

LOCAL UNION CONSTITUTION AND BYLAWS  
OF THE  
OFFICE AND PROFESSIONAL  
EMPLOYEES INTERNATIONAL UNION  
LOCAL UNION NO. 12



November 2022

CERTIFICATION

This certifies that the membership of this Local Union did regularly adopt and the President of the Office and Professional Employees International Union did grant to this Local Union approval of this Constitution and Bylaws with the modifications contained herein as of the date indicated below and that this is a current and correct copy of said Constitution and Bylaws.

Attested to this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

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(LOCAL UNION SECRETARY-TREASURER)

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CONSTITUTION AND BYLAWS  
FOR OPEIU LOCAL UNION NO. 12

ARTICLE I  
Preamble

This Local 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 and benefits; 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 (AFL-CIO) and to have, in general, the same aims and purposes as the Office and

Professional Employees International Union (International Union or OPEIU) provides for in its Constitution in the interests of all professional, technical, office and clerical employees.

ARTICLE II  
Name

This organization, located in the Twin Cities Metropolitan Area, Minnesota, shall be known as Office and Professional Employees International Union, (OPEIU), Local Union No. 12. This Local Union shall be and remain a chartered Local Union of the International Union affiliated with the AFL-CIO.

ARTICLE III  
Existence

This Local Union cannot be dissolved while there are one hundred (100) dues-paying members therein who desire to continue its existence. When this Local Union ceases to represent employees of any employer, the International Union Executive Board may suspend the charter of this Local Union and order it dissolved. Upon the dissolution of this Local Union, all of 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 Local 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 Local Union shall embrace within its membership employees in any phase of professional, technical, office, clerical and related work in the commonly accepted sense of those terms working within its jurisdiction established under the Constitution of the International Union.

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

ARTICLE V  
Membership

SECTION 1. No person shall be admitted to membership in this Local Union who advocates principles or lends support to organizations or movements whose purposes and objectives are contrary to the policies of the International Union. No person based upon employment with the same employer shall simultaneously hold membership in this Local Union and another Local Union of the International Union. No person may transfer membership from another Local Union of the International Union to this Local Union without written approval of the President of the International Union, unless such a transfer is the result of a change in employment from one bargaining unit or another OPEIU Local Union to another such unit represented by this Local Union.

SECTION 2. Members shall hold membership in this Local Union through the bargaining unit where they are employed or were last employed, except for members employed by the International Union or one of its subordinate bodies, this Local Union or any Council or other federation of Local Unions, who shall hold membership in this Local Union as may be determined by the President of the International Union. Where a member works within the jurisdiction of this Local Union and another Local Union of this International Union at the same time, such member shall hold membership in this Local Union if such member worked under the jurisdiction of this Local Union first; provided, however, that where such member is employed under the jurisdiction of another Local Union first, such member shall hold membership in that Local Union and shall pay a fee equal to the applicable dues to this Local Union and this Local Union shall pay a fee equal to the applicable per capita to the International Union.

SECTION 3. All officers and full-time paid representatives and 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 active 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 Unions; 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 he/she holds membership, and that decision may be appealed to anybody 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; 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 who has not retired from the position that made them eligible for active membership.

(b) Any individual who retires from their employment within a collective bargaining unit or other unit of employees represented by or affiliated with this Local Union, who is also any officer of the International Union, this Local Union or any Council or other federation of Local Unions, affiliated with the International Union is eligible to continue to be an active member of this Local Union as long as that individual continues to be an officer of the International Union, this Local Union or any Council or other federation of Local Unions. When such an individual is no longer such an officer, that individual will not be eligible to be an active member.

(c) Receipt by this Local Union of the current dues and the required initiation fee 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.

(d) 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 or indefinitely suspended 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 Associate membership provided for in this Article, if eligible, or (3) to apply for a withdrawal card.

(e) 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 Constitution and By-Laws and the Constitution of the International Union.

(f) Applicants for membership in this Local Union shall be required to fill out an application and authorization card. Members becoming three (3) months delinquent in dues payment are automatically suspended.

**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 the 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 member. 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 is due, but not in excess of the applicable per capita.

(b) Non-active members may attend and address meetings of this Local Union at the discretion of the Local Union President. 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 office or Executive Board position or be elected a delegate to the International Union Convention.

**SECTION 7. ASSOCIATE MEMBERSHIP.** (a) Local Union may establish an associate membership classification which is consistent with any action concerning an associate membership classification taken by the Executive Board of the International Union.

(b) Associate members may attend and address Local Union meetings at the discretion of the Local Union President. 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 office or Executive Board position or be elected a delegate to the International Union Convention.

(c) Associate members must pay the monthly dues as established by this Local Union.

SECTION 8. Persons wishing to appeal a decision made by an officer of this Local Union concerning the membership status of an individual may do so by appealing to the Local Union Executive Board within twenty (20) days of the officer's decision. The appeal must be written and sent to the Local Union Executive Board. The Local Union Executive Board will review and decide the appeal at its next regularly scheduled meeting, but it may conduct a special meeting to take up the appeal before that time.

SECTION 9. Persons wishing to appeal the decision of the Executive Board concerning the membership status of an individual may do so by appealing to the Local Union membership within twenty (20) days of the Executive Board's decision. The appeal must be written and sent to the Local Union Executive Board. The Local Union membership will review the appeal at the next regularly scheduled membership meeting, but a special membership meeting may be held to take up the appeal if called for as provided in Article VI, Section 3.

SECTION 10. Any action or decision by this Local Union, its officers, Executive Board or committee concerning membership status can be appealed by either a person whose membership has been affected or a person who raised the issue of membership status to the International Union Executive Board after the matter has been addressed by the Local Union Executive Board and Local Union membership. Persons wishing to appeal from such a ruling of the Local Union membership to the International Union Executive Board must follow the OPEIU Appeal Procedure stated in the OPEIU Administrative Policies and Procedures. A copy of the OPEIU Appeal Procedure may be obtained by contacting the Secretary-Treasurer of the International Union.

## ARTICLE VI Membership Meetings

SECTION 1. Regular meetings of the membership of this Local Union shall be held at a minimum of five (5) times per year during the months of January, March, May, September and November on a date, at a time and place designated by the Executive Board. The Local Union will post a notification of all regular meetings on the Local 12 website(s) and via email.



