

**Communications Workers of America
Local 1183
AFL-CIO**

BYLAWS

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ARTICLE 1

NAME AND AFFILIATION

The name of this organization shall be the Communications Workers of America, Local 1183, AFL-CIO, ("Local 1183" or "Local")

ARTICLE 2

JURISDICTION

Jurisdiction of this Local shall be all employees eligible for collective bargaining representation of the Board of Elections in the City of New York or any successor agencies and the jurisdiction assigned by the Communication Workers of America, AFL-CIO (CWA) as appearing on the face of the local's Charter and the appropriate amendment thereof.

ARTICLE 3

PURPOSE AND OBJECTIVES

Local 1183 exists to foster the general welfare of its members and for the purpose of collective bargaining with employers on behalf of employees concerning wages, rates of pay, hours, terms and conditions of employment, grievances and labor disputes. Local 1183 is also committed to maintaining and improving professional standards in the public sector, through appropriate legislation and any other means necessary.

ARTICLE 4

Local 1183 STRUCTURE

The structure of the Local 1183 shall consist of the Membership; the Executive Board; Local Officers; Delegates and Committees.

ARTICLE 5

MEMBERSHIP

- Section 1: Eligibility – All employees of the Board of Elections, eligible for collective bargaining and other persons as defined in Article V of the CWA Constitution, shall be eligible for membership in this Local, if performing work within the Local's assigned jurisdiction, or if employed on a part-time or full-time basis by the Union or the Local.
- Section 2: Application - Membership in the Local shall be obtained after payment of the Local's initiation fee of two (\$2.00) dollars.
- Section 3: Transfers - The transfer of membership from Local 1183 to the jurisdiction of another CWA Local or from another CWA Local to the jurisdiction of Local 1183 shall be made in accordance with Article V of the CWA Constitution.

ARTICLE 6

DUES AND ASSESSMENTS

- Section 1: The chief source of revenue of Local 1183 shall be the dues paid by the members.
- Section 2: Membership dues may be changed, and any special assessment, or the imposition of any other fee may be made as approved by a majority of those voting on the question by secret ballot mail referendum, and or by a majority secret ballot vote in a meeting, if the question has been advertised to the membership by use of the Local newsletter, bulletin boards, or U.S. mail, postage pre-paid, at least seven (7) days in advance of the meeting or mail ballot referendum.
- Section 3: Dues shall be paid by direct payment to Local 1183 or by payroll deduction. Dues paid directly to Local 1183 shall be paid by the first day of every month.
- Section 4: A member in default, without good cause, in the payment of any installment of dues for thirty (30) days from the date such amount becomes due, shall be automatically suspended from the rights of membership and, if the default continues without good cause for an additional thirty (30) days, after notice in writing by the local or the Union, shall be automatically expelled from the Union. "Good Cause" shall be that which the governing body of the Local determines to be good cause.
- Section 5: Local 1183 membership may levy a special assessment only in the same manner as provided on Section 2 of this Article. However, any special assessments levied shall be in compliance with Article VI, Section 3 of the CWA Constitution.

ARTICLE 7

GOVERNING AUTHORITY

The affairs of Local 1183 shall be governed by its membership in accordance with the Constitution and policies of the Union in the following manner:

- A. Through action taken in membership meetings or by referendum of the membership.
- B. Through actions and decisions of the Executive Board between membership meetings.
- C. Through actions and decisions of the Local Officers between meetings of the Executive Board.
- D. The action and decisions of the Executive Board or, Officers of the Local, between membership meetings, may be overruled by the membership in a membership meeting or by referendum.

