in March, 1990, and every three (3) years thereafter.

- a. Executive Board Members described under Article VIII, Section 8, shall initially be elected in 2007 to serve terms ending when the terms of those officers currently in office expire, and therefore, at the time the regular election of Officers takes place. The term of office of Executive Board shall be three (3) years.

**Section 3.** The nominations shall be declared open at the regular membership meeting to be held in the month of January 1990, and every three (3) years thereafter. 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 designated under Section 2 shall take place at the March 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 meeting.

**Section 5.** No member of this Union shall be permitted to vote unless they are in good standing in the Union.

**Section 6.** After this Union has been functioning for one (1) year, 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 may be placed on the ballot by slate designation for each office. However, a duly nominated candidate will have the right to run as an independent candidate.

**Section 9.** The candidate(s) receiving the greatest number of votes for the respective offices shall be declared elected.

**Section 10.** No votes for any member who is not duly nominated and listed on the ballot may be counted. (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 Union President of an approved voting plan, mail balloting may be allowed.

**Section 12.** All officers and Executive Board members shall be inaugurated at the regular membership meeting of the Union to be held following the election and shall assume office immediately after such inauguration. 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.”*

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

**Section 1.** An Election Board shall be appointed with the approval of the membership at the regular membership meeting after nominations for regular officers have been closed. No candidate for office shall serve on the Election Board.

**Section 2.** The Election Board is charged with the duty of conducting the regular 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 members' right to vote 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 not less than 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 seventy-five (75) 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 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 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.** The installation of all newly elected officers, Trustees, and Executive Board members shall not be held until a final disposition has been made on the petition for a recount and/or an actual recount.

**c.** 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 meeting, the candidate actually receiving the greatest number of votes shall be declared elected.

## **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 Trail Board.

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

**Section 1. a.** The regular Membership Dues shall be \_\_\_\_\_ per month.

**b.** The Initiation Fee shall be determined by the Executive Board from time to time, but not to exceed the amount prescribed by the International Constitution.

**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, if he so elects (providing that his 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 Secretary-Treasurer of the International Union 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 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 arrears in dues, shall be classified as a “suspended” member, and not in good standing. Such suspended member must pay a reinstatement fee of \$10.00, together with all dues up to and including the current month before he can regain good standing in the Union.

**Section 4. a.** All proposals for assessments and increases of dues 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 or discussion on the subject of the assessment or dues increase at the 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 shall be required to constitute acceptance of the proposed assessment or dues increase. 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.** 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 Canada 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 his discharge, 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 monies.

**Section 3.** All disbursements shall be made by checks drawn on the general fund, and shall be signed by either the President or Vice President of the Union and the Secretary-Treasurer.

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

**Section 5.** The per capita tax, initiation fees, reinstatement fees, Strike Benefit and Defense 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.

### **ARTICLE XIV** ***Trustees***

There shall be three (3) Trustees and they shall be elected at the General Election for a term of three (3) years.

The Trustees 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 semi-annually by a Certified Public Accountant 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 the Union who will act as Chairman of the meeting. They shall also have such powers and duties as provided for in this Constitution and By-Laws.



**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 By-Laws, 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 his membership book;

**e.** Failure to appear before the Local Union Executive Board or the Trail 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 interests 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 the best interest of the Union, or of conduct unbecoming a member of the Union; or of violation of any of the provisions of the Constitution and By-Laws 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 Procedure***

**Section 1.** Charges may be brought in writing by any officer or member of the Local Union or of the International Union by filing same with the Secretary-Treasurer of the Local Union. The Secretary-Treasurer of the Local Union immediately thereafter shall serve a copy of

such charges upon the accused and as soon as practicable but no later than fifteen (15) days notify the accused of the time and place of trial or hearing upon such charges. Trial shall be held before the Executive Board of the Local Union and any representative designated by it in the manner set forth below. If any officer or member of the Executive Board is directly concerned with any charges against the member, the President of the Union may declare such officer or Executive Board member ineligible to serve as a member of the Trial Board.

**Section 2.** The charging party or his representative shall first present evidence of the charged violation and upon completion of such evidence, the accused shall have an opportunity to fully present such evidence as he may have in his behalf, including witnesses, documents, or defenses. Any accused member shall have the right of advice and consultation of legal counsel, if desired, but no attorney-at-law shall be entitled to be present in any such proceeding. Stenographic minutes shall be taken at the trial.

**Section 3.** At the close of the evidence, the Executive Board shall decide by majority vote whether or not a violation has been found and shall affix such penalties as the Executive Board deems reasonable and proper. Where the penalty for any violation found is expulsion from membership, such penalty

may be appealed to the next regular meeting of the Local Union, where a two-thirds (2/3) vote of those members present and voting shall be necessary to sustain expulsion.

**Section 4. a.** Any decision of the Local Union Executive Board must be approved or rejected by the membership. After such action has been taken, any aggrieved party may appeal to the International Union Executive Board at its next meeting. Such appeal must be filed in writing with the International Secretary-Treasurer within twenty (20) days after any final decision of the Local Union Executive Board (or vote of the membership in cases of expulsion), and must state the basis of such appeal with reasons why the decision of the Local Union Executive Board, or membership, should be reversed or set aside.