SECTION 2. Seven (7) members in good standing shall constitute a quorum for any regular or special membership meeting. No membership meeting shall be called to order unless such quorum is present, with the exception of membership meetings which are called for the nomination and election of officers, for which there is no quorum required.

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

SECTION 4. The Recording Secretary shall send out notices of any special membership meeting, stating the purpose for such meeting, to all members at least five (5) days before it convenes. Such notice may be sent by email to those members for whom this Local Union believes it has valid and active email addresses. The Local Union shall mail written notice of a special membership meeting to those members for whom this Local Union does not have email addresses. No other business shall be transacted at such special membership meeting other than as stated in the notice sent by the Recording Secretary.

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 membership meeting held pursuant to the provisions of this Constitution and Bylaws.

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

## ARTICLE VII STAFF DIRECTOR

SECTION 1. In the event the local hires for this position, the Staff Director shall be a full-time paid employee of Local 12. This position reports to and is under the direct supervision of the Local 12 Executive Board.

SECTION 2. The Staff Director shall be responsible for the organizational activities of this Local Union including:

- (a) Negotiating agreements assisted by a negotiating committee elected by those members of the group covered by the agreement above, if they so desire;
- (b) Enforcement of the Local 12's working agreements and attending to controversies between the members of this Local Union and their Employers.

(c) Organizing new bargaining units.

SECTION 3. The Staff Director shall make efforts to induce all persons working under the jurisdiction of Local 12 to become members of Local 12 and see that all members live up to the laws of this Local Union.

SECTION 4. (a) The Staff Director shall attend Executive Board meetings but shall not be a member there of.

(b) The Staff Director shall attend and submit a report at each regular membership and Executive Board meeting.

(b) ©The Staff Director shall implement policy decisions established by the Executive Board and membership.

(b) The Staff Director shall recommend the number of permanent positions for Representatives, Organizers, and clerical staff she/he deems necessary or desirable, subject to ratification by the Executive Board and the membership.

(b) ©Employees of Local 12 shall work under the direct supervision of the Staff Director.

SECTION 5. (a.) When an Organizer or Representative position opening occurs, the membership is to be notified that applications will be accepted for a period of fifteen (15) days. Outside applications will be solicited and accepted for the same fifteen (15) day time period. If qualifications are equal, preference will be given to member applicants. Timelines will be extended if necessary.

(b.) The Staff Director shall be assisted in the interviewing process by the Personnel Committee. Committee members shall be paid for their actual expenses and lost time at meetings. The Staff Director shall hire said Union Representatives and Organizers.

(c.) Staffing emergencies shall be relieved on a temporary basis with the approval of the Executive Board at a Special Executive Board meeting.

SECTION 6. (a.) The Staff Director shall keep the original signed copy of each agreement entered into by this Local Union on file in the Local 12 office. Copies shall be available for inspection by any employee covered by said contract.

(b.) The Staff Director shall file a copy of all collective bargaining agreements entered into by this Local Union with the President of the International Union.

## ARTICLE VIII Officers and Trustees Duties

SECTION 1. (a.) This Local Union shall have the following officers: President, Vice President, Secretary-Treasurer, Recording Secretary, and six (6) Executive Board members.

(b.) All officers and employees of this Local Union shall be bonded under a bond approved by the Secretary-Treasurer of the International Union. Such bond shall be no less than \$25,000 or 10% of the assets and receipts of this Local Union, whichever is greater. Local Union Stewards who handle funds or other property of the Local Union are also subject to this bonding requirement. The Local Union's Secretary-Treasurer will contact the International Union Secretary-Treasurer to acquire the appropriate bond(s).

(c.) Where necessary, every officer and employee of this Local Union, other than an employee performing exclusively clerical or custodial services, shall file with the Secretary of Labor, U.S. Department of Labor, a signed LM-30 report, 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 there under.

SECTION 2. President. (a.) The President shall preside at all general membership meetings of this Local Union and Executive Board meetings; shall preserve order during deliberations at such meetings; appoint all committees whose composition is not otherwise ordered; transact such other business as may of right pertain to the office of the President and which may be necessary to the proper functioning of this Local Union; and shall have such other powers and duties as are provided for in this Constitution and Bylaws. The President shall be an ex-officio member of all Standing and Special Committees established by the Executive Board.

(b.) In the event the Staff Director position is unfilled, supervision will be determined by the President in consultation with the Executive Board.

(c.) The President will communicate with the Recording Secretary on agenda items and any other communications in advance of meetings.

SECTION 3. Vice President. (a.) The Vice President shall perform the duties of the President in the absence of that officer, and, in the case of resignation, removal, forfeiture of office 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 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 duties of the office of President. 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 Local Union's Constitution and Bylaws.

(b.) The Vice-President shall act as Chairperson of the Trustees and is required to call no less than monthly meetings of the Trustees. The Vice-President shall have the right to require the presence of all necessary officers at such meetings including the Secretary-Treasurer.

SECTION 4. Secretary-Treasurer. (a.) The Secretary-Treasurer shall keep all financial accounts of this Local Union maintain correct and proper accounts of all its members; collect all financial obligations due from members of this Local Union; make all disbursements for this Local Union as provided for in Article XIII of this Constitution and Bylaws; keep a correct record of all moneys received and expended by this Local Union; 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 this Local Union.

(b.) The Secretary Treasurer or their duly authorized representative shall deposit all funds of this Local Union in a bank, credit Union or other financial institution approved by this Local Union's Executive Board, with insurance provided by the Federal Deposit Insurance Corporation or the National Credit Union Administration, in amounts not to exceed the maximum insurable amounts provided by these agencies.

(c.) The Secretary-Treasurer shall submit all books and records to the Trustees for review and approval as provided for in Article VIII, Section 6(a) of this Constitution and Bylaws and whenever called upon to do so. Such records shall include copies of at least the front of all checks containing the required signatures of the Local Union officers. Upon written request of the majority of Trustees, the Secretary-Treasurer shall provide the Trustees with copies of both the front and back of any check for review.