ARTICLE 8

MEMBERSHIP MEETING

- Section 1: Annual Local 1183-CWA Meeting
- A. The Local will meet in an annual membership, in a place designated by the Executive Board or the Secretary when authorized by the Executive Board to do so, or at the request of the majority of the Executive Board or at the request of ten percent (10%) of the members.
 - B. Upon receipt of the valid request of the membership, the Local Officials shall call for annual meeting to discuss what is required in the petition within ten (10) days.
- Section 2: Special Assemblies. The Executive Board shall convene Special Assemblies, or They will be convened at the request of twenty percent (20%) of the membership.
- Section 3: Powers of the Members' at Membership Meeting. Local 1183 Membership shall have the power to:
- A. Accept or reject member credentials, following the Bylaws and Constitution of the Union and Local;
 - B. Establish the policies that the Local will follow;
 - C. Interpret and amend these Bylaws;
 - D. Decide the number officers among the members of the Executive Board;
 - E. Cause selection of delegates to Union Conventions, the AFL-CIO or other approved organizations.
 - F. Approve the local budget.
 - G. Will do everything necessary for the correct disposition of any matter that is will be presented for your consideration, following the Regulations and Policies of the Local and the Constitution of the Union
- Section 4: The agenda at Local 1183 membership meeting will be as follows:
- A. Call to order
 - B. Roll Call and Quorum Certification
 - C. Reading and approval of agenda
 - D. Reading and action on the minutes of the last meeting
 - E. Report of the Officers and Executive Board
 - F. Report of committees
 - G. Unfinished business
 - H. New business
 - I. Closing
- Section 5: The agenda may be suspended by petition by a two-thirds vote parts (2/3) of the members present. The agenda for Special Assemblies will be adjusted to the needs of said Assembly.
- Section 6: Local 1183 membership meetings and any other type of meeting of this Local will be conducted under the authority of this bylaws and in accordance with the Constitution of the Union.

- Section 7: In matters where the Local Regulations or the Constitution of the Union do not clearly apply, the regulation known as "Robert's Rules of Order". CWA Uniform Operating Procedures Manual will also apply.
- Section 8: The quorum for any Local 1183 membership meeting, or any special meeting or assembly will be the number of members present, provided that due notification has been given to the Local membership.
- Section 9: "Due notice" means notice given with at least seven (7) days prior to the holding of the membership meeting.
- Section 10: When "due notice" is not provided, twenty percent, (20%) of the Local membership must be present to constitute a quorum.
- Section 11: Resolutions
- A. Resolutions to be acted upon at meetings of the Local 1183 membership shall be submitted in writing to the Recording Secretary at least twenty (20) days prior to a meeting.
 - B. Resolutions shall be approved by a majority vote of those Local 1183 members in good standing present and voting at a membership meeting.
 - C. Any resolutions submitted to the Recording Secretary less than twenty (20) days before a meeting shall be reviewed by the Executive Board which shall exercise its discretion, consistent with these Bylaws and CWA's Constitution, and all applicable Federal laws, in determining whether to present the proposed resolution at the upcoming meeting. Resolutions submitted under this subsection shall require approval by two-thirds (2/3) of those members present and voting.
 - D. Resolutions approved at an Local 1183 membership meeting shall be the mandate of the membership and it shall be the duty of the Officers, Delegates, and employees of Local 1183 to carry out the resolution to the best of their abilities.

ARTICLE 9

Local 1183 OFFICERS

- Section 1: There shall be six (6) elected Local officers of Local 1183: President, Executive Vice President, Second Vice President, Secretary, Treasurer and Recording Secretary. The President and Executive Vice President will be the trustees of the Welfare Fund in accordance with the provisions of the Welfare Plan Merger Agreement.
- Section 2: The duties of Local officers shall be as follows
- A. The Local President shall:
 - 1. Perform all duties as required by the CWA Constitution and Local Bylaws.
 - 2. Be responsible for the conduct of all Local business;
 - 3. Administer all aspects of the local including the personnel;

4. Preside at Local Membership, Local Executive Board and Local Officer meetings;
5. Be ex-officio member of all Local committees;
6. Shall approve all bills to be paid; except for her/his expenses which shall be approved by the Treasurer;
7. The President will be bonded, just like anyone else who handles the Local funds or other property in accordance with the Constitution of the Union or any Federal or State law.
8. The President or her/his designee shall represent the Local in the New York chapter of the AFL-CIO, the Municipal Labor Council and any other council local or international labor force in good standing with both, the Union and the AFL-CIO.
9. Perform such other additional duties as may be assigned by the Local Officers, the Local Executive Board or required by CWA's policies or CWA's Constitution.

B. The Executive Vice President shall:

1. Perform all duties as required by the CWA Constitution and Local Bylaws.
2. Work under the direction of the Local President;
3. Substitute the President when he/she is unable to participate in any Local meeting;
4. Shall substitute the President in the event of a vacancy, as established in these Bylaws and the CWA Constitution
5. It will be the alternate signer on the account of the Local when the President or the Treasurer are not available;
6. Must be on bonded; and
7. Perform such other additional duties as may be assigned by the Local Officers, the Local Executive Board or Local President.