**b.** Upon receipt of any such appeal, the International Secretary-Treasurer shall notify the Local Union Executive Board and provide copies of appeal papers to it. The Local Union Executive Board, or any party affected by such decision, shall have a right to state reasons in writing within twenty (20) days after receipt of a copy of appeal papers

why such decision should be modified, upheld or set aside by the International Union Executive Board. The International Union Executive Board shall dispose of such appeal upon the record and documents before it by majority vote and shall have the authority to affirm, set aside, or modify the decision of the Local Union in any manner considered reasonable and proper.

**c.** Within thirty (30) days after receipt of any decision of the International Union Executive Board, any aggrieved party may file an appeal to the next regular Convention of the International Union by filing a notice of appeal in writing with the International Secretary-Treasurer. Any such appellant shall have the right to appear before any appeals committee that may be set up by the Convention but

not before the Convention itself, except with the Convention's consent. In any case, there shall be no resort to a court of law until all relief within the International union under its Constitution has been exhausted.

**Section 5.** In the event a defendant does not appear for trial, the trial shall proceed upon proof that sufficient notice of the time and place set for the trial was given to the defendant. The defendant shall be notified of the verdict.

## **ARTICLE XVII** ***Applicants***

**Section 1.** No applicant shall be barred from membership in the Union because of race, color or creed.

**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 the Office and Professional Employees International Union, Local No. 32, and of the International Union”.*

## **ARTICLE XVIII** ***Procedure at Meetings***

**Section 1.** The President of this Union shall act as Chairperson at all regular or special meetings of the Membership and Executive Board. Except as otherwise provided in this Constitution and By-laws, Robert’s Rules of Order Revised shall apply at all meetings of this Union.

**Section 2.** It is provided further that any member requesting the floor from the Chairperson shall make that request by stating their 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;
- d.** Holding membership or working in the interests of any Communist, Fascist or Nazi organization or of any organization engaged in subversive activity.

**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 preferred.

**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 By-laws.

## **ARTICLE XX**

### ***Withdrawal and Military Service Cards***

**Section 1. a.** Any member of the Union leaving the jurisdiction of this Union or the International Union may apply to the Executive Board for a withdrawal card. However, no withdrawal card can be issued unless the member has paid dues up to and including the month during which the withdrawal card is requested; and provided further, that such member is in good standing with this Union and the International Union.

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

**c.** Whenever any member is not in the employment of any employer who bargains with this Local Union or the International Union, the Local Union shall issue a withdrawal card to such member, subject to the provisions of this section. This subsection shall not apply to any member who holds office in, or is employed by, the International Union, any of its Local Unions or councils, any federation or council of labor organizations with whom the International Union or any of its Local Unions is affiliated, or any member entitled to benefits under any health, welfare, or pension plan whose continued

coverage is conditioned upon Union membership, or to any member who, in the regular course of employment has become retired, or to any unemployed member seeking dispatch to a Union job through the facilities of the Local Union.

**Section 2.** Upon deposit of a withdrawal card, eligibility to vote or to run for office shall be the same as provided for in Article V and IX governing the rights and privileges of members.

**Section 3.** Any person bearing a withdrawal card shall not be entitled to participate in the operation of this Union. A person bearing a withdrawal card who has complied with the conditions of same, shall, upon resuming and commencing work within the jurisdiction of this Union, deposit such card and shall be admitted to membership in this Union without the payment of any initiation or other fee.

**Section 4.** Withdrawal cards shall be issued by the Secretary-Treasurer of this Union, and monthly reports of all such cards issued, deposited or cancelled shall be made to the Secretary-Treasurer of the International Union.

**Section 5.** Members entering the armed services of the United States or Canada 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 this 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 this Union, whichever occurs first, except that such persons shall only accrue rights to benefits to the extent determined by this Union.

**Section 6.** All withdrawal and military service cards shall be secured by this 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 2/3 majority vote of such employees present at a meeting called for this purpose and which vote shall be conducted by secret ballot; provided, further, that at a meeting of the Local Union—which all members have been notified and called for the purpose of discussing the proposed strike—a 2/3 majority of those present shall have voted by a secret ballot to

confer blanket or other authority upon its Executive Board to call any or all strikes; and provided finally that approval of the President of the International Union shall be obtained.

**Section 2.** Strikes against any employer, or employers, may be terminated if a majority of the members of this Local Union employed by such action is concurred in by a majority of the members of this Local Union or the Executive Board of this Local Union present at a regular or special meeting of either, voting by secret ballot.

## **ARTICLE XXII** ***Vacancies in Office***

In the event any vacancy is created by the resignation or removal of an official of the Union, 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 By-laws, 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 Executive Board; 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 and the Canadian Labour Congress and/or the Office and Professional Employees International Union.

**Section 3.** Delegates to the aforesaid central labor organizations, councils, departments or federations shall be appointed by the Executive Board.

**Section 4.** Each delegate to a 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, unless the Local Union has been functioning (the period when a Local Union shall be deemed to be “functioning” shall be that commencing with the first month for which per capita tax payments are regularly made) for less than one (1) year, in which case such delegate must have been in good standing during the period that the Local Union has been so functioning.

**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 By-laws, 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 Union 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 twenty-five percent (25%) of the 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 read at the next membership meeting. There can be no vote or discussion 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 shall be required to constitute acceptance of the proposed amendment to this Constitution and By-laws except as provided in Article XII, Section 4 a. herein.

**Section 4.** No amendment to this Constitution and By-laws shall take effect until the approval of the President of the International Union has been secured.

**AMENDED ON MARCH 30, 2007**