(d) Upon the expiration of term of office, the Secretary-Treasurer shall turn over to the successor all properties and assets, including funds, books, all online and other account login and password information, and records of this Local Union. Before turning over such properties and assets to the successor, the Secretary-Treasurer must see to it that each successor is properly bonded. The Secretary-Treasurer shall turn over all properties and assets, including funds, books, all online and other account login and password information, and records, to the Secretary-Treasurer of the International Union or the duly authorized representative when properly called upon to do so.

(e) 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 (15th) day of the following month after which dues are collected by this Local Union. 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. The Secretary-Treasurer shall be required to include in each monthly report the name and address of all newly initiated and reactivated members, members who have withdrawn, died, or have been suspended, including members automatically suspended upon becoming three (3) months delinquent in dues, or expelled, and the names of all persons to whom working permits were issued during the month.

(f) The Secretary-Treasurer or any duly authorized representative of this Local Union shall sign each collective bargaining agreement negotiated by representatives of this Local Union.

(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 regularly, 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 and 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 g 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 accurately disclose this Local 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, allowances, 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 and any other labor organization affiliated with this Local Union or with which it is affiliated, or which is affiliated with the International 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 this Local Union 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 required to be contained in the above-described report to all of this 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 for at least five (5) years after the filing with the Secretary of Labor, U.S. Department of Labor, of the documents based on the information which the records contain. The Secretary-Treasurer shall turn over to the successor of the office all such records to be kept until they are at least five (5) years old. The Secretary-Treasurer shall turn over to the successor all of the Local Union's books and records in possession of the Secretary-Treasurer.

(l) On January 1st and July 1st of each year, the Secretary-Treasurer shall provide to the International Union Secretary-Treasurer a current listing of the Local Union's active, non-active and associate members in good standing including names, home address, and if known to this Local Union, home telephone numbers and e-mail addresses.

SECTION 5. Recording Secretary. (a) The Recording Secretary shall keep the minutes of all meetings and proceedings of this Local Union and the Executive Board, and shall send out all meeting and other notices called for by this Constitution and Bylaws.

(b) The Recording Secretary shall keep copies of all collective bargaining agreements at the Local Union office (if one exists) so that they will be available for inspection by any 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 Local Union with the President of the International Union.

SECTION 6. Trustees. (a) The Trustees shall review all the books and records of the Local Union's Secretary-Treasurer at least monthly and shall report the results of each such review in writing to the Local Union and to the Secretary-Treasurer of the International Union. As Provided for in Article VII, Section 4(b)(2), such records shall include a review of copies of at least the front of all checks containing the required signatures of the Local Union officers. Upon written request of the majority of the Trustees, the Secretary-Treasurer shall provide the Trustees with copies of the front and back of any check for review. In conducting such reviews, the Trustees shall meet at the designated time with the Vice President of this Local Union who will act as Chairperson of the meeting.

(b) The Trustees shall report the results of each review to the Local Union Executive Board and to the Secretary-Treasurer of the International Union. Following the submission of each Trustee's report to the Local Union Executive Board, each report shall be read at the next regular membership meeting and shall be available for review upon written request to the Local Union's Secretary-Treasurer.

(c) All books and financial records shall be audited annually by a CPA or LPA. Copies of each such audit shall be provided to the Local Union Executive Board, be available for review at the first regular membership meeting following its receipt and must be sent to the Secretary-Treasurer of the International Union within fifteen (15) days of receipt.

## ARTICLE IX Executive Board

SECTION 1. The Executive Board shall consist of the President, Vice President, Secretary-Treasurer, Recording Secretary and six (6) Sector Representatives of which three (3) Sector Representatives shall be appointed by the Executive Board to serve in a dual capacity of Sector Representative/Trustee.

SECTION 2. Each member of the Executive Board shall have one (1) vote except the President of this Local Union. The President shall act as Chairperson of the Executive Board and shall have a voice but no vote, except when the President's vote would affect the outcome, in which case the President can either vote and thereby change the results or can abstain.

SECTION 3. A majority of members of the Executive Board shall constitute a quorum, and such quorum shall have the power to transact all business of the Executive Board. Regular meetings of the Executive Board shall be held on the first Wednesday of each month at 6:00 o'clock P.M., unless a different day and or time is voted on and approved by the Executive Board. 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 Executive Board. All members of the Executive Board shall be given reasonable notification by the Recording Secretary of any meeting of the Executive Board. Special meetings of the Executive Board may be conducted by telephone conference call or electronic means.

SECTION 4. The Executive Board shall conduct the affairs of this Local Union in the intervals between membership meetings. The Executive Board is empowered to authorize and perform all acts for the conduct of this Local Union's business between 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 representatives or temporary organizers for a period of time to be determined by the Executive Board but not to exceed the term of the Executive Board. The Executive Board shall determine the compensation for such services.

SECTION 7. The Executive Board shall have the power to add representatives to the Executive Board from large bargaining units and/or sectors represented by this Local Union of one hundred fifty (150) members or more that are organized during their term of office, providing such Executive Board representatives shall be elected by secret ballot of the newly organized bargaining unit members.

SECTION 8. In the event that a large unit as described in Section 7 fails to secure the election of a representative to the Executive Board, the Executive Board shall appoint to the Executive Board a member of said group to serve for the then current term. Such representative shall have a voice but no vote on the Executive Board.

SECTION 9. The Executive Board or committee consisting of an odd number of at least three (3) members of the Executive Board appointed by the President of this Local Union shall act as a Trial Board of this Local Union.

SECTION 10. The Executive Board shall authorize employment of staff as it deems necessary for the proper conduct of this Local Union's business and shall determine the compensation for such employees.

SECTION 11. The Executive Board shall have the authority to consummate collective bargaining agreements covering Organizers and Union Representatives and appropriate compensation and personnel policies for non-represented staff and the Staff Director.

SECTION 12. Upon expiration of the Agreement for Organizers and Union Representatives and compensation/personnel policies for non-represented staff and the Staff Director, the Personnel Committee shall represent the Local Union in these negotiations.

SECTION 13. Any member of the Local Union's 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 XX, 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 for the balance of the unexpired term.

SECTION 14. Executive Board stipends shall be paid quarterly.