C. Second Vice President

1. Follow and execute the plans, vision and mission of the President as approved by the Executive Board;
2. Under the supervision of the President or Executive Vice President, oversee grievances and, where appropriate, appeal them to higher levels of Local 1183-CWA when not satisfactorily settled;
3. Shall substitute the Executive Vice President in the event of a vacancy, as established in these Bylaws;
4. Supervise and be member of committees;
5. Perform such other additional duties as may be assigned by the Local, the Local Executive Board or required by the policies and Constitution of CWA;

D. The Local Secretary shall:

1. Perform all duties as required by the CWA Constitution and Local Bylaws
2. Maintain a up to date an accurate membership database.
3. Maintain files as appropriate (Membership, Reports, Grievances, Arbitration cases Correspondence)
4. In cooperation with Treasurer, implement budget.'

5. Inform President and Vice President of changes in International and/or District procedures.
6. Cooperate with other officers in furnishing proper reports to government.
7. Become involved in Local decision-making processes.
8. Work as a member of the Local Officers' team.
9. Certify the Local delegates to CWA's Convention to the International Secretary-Treasurer within the time limits specified in Article VIII of the Union Constitution;
10. Perform such other additional duties as may be assigned by Officers, the Local Executive Board or the Local President.

E. The Local Treasurer shall:

1. Prepare budget in consultation with other officers.
2. Maintain financial records.
3. Receive funds due to the Local, including dues payments from the International, cash dues, initiation fees, etc.
4. Handle expenditure of funds.
5. Secure authorization, documentation and explanation for all expenditures.
6. Reconcile and keep bank account records.
7. Report on finances to Executive Board and membership.
8. Furnish financial statement to International.
9. Maintain records on employees.
10. Prepare all financial forms.
11. Prepare and reconcile accounts.
12. Meet Federal Report requirements.
13. Meet state, county, city report requirements.
14. Arrange for annual audit.
15. Handle bonding coverage.
16. Be custodian of all assets of the Local;
17. Report to each membership meeting on the financial status of the Local;
18. Be bonded, as must any other person who handles Local funds or other property in accordance with the CWA Constitution or any law;
19. Cause the payment of all bills approved by the Local President;
20. Perform such other additional duties as may be assigned by the Local Officers, the Local Executive Board or the Local President.

F. Recording Secretary

1. Record minutes of all Local meetings.
2. Remind President of items for agendas of meetings.
3. Maintain files as appropriate (Membership, Reports, Grievances, Arbitration cases Correspondence)
4. Furnish International and District with proper records and reports as required. Including copies of any changes in these Bylaws within ten (10) days after such changes are adopted;
5. Become involved in Local decision-making processes.
6. Work as a member of the Local Officers' team

7. Perform such other additional duties as may be assigned by the Local Officers, the Local Executive Board or the Local President.

ARTICLE 10

LOCAL EXECUTIVE BOARD

Section 1: The Local shall establish an Executive Board consisting of the Local officers and of Delegates At Large elected from each Borough Office and General Office for a total of twelve (12). The local Executive Board shall be the governing body of the local subject to the authority of the membership.

Section 2: The duties of the Local Executive Board shall be as follows:

- A. Be responsible for making decisions and taking action on behalf of the Local membership between Local meetings on all matters concerning the good and welfare of the members;
- B. Meet a minimum of at least four (4) times per year and/or as necessary. The Local President shall call a meeting of the Executive Board whenever requested by a majority of the Board members to do so;
- C. Cause an annual budget of the Local to be prepared and presented to the membership;
- D. To hire and fire staff necessary to carry out the daily functions of the Local 1183 office;
- E. To hire an Employee by a two-thirds (2/3) vote and remove an Employee by a two-thirds (2/3) vote;
- F. To establish and approve the salary and expenses of all hired staff or officers, including lost time, salary for time worked for the local and approved by the President, or any stipend or compensation. The Executive Board of the Local may determine, at its discretion, to pay wages and/or stipends to persons that are needed to perform special work assignments and/or additional hours of work on behalf of the local.
- G. To determine whether to pursue a grievance
- H. Any delegation of assignments or duties shall be subject to appropriate oversight by the Local 1183 Executive Board.

Section 2: A majority of the Local Executive Board shall constitute a quorum.