## ARTICLE X ELECTIONS

SECTION 1. It shall be the aim of this Local Union to elect to Local Union office the most capable members of the various groups comprising the membership of this Local Union.

SECTION 2. Elections of this Local Union which are conducted pursuant to Article IX are to be conducted in accordance with Title IV of the Labor Management Reporting and Disclosure Act of 1959 (LMRDA), the Election Regulations promulgated by the United States Department of Labor pursuant to Article IV of the LMRDA and as provided in this Constitution and Bylaws. The Election Regulations are published at Title 29, Part 452 of the Code of Federal Regulations.

SECTION 3. No person 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, any felony involving abuse or misuse of such person's position or employment in a labor organization or employee benefit plan to seek or obtain an illegal gain at the expense of the members of the labor organization or the beneficiaries of the employee benefit plan, or conspiracy to commit any such crimes or attempt to commit any such crimes, or a crime in which any of the foregoing crimes is an element, shall serve or be permitted to serve as an officer, director, trustee, member of the Executive Board or similar governing body, business agent, manager, organizer, employee (other than as an employee performing exclusively clerical or custodial duties) or representative of this Local Union during or for the period of thirteen (13) years after such conviction or after the end of such imprisonment, whichever is later, unless the sentencing court on the motion of the person convicted sets a lesser period of at least three (3) years after such conviction or after the end of such imprisonment, whichever is later, or unless prior to the end of such period, in the case of a person so convicted or imprisoned, (A) the citizenship rights, having been revoked as a result of such conviction, have been fully restored, or (B) the appropriate judicial officer as set forth in Section 504(a) of the Labor Management Reporting and Disclosure



Act of 1959 determines that such person's service in any capacity referred to above would not be contrary to the purposes of the Labor Management Reporting and Disclosure Act of 1959.

SECTION 4. The officers of this Local Union and the members of the Local Union Executive Board 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 this Local Union to be held in March 2025, March 2028, March 2031 and every three (3) years thereafter.

SECTION 5. Nomination for all Local Union offices shall be declared open at the regular or special membership meeting to be held in the month of January 2025, January 2028, January 2031, and every three (3) years thereafter. Nominations may only be made by active members in good standing of this Local Union at the time of the nomination either in person or through written communication to this Union Executive Board. All persons validly nominated shall indicate their acceptance or declination (1) verbally if present at the meeting, otherwise (2) in writing within two (2) days after such nomination. If no response to the nomination is received within this time frame, the nomination will be considered declined. No person may accept the nomination for more than one office or Executive Board position in an election. If a person accepts nomination for more than one office, said person will have to decline the nomination for one of the positions for which said person was nominated. If said person refuses to decline nomination for one of the two positions for which said person was nominated, that person shall be declared ineligible to run for office. If only one candidate (i.e., an eligible member who has been validly nominated and timely accepts the nomination) is duly nominated for an office, that candidate shall be declared elected by acclamation.

SECTION 6. (a) If any candidate for any Local Union office resigns or is suspended from membership in the Local Union, dies or becomes permanently incapacitated between the time of the close of nominations and the completion of voting, the nomination process for such office will be deemed null and void and new nominations will be conducted prior to the election for that office.

(b) If between the completion of voting and the installation of officers, a prevailing candidate for any Local Union office resigns or is suspended from membership in the Local Union, dies or becomes permanently incapacitated, the election results for that office will be deemed null and void and new nominations will be conducted for that office and a new election held to perform the duties of the office for which they have been nominated or elected. Such medical condition must be certified in a written opinion by a licensed physician.

SECTION 7. The elections shall be conducted via mail-in ballot, at least fifteen (15) days prior to the date in March, in each election year as set by the Election Board, to count the ballots. The returned ballots must be received by the Election Board no later than 9:00 A.M. the day the ballots are counted. The Election Board shall rent a post office box to receive the mail ballots for the election.

SECTION 8. No member of this Local Union shall be permitted to vote unless that member is an active member in good standing as defined in Article V in this Local Union at the time of the election.

SECTION 9. No person shall be nominated, elected or appointed to a Local Union office or as an Executive Board member of this Local Union unless such person has been an active member of this Local Union in continuous good standing for at least the preceding twelve (12) months.

SECTION 10. No member shall simultaneously be a candidate for or hold more than one (1) of the offices specified in Section 1(a) of Article VIII.

SECTION 11. The names of all candidate(s) may be placed on the ballot by slate designation for each office. However, a candidate will have the right to run as an independent candidate.

SECTION 12. The candidate(s) receiving the greatest number of votes for the respective offices shall be declared elected.

SECTION 13. No votes for any member who is not a candidate listed on the ballot may be counted by the Election Board (e.g., no sticker or write-in candidates allowed).

SECTION 14. There shall be no voting by proxy.

SECTION 15. All officers and Executive Board members shall be installed at the next regular membership meeting of this Local Union to be held following an election and shall assume office immediately after such installation. 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 time devote my efforts to further the objectives and best interests of my Union.”

SECTION 16. The Recording Secretary of this Local Union shall provide a notice or notices of the nomination and election of officers to all members in good standing not less than fifteen (15) days prior to such nomination or election by mailing said notice(s) to their last known home address. A reasonable effort must be made to keep the membership mailing list of this Local Union current. The notice of nomination and the notice of election provided for in this Article may be combined into a single notice provided that all requirements for providing such notices are met.

## ARTICLE XI Election Board

SECTION 1. An Election Board of three (3) members in good standing shall be elected at the membership meeting after nominations have been closed. One member shall be elected as Chairperson. The Election Board shall have the right to appoint any clerical help required. No nominee or candidate for office shall be eligible to be a member of the Election Board. Any Vacancy on the Election Board shall be appointed and approved by the Executive board.

SECTION 2. (a) The Election Board is charged with the duty of conducting the regular election of officers and Executive Board members of this Local Union. It shall make such regulations as shall assure the members of a fair and honest election conducted in compliance with applicable law.

(b) A majority of the Election Board must be present to receive the contents of the Post Office box designated for the returned of cast ballots.

(c) Any candidate shall have the right to be or have an observer at the Post Office of the ballot retrieval, and at the counting of the ballots, provided that the identity of the observer and the candidate for whom the observer shall serve has been designated in writing to the Election Board. Only members in good standing of this Local Union shall be eligible to serve as observers.

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 said status with lists to be supplied by the Secretary-Treasurer.

SECTION 5. After an election has been held and a written report of the results has been rendered by the Election Board, all election records and ballots shall be turned over to the Secretary Treasurer for safekeeping among the records of this Local Union for not less than one (1) year.

SECTION 6. (a) A recount of the ballots cast in some or all of the positions contested at an election may be requested by presentation to the Executive Board of a petition signed by fifty (50) members of this Local Union in good standing specifying the officer positions for which the votes should be recounted. The petition must be presented to the Executive Board within fourteen (14) days after the Election Board renders its election report, and this petition shall enumerate the reasons why such members believe such recount(s) should be held. The President shall call a special meeting of the Executive Board to consider such petition and the meeting shall be held no later than fourteen (14) days after receipt of the recount petition. If, at this meeting, the Executive Board rules that a recount(s) should be held, it shall instruct the Election Board to conduct such recount(s). If the Executive Board denies any part of a recount petition, it shall make a report of its ruling to the next regular or special membership meeting. It shall require a majority vote of those members in good standing present at the membership meeting to reverse all or any part of the Executive Board's decision regarding the recount petition. If the membership reverses any or all parts of the Executive Board's decision, the Election Board shall conduct the specified recount(s).

(b) Any candidate for an office for which a recount has been requested shall be permitted to attend all meetings of the Election Board as an observer, including any recounting of ballots. The Election Board shall report its findings to the membership at the next regular or special membership meeting. If a report of the Election Board declares that their tabulation shows that a previously declared defeated candidate(s) has actually been the recipient of the greatest number of votes cast for that office, such candidate(s) shall be declared elected.

SECTION 7. (a) Any member seeking to file a protest concerning any facet of the nomination or election process may file a written protest stating all grounds on which the protest is based with the Election Board. All protests must be filed within ten (10) days of the ballot count. All protests regarding any recount of ballots must be filed within ten (10) days of the recount. Within ten (10) days of receipt of the protest, the Election Board must issue a written ruling on the issues raised in the protest.

(b) Any or all of the members who filed the original protest or any candidate adversely affected by the decision of the Election Board, may appeal the Election Board's decision to the Local Union Executive Board within ten (10) days of receipt of the decision by the Election Board. The Executive Board may sustain, modify, or reverse the decision of the Election Board. The Executive Board shall render a decision on the appeal no later than at its next regular meeting, and that decision shall be fully explained in writing and sent to each appealing member, all involved candidates and the Election Board within seven (7) days after that meeting.

(c) Any or all of the members who filed the original protest or any candidate adversely affected by the Executive Board's decision may appeal the Executive Board's decision to the membership. Said appeal must be in writing and must be received by the Secretary-Treasurer of this Local Union within ten (10) days after receiving the decision of the Executive Board. The membership will consider the appeal at the first membership meeting of the Local Union that is held at least fifteen (15) days after the Executive Board's decision. By a secret ballot vote of the majority of the members present and voting, the membership may sustain, modify, or reverse the decision of the Executive Board.

SECTION 8. Any or all the members who filed the original protest or any candidate adversely affected by the membership's decision may appeal the membership's decision to the International Union Executive Board using the OPEIU Appeal Procedure found in the OPEIU Administrative Policies and Procedures. Copies of those procedures may be obtained by contacting the office of the Secretary-Treasurer of the OPEIU. Said appeal must be received no later than thirty (30) days after the membership's decision and must otherwise conform with the OPEIU Appeal Procedure.

SECTION 9. The candidates that the Election Board declares elected shall be installed into office as provided for in Article IX, Section 15 and shall retain their offices so long as proceedings involving a recount petition, election protest and/or related appeals remain pending, unless the International Union Executive Board determines otherwise.

## ARTICLE XII Election Offenses

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

suspension or fine by the Trial Board. All rulings of the Trial Board are subject to appeal as provided for in the International Union's Uniform Disciplinary Procedure and Appeal Procedure found in the OPEIU Administrative Policies and Procedures. Copies of those procedures may be obtained by contacting the office of the Secretary-Treasurer of the International Union.

### ARTICLE XIII Finances

SECTION 1. (a) Dues of this Local Union are due and payable on the first day of each month and for members working full-time shall be equal to two (2) hours pay per month rounded to the nearest dollar, plus an additional nine dollars and fifty cents (\$9.50) per month not to exceed a total dues rate of fifty-three dollars (\$53.00) per month. The minimum dues rate shall be twenty-eight dollars (\$28.00) per month. Dues rates shall be subject to increases as mandated by the International Union Convention.

(b) The monthly cap will increase according to the following schedule:

January 1, 2023 \$56/month  
January 1, 2024 \$59/month  
January 1, 2025 \$63/month

SECTION 2. Any former member of a union affiliated with the AFL-CIO and Canadian Labour Congress not under the jurisdiction of the International Union who accepts employment under the jurisdiction of this Local Union shall, 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 the current month's dues, if accepted for membership in this Local Union, be inducted into this Local Union, without payment of any initiation fees. Any such evidence of such an applicant shall be surrendered to the Secretary-Treasurer of this Local Union, who shall forward same to the Secretary-Treasurer of the International Union in lieu of initiation fees on such applicant. This section shall only apply to unions affiliated with the AFL-CIO, which have a reciprocal plan of accepting withdrawal cards from Locals of the OPEIU in lieu of an initiation fee.

SECTION 3. Any member who becomes three (3) months delinquent in dues payments shall be automatically suspended and no longer be an active member in good standing. Such suspended member must pay a reinstatement fee of sixty dollars (\$60.00), together with all dues owed up to and including the current month before good standing status can be regained in this Local Union.

SECTION 4. All proposals for increases of dues or initiation fees must be presented to the Executive Board. If the Executive Board approves such increases of dues or initiation fees, the motion shall be incorporated in its minutes to be read at the next membership meeting. There can be no vote or discussion on the subject of the dues or initiation fee 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 of the members in good standing, shall be required to constitute acceptance of the proposed dues or initiation fee

increase. Notice of such meeting shall be given to all members in good standing by the Recording Secretary not less than fifteen (15) days prior to the date of such meeting.

SECTION 5. No initiation fee shall be required by this Local Union of any person called to active duty in 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 being discharged, provided such discharge is other than a dishonorable discharge and provided same is the person's initial employment following such service.

SECTION 6. This Local Union may enter into an agreement with the International Union where all its revenue may be transmitted to the International Union which will make all reasonable and customary disbursements on behalf of this Local Union. Such agreement may be canceled at any time upon written notice by this Local Union to the International Union, or to the Local Union by the International Union.

#### ARTICLE XIV Use of Funds

SECTION 1. The funds of this Local Union cannot be divided in any way among individual members.

SECTION 2. Expenditures of this Local Union shall only be for valid purposes of the Local Union. The Local Union's general fund shall be used for the payment of expenses incurred by this Local Union on behalf of its membership, primarily for organizing, defense, service and contract administration, and as a depository for its monies.

SECTION 3. All expenditures shall be made by check or other disbursement of funds signed or authorized in writing by the Secretary-Treasurer and countersigned or authorized in writing by the President or a third officer who may be designated by this Local Union to countersign a check or other disbursement of funds.

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

SECTION 5. The per capita, initiation fees, reinstatement fees, Strike Benefit and Defense Fund, Convention Fund, Education Fund, Scholarship Funds, AFL-CIO State Federation per capita and other obligations owed by this Local Union to the International Union shall constitute a preferred claim and must be paid promptly by this Local Union each month prior to the payment of any other obligation of this Local Union.

SECTION 6. The President and Secretary-Treasurer shall have the authority to spend up to \$500 for union business related expenses that require an immediate need without prior ratification from the Executive Board. Such expenses will be ratified at the following Executive Board meeting.

ARTICLE XV  
Prohibited Activities

SECTION 1. This Local Union may discipline its members or officers only as permitted by law, for violation of the International Union Constitution or this Local Union's Constitution and Bylaws, or for engaging in any activity or course of conduct which is deemed to be contrary or detrimental to the welfare or best interests of this Local Union. The OPEIU Uniform Disciplinary Procedure, which includes rights of appeal to insure full compliance with applicable law, shall be the sole procedure for processing charges against officers or members of this Local Union. The OPEIU Uniform Disciplinary Procedures is available to any member upon request to the Secretary Treasurer of the International Union.

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

- a. Publicizing or giving information about this Local Union's affairs to persons not entitled to such information;
- b. Working for an employer against whom this Local Union has declared a strike or whom this Local Union has declared to be unfair unless permission has been granted by proper officers of this Local Union;
- c. Working for less than the rate of pay providing for by the applicable collective bargaining agreement to which this Local Union is a party;
- d. Failure to appear before this Local Union's Executive Board or Trial Board when ordered to do so;
- e. Obtaining membership through fraudulent means, or by misrepresentation;
- f. Violation of the oath of membership, or oath of office if an officer;
- g. Working in the interests of any organization or a dual union opposed to the interests of this Local Union;
- h. Being present or entering a meeting of members or 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 offices or meeting place of this Local Union;

- i. Causing or participating in a stoppage of work because of any alleged grievance or dispute without the authorization of this Local Union or its proper officers;
- j. Any acts of misconduct which are detrimental to the best interests of this Local Union; or of conduct unbecoming a member of this Local Union; or of violation of any of the provisions of the Constitution and Bylaws of this Local Union or of the Constitution of the International Union.

SECTION 3. Any member who has been found guilty by the Trial Board of any of the above offenses or for violation of this Constitution or the International Union Constitution may be penalized in accordance with the OPEIU Uniform Disciplinary Procedure, which is available through the Secretary-Treasurer of the International Union.

SECTION 4. Any member who has been found guilty of any of the above offenses or for violation of this Constitution and Bylaws or the International Union Constitution, may appeal the decision of the Trial Board using the appeal procedure set forth in the OPEIU Uniform Disciplinary Procedure which can be found in the OPEIU Administrative Policies and Procedures. Copies of such Uniform Disciplinary Procedure are available upon request to the office of the Secretary Treasurer of the International Union.

SECTION 5. In any case involving disciplinary action, there shall be no resort to a court of law until such relief within this Local Union under its Constitution and Bylaws, and within the International Union under its Constitution or other governing documents, has been exhausted.

SECTION 6. None of the foregoing provisions of this Article, including but not limited to the provisions of the OPEIU Uniform Disciplinary Procedure, is applicable to any matter involving delinquency or failure to pay dues.

## ARTICLE XVI Applicants

SECTION 1. No applicant shall be barred from membership in this Local Union because of race, color, creed, religion, disability, age, marital status, military or veteran status, national origin, gender, sexual orientation, gender identity or gender expression.

SECTION 2. All applicants shall take the following oath:

“I, \_\_\_\_\_, pledge my honor before these witnesses to faithfully comply with the Constitution and Bylaws and all amendments thereto of Office and Professional Employees International Union, Local No. 12, and of the International Union Constitution.”





ARTICLE XVII  
Procedure at Meetings

SECTION 1. The President of this Local 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 Bylaws, the latest edition of “Robert’s Rules of Order Newly Revised” shall apply at all meetings of this Local Union.

SECTION 2. Members requesting the floor from the Chairperson shall, when recognized, state their name and place of employment.

ARTICLE XVIII  
Removal of Officials

SECTION 1. In order to commence impeachment proceedings against any official of this Local Union, a petition must be filed with the Executive Board, signed by twenty-five percent (25%) of the active members in this Local Union. The petition shall state the specific offense(s) with which the official is charged, as well as a brief statement sufficient to apprise the members asked to sign the petition and the Executive Board of the charge(s) being proffered.

SECTION 2. The Executive Board or a subcommittee consisting of an odd number of at least three (3) members of the Executive Board appointed by the President of this Local Union 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 3. The Trial Board shall follow the same procedure as provided for in the OPEIU’s Uniform Disciplinary Procedure. Copies of the Uniform Disciplinary Procedure are available upon request from the office of the Secretary-Treasurer of the International Union.

SECTION 4. If the Trial Board finds the charged party guilty, it shall then, by majority vote, determine the proper penalty, which may include removal from office, reprimand, fine, suspension, prohibition from running for office, and/or expulsion.

SECTION 5. All officers, Trustees, Executive Board members, and all members of all standing committees of this Local Union are deemed “officials” within the purview of this Article.

SECTION 6. Any official found guilty by the Trial Board pursuant to proceedings held under this Article, shall have the rights to appeal set forth in the OPEIU Uniform Disciplinary Procedure. Pending any decision on such appeal, the decision of the Trial Board shall become effective upon issuance, unless stayed pending appeal by a majority vote of the Trial Board.

ARTICLE XIX  
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 paid to the International Union and this Local Union, including the current month. Such cards shall be issued as follows:

- a. A withdrawal card shall be issued by this 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 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 Local Union, 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 Local Union, whichever occurs first, except that such persons shall only accrue rights to benefits to the extent determined by this Local Union.

SECTION 3. Withdrawal and military service cards shall be issued by the Secretary-Treasurer of this 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. If permissible under state law, this Local Union may issue work permits to persons employed for periods not to exceed ninety (90) days for work within the jurisdiction of this Local Union in establishments where this 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 this 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 this Local Union's regular monthly dues. Work permits shall be issued by this Local Union's 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 this Local Union from the Secretary-Treasurer of the International Union.

## ARTICLE XX Strikes

SECTION 1. This Local Union shall not call a strike against an employer or employers unless the active members of a bargaining unit of this Local Union employed by such employer or employers conduct a secret ballot vote to call a strike, which must be approved by a majority vote of those

active members held within thirty (30) days prior to the scheduled day of the strike. Prior to taking a strike vote, the members shall be fully informed of and consider the most recent bargaining positions of the employer and this Local Union. Before or after the members vote to call a strike, the Executive Board of this Local Union must vote to grant strike sanction of such strike, and the approval of the President of the International Union shall be obtained before a strike may be commenced. 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.

If this Local Union is or becomes a member of a Council as organized under Article XVII of the International Union Constitution, the International President shall consider the opinion of the Council as to whether or not a strike called by this Local Union shall be sanctioned by the International Union.

SECTION 2. Strikes against any employer, or employers, may be terminated if a majority of the members of this Local Union employed by such employer, or employers, so request by secret ballot.

## ARTICLE XXI Vacancies in Office

SECTION 1. In the event any vacancy is created by the death, disability, resignation, forfeiture of office or removal of an official of this Local Union, except the President as provided for in Article VIII, Section 3(a), the Executive Board shall appoint a successor to fill the balance of the unexpired term no later than at its next regular meeting or if the regular meeting is not scheduled within ten (10) days, then a special meeting called and held within thirty (30) days of the death, disability, resignation, forfeiture of office or removal. Such appointee shall hold office until the next regular election for that office.

SECTION 2. In the event there is an Executive Board vacancy due to a lack of nominees, the position(s) shall be filled in the following manner:

1. An announcement that vacancies exist will be posted on Local 12 website(s) and via email.
2. An announcement will be made at the next General Membership meeting.
3. Nominations will then be accepted for a period of thirty (30) calendar days, to be made via email to the Executive Board at [eboard@opeiu12.org](mailto:eboard@opeiu12.org)
4. If there is more than one nominee for the vacant position(s), the decision will be made by a majority vote of the Executive Board.

## ARTICLE XXII Limitation on Committees

SECTION 1. The President shall appoint all committees unless otherwise ordered by the

membership of this Local Union or otherwise established by this Local Union's Constitution and Bylaws. In case of the absence or inability of a committee member to act, the President shall be empowered to appoint a substitute.

SECTION 2. The Standing Committees of this Local Union shall be as follows:

- a. **ORGANIZING.** This committee shall consist of the chairperson and not less than two (2) members of this Local Union. The functions of this committee shall include assisting this Local Union's staff in the organization of new units, assisting in the formulation in the plan or organization, assisting in the promotion of activity intended to result in the organization of new units, and in general cover within its organizational scope any assistance which directly affects organization or the goodwill of this Local Union.
- b. **GRIEVANCE BOARD.** This committee shall consist of five (5) Executive Board members. An aggrieved member who feels that his/her grievance has not been satisfactorily disposed of may request and shall receive a hearing and decision by the committee.
- c. **CONSTITUTION.** This committee shall consist of the chairperson and not less than three (3) members of this Local Union.
- d. **PERSONNEL COMMITTEE.** This committee shall consist of the President, Vice President, Secretary/Treasurer, and another member of the Local Executive Board appointed by the Executive Board. The functions of this committee shall include staff discipline decisions for discipline above a written warning and serving as the bargaining committee for Local 12 when negotiating staff agreements and other compensation/personnel policies.

SECTION 3. In addition to standing committees and boards established by this Constitution and Bylaws, the Executive Board of this Local Union shall provide for, upon approval of the membership of this Local Union, such other committees as may be proper and necessary to conduct the business of this Local Union.

### ARTICLE XXIII Affiliations and Delegates

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

SECTION 2. This Local Union may be affiliated with central labor organizations, councils, departments or federations chartered by or affiliated with the AFL-CIO and/or the International Union.

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 Local Union. This Local Union will be affiliated with the AFL-CIO State Federation in all States where the members it represents are employed.

SECTION 4. Pursuant to Article XVII, Section 2(a) of the International Union Constitution, if a majority of the members of this Local Union are employed within the jurisdiction of a Council established by the International Union Executive Board, this Local Union shall be affiliated with such Council. Pursuant to Article XVII, Section 2(b) of the International Union Constitution, if a minority of the members of this Local Union is employed within the jurisdiction of a Council established by the International Union Executive Board, this Local Union may choose to be affiliated with such Council.

SECTION 5. Each delegate to a Convention of the International Union must have been in continuous good standing in this Local Union for at least twelve (12) months prior to the convening of the Convention. Each of this Local Union's delegates to an OPEIU Convention shall be selected by a secret ballot vote conducted at a regularly scheduled or specially called meeting of this Local Union's membership.

The President, Vice President and Secretary-Treasurer shall be the accredited delegates to attend the International Union Conventions. The President, Vice President and Secretary-Treasurer shall attend, by virtue of their office, the Region VII Educational Conference and those special conferences which are approved for attendance by this Local Union's Executive Board. Additional attendees, that may be set by this Local Union's Executive Board, shall be nominated and elected at this Local Union's Membership Meeting preceding such Conventions and Conferences. Notification of election shall be issued in advance of this Local Union's Membership Meeting.

SECTION 6. This Local Union's delegates shall attend the meetings or sessions of the body or assembly to which they have been selected, faithfully represent this Local Union and protect its interests, and properly present and support its declared policies and instructions. Said delegates shall report to this Local Union the proceedings of the organization to which they were delegates and perform such other duties as pertain to their status as delegates.

SECTION 7. All delegates to the OPEIU Convention eligible to do so shall elect officers of the International Union.

#### ARTICLE XXIV International Constitution

The Constitution of the International Union shall be the paramount law governing the affairs of this Local Union, and all provision of said International Union Constitution insofar as the same are or may be applicable to the affairs and activities of this Local 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 Union President may otherwise specifically approve.

ARTICLE XXV  
General Provisions

SECTION 1. Copies of all collective bargaining agreements entered into by this Local Union shall be filed at International headquarters, and all such agreements, together with such information as may be necessary for a proper understanding of the agreement, shall be submitted to the President of the International Union. Whenever possible, this information shall be provided in electronic format. The International Union assumes no responsibility for any agreement to which it is not an actual party.

SECTION 2. The International Union assumes no responsibility for acts or actions of this Local Union, its officers or members not expressly directed or authorized by the International Union or its duly authorized representatives.

SECTION 3. If any provision of this Constitution and Bylaws is held to be illegal or invalid in a final judgment of a court of competent jurisdiction, the remaining provisions shall remain in full force and effect.

SECTION 4. (a) This Local Union shall ascertain whether any employer(s) which it has a collective bargaining agreement allows its stockholders, executives, or administrative personnel to contribute to an employer Political Action Committee fund through payroll deduction. Any employer which allows any such payroll deduction must be required to permit employees in the bargaining unit to utilize the same procedures for check-off of contributions to the J.B. Moss Voice of the Electorate Fund (VOTE).

(b) This Local Union will vigorously pursue in all collective bargaining negotiations with Employers a provision in the collective bargaining agreement permitting check-off of contributions to the J.B. Moss Voice of the Electorate Fund (VOTE).

(c) This Local Union may use the standard check-off form provided by the International Union for dues, fees and/or J.B. Moss Voice of the Electorate Fund (VOTE) contributions.

SECTION 5. All references to “days” in this Constitution and Bylaws are calendar days.

SECTION 6. Standing Rules. The following are the Standing Rules of this Union:

The Order of business or regular meetings shall be as follows:

1. Call the meeting to order
2. Roll call of officers
3. Special orders
4. Staff Reports
5. Report of Secretary-Treasurer
6. Approval of Previous meeting Minutes
7. Correspondence
8. Committee Reports

- 9. Applications for Membership
- 10. Initiation of Candidates
- 11. Executive Board Reports
- 12. Committee Reports
- 13. Delegates Reports
- 14. Old Business
- 15. New Business
- 16. Good and Welfare
- 17. Adjournment

Local 12 Executive Board Representation By Appropriate Sector

- |                      |                                |
|----------------------|--------------------------------|
| a. Health Facilities | Two (2) Sector Representatives |
| b. Public Utilities  | One (1) Sector Representative  |
| c. Public Employees  | One (1) Sector Representative  |
| d. Unions            | One (1) Sector Representative  |
| e. Miscellaneous     | One (1) Sector Representative  |

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 (25) members in good standing. Such petition must be presented to the Executive Board before it can be considered by the membership.

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 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 meetings 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 the proposed amendment shall be required to constitute acceptance of the proposed amendment to this Constitution and Bylaws except as provided in Article XII, Section 4 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.

SECTION 5. Pursuant to Article XIX, Section 15 of the International Union Constitution, it is the obligation of this Local Union to update this Constitution and Bylaws in accordance with actions taken at each OPEIU Convention, to the extent applicable, no more than six (6) months after receipt of a listing of Constitutional changes from the International Union Secretary-Treasurer.

## ARTICLE XXVII Shop Stewards

SECTION 1. (a) Stewards shall present a professional and proper union perspective that looks out for all the membership and the Union as a whole

(b) In order to have a well-informed participatory membership, comprehensive steward training shall be completed for all stewards.

SECTION 2. (a) Becoming a Steward requires a vote from the membership in the bargaining unit along with completed training. To continue as an ongoing Steward, they shall complete periodic training sessions.

(b) Stewards shall be elected by majority vote of the membership of their respective division, craft or place of employment. Elections shall be held no less than every two years.

(c) Once duly elected in such a manner they may not be removed except by special impeachment vote of their respective constituency or as a result of penalties imposed in accordance with Article XVIII of the Local 12 Constitution.

(d) There shall be at least one (1) steward for every place of employment, subject to the provisions of the applicable collective bargaining agreement.

(e.) A Chief Shop Steward/s may be elected by majority vote of the shop stewards in that bargaining unit.

SECTION 3 (a) Stewards shall actively participate as needed in but not limited to the following activities: Monthly Steward Council meetings, on-going training, work site meetings, complaint handling, grievance handling, political activities, enforcement of the contract, monitoring and updating bulletin boards, distribution of union sanctioned flyers and materials, mobilize workers for work actions, serve as resource and referral person(s).

(b) Stewards shall keep monthly grievance and issue logs that shall be given to the Chief Shop Steward and staff union representative on a monthly basis.

SECTION 4 (a) The President, subject to the approval of a majority of the Executive Board, shall appoint or remove Shop Stewards barring any policy to the contrary voted on and approved by the General Membership.

(b) In the event of an impeachment vote of membership, appointment of a temporary replacement by the Executive Board is required until another election can be held.

(c.) In the event of failure to follow the guidelines set forth in this constitution. The steward/s will be put on notice at least once before removal of duties.

#### INITIATION OF MEMBERS AND OATH OF OFFICE

“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. 12, and of the International Union.”

#### OATH OF OFFICE

“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.