ARTICLE 11

DELEGATES TO CWA CONVENTIONS

- Section 1: After the 2023 elections, Local 1183 President shall always serve as delegate and president of the delegation to the District Meetings and CWA Conventions for the term of office by which was elected.
- Section 2: After the 2023 elections, the Executive Vice President, Second Vice President and Secretary will serve as delegates to the CWA Convention and District Meeting, for the term they have been elected.
- Section 3: If the Executive Board, or the Membership determine that they will only have one delegate, the Secretary, Executive Vice President and Second Vice President may serve as alternates. If is decided to send two delegates, the President and Secretary will serve as delegates, and the Vice President and Second Vice President as alternates. If is decided to send three delegates, the President, the Executive Vice President and Secretary will serve as delegates and the Second Vice President may serve as an alternate delegate.
- Section 4: If Local 1183 is entitled to additional delegates and/or alternates, the local Executive Board may call for a special election. The additional delegates and/or alternates, will be elected by the members by secret ballot, with no less than ninety days (90) in advance of the CWA Convention and according to the CWA Constitution. If there is only one candidate for each additional delegate/alternate position, the person shall be ratified by acclamation.
- Section 5: In case of the Local electing more than one delegate to the Union Convention the number of votes will be assigned to each delegate according to the Constitution of the Union.
- Section 6: It shall be the duty of the Local Secretary to certify to the Secretary-Treasurer of the Union the delegates of the Local to the Union Convention within the time limit specified in the Constitution of the Union.

ARTICLE 12

Local 1183 Stewards

- Section 1: The Local may have as many Stewards as appointed by the Local President subject to the right of the membership to overrule these appointments.
- Section 2: The delegates shall:
- A. Work under the direction of the Local President;
 - B. Delegates are expected to attend and participate in all meetings except for excused absence;
 - C. Be empowered to take all actions on behalf of the local except as specifically assigned to other bodies or individuals according to these bylaws;

- D. Act in accordance with the CWA's policies and Constitution and Local Bylaws;
- E. Perform whatever duties are assigned by the Local and the Executive Board, officers or the local President.

ARTICLE 13

COLLECTIVE BARGAINING

Section 1: Bargaining Committee. The Local President and Executive Vice President shall serve as member of the Bargaining Committee. The local Executive Board will have the authority, pursuant the CWA Constitution, to select additional members to the Bargaining Committee, who must be members of the local Executive Board.

Section 2: Bargaining Council.

- A. The local shall have a Bargaining Council to formulate bargaining programs and agendas to apply to the Board of Election, its successor and the City of New York.
- B. The local Executive Board shall be responsible for the development of bargaining programs for those units or groups for which Bargaining Councils have not been established.
- C. Bargaining Councils shall be composed of two (2) representatives from each borough office and the general office. One will be a member, and another will be an alternate. Each borough and the general office will have one vote.
- D. The officers of the local will also be members of the bargaining council and will also have a vote, except the local President who will chair the meetings and will vote only in case of a tie.
- E. At meetings of the Bargaining Council, representatives shall vote by a show of hands. All necessary expenses of the Local's Bargaining Council members shall be borne by the Local.
- F. Bargaining Councils shall meet at the call of the local President, who shall be the chair of the Bargaining Council. The meeting will be called at least one-year prior to the expiration of the Collective Bargaining Agreement or as the local President deems necessary.
- G. Special meetings of the Bargaining Council may be requested by at least thirty 30% of the members of the Bargaining Council.
- H. The members from each borough office and the general office will select their representatives by secret vote at least twelve (12) months before the expiration date of the collective bargaining and will serve in that capacity until a new bargaining council is selected.

Section 3. Ratification – Collective bargaining agreements shall be ratified by the membership by secret vote in accordance with the CWA Constitution.

ARTICLE 14

COMMITTEES

Section 1: The Executive Board may appoint any special committee it deems appropriate.

Section 2: The following committees with the specified functions shall be established:

- A. Membership Committee - The Membership Committee or Membership Committees shall accept or reject membership applications in accordance with the bylaws and rules of this Local and Article V of the CWA Constitution and policies of the Union.
- B. Organizing Committee - The Organizing Committee shall assist the Local officers and members in organizing all non-union employees within the Local's jurisdiction as well as unorganized workers in external units.
- C. Election Committee - The Election Committee shall conduct all nominations and elections and referenda of this Local.
 - 1. The elections committee shall consist of at shall be composed of two (2) representatives from each borough office and the general office. One will be a member, and another will be an alternate. Each borough and the general office will have one vote.
 - 2. No member of the Election Committee shall be a candidate for officer or delegate while serving on such committee.
 - 3. The Election Committee shall elect by majority vote a chair from among its members.
 - 4. The Election Committee shall promulgate reasonable rules and regulations governing the conduct of elections. Such rules and regulations shall be consistent with the CWA Constitution and all applicable Federal laws.
- D. Education Committee - The Education Committee shall assist in developing the Local's education program and, with the Local officers, be responsible for effectuating the Union's and Local's educational programs.
- E. Community Services - The Community Services Committee shall assist in developing all Community Services programs.
- F. Committee on Equity - The Committee on Equity shall study and report to the Local on the ways and means of eliminating discrimination on the basis of sex, race or any other basis.
- G. Local Bylaws Committee:
 - 1. There shall be a Bylaws Committee consisting of six (6) members appointed by the Local Executive Board;
 - 2. Local 1183 Bylaws Committee shall elect by majority vote a chair from among its members;

3. This Bylaws Committee shall suggest and receive all proposed amendments to the Bylaws of Local 1183 and recommend proposed action thereon to the Executive Board and the Membership;
4. Such proposed amendments shall be submitted for action to a membership meeting in accordance with Article --- of these Bylaws.
5. The bylaws committee shall be appointed every three (3) years following the election of new officers until the end of the three (3) years. The committee can also review and make recommendations for changes to this bylaws for the membership to vote and approve.

Section 3: There shall be no political-legislative committee in local 1183.

Section 4: Members of all committees shall be appointed by the Local President with the approval of the Local Executive Board, subject to the right of the Local membership to overrule such appointments.

Section 5: Vacancies on committees shall be filled in the same manner as the original appointments.

Section 6: Any member of any Local committee may be removed by majority vote of the Local Executive Board, subject to the right of the membership to overrule the action of the Executive Board.

ARTICLE 15

NOMINATION AND ELECTIONS

Section 1. Any member in good standing of this Local may be a candidate for Local Officer or Delegate, as long as they meet the following requirements:

- A. For local President, Executive Vice President and Second Vice President at least three (3) years of good standing membership in the local.
- B. For Treasurer, Secretary and Record Secretary at least two (2) years of good standing membership in the local.
- C. For Delegate At-Large, at least one (1) year of good standing membership in the local and must work in the applicable office they are seeking to represent in the Executive Board.
- D. All candidates must also meet the requirements under the law and under the CWA Constitution where applicable.

Section 2. The nomination and election of Local Officers and Delegates shall be conducted under the supervision of the Election Committee. This Committee shall have the authority and responsibility to see that nominations and elections are conducted in accordance with federal law, the CWA Constitution and these bylaws, with reasonable opportunity for each member to nominate and vote for the candidate of their choice.

Section 3: The Election Committee shall certify the qualifications of each candidate and shall make the names of all eligible candidates available to each member no less than fifteen (15) days prior to the election.

Section 4: To be eligible to vote, a member must be in good standing according to the official records of the Union.

Section 5: Nominations

- A. Local Officers, Executive Board members and Facilities Delegates shall be nominated in the month of August or September of each election year.
- B. For and after the 2023 elections, nominations for Local 1183 **President shall constitute nominations for delegate and president of the delegation to the District Meetings, CWA Conventions and any other committee or federation either local or national.**
- C. **For and after the 2023 elections, nominations for Executive Vice President, Secretary and Second Vice President will serve as nominations for delegates to the CWA Convention and District Meeting.**
- D. At least with fifteen (15) calendar days before of the nomination date, notice of the office to be filled, and the time, place and proper form of submitting nominations will be given to all members in good standing. Such notice can be given by posting in bulletin boards, in email, social media or by regular mail.
- E. The Elections Committee will decide if nominations will be made at any of the following: (1) at a membership meeting, (2) by a nominating committee, with the right to also nominate from the floor or (3) by written petition in a form approved by the Elections Committee.
- F. Only members in good standing can nominate or be nominated for any position in the local.

Section 6. Elections.

- A. Elections for Local officers, and delegates shall be conducted by secret ballot, including by secret mail ballot of the membership in the month of October, November, or December of each election year.
- B. All questions concerning the conduct and challenges of elections shall be determined by the Election Committee, subject to the right of appeal to the governing body and membership of the Local in accordance with the CWA Constitution.
- C. Notice of the election must be mailed to each member at his home address not less than fifteen (15) days prior to the election. Such notice must specify the time and place of the election and the offices to be filled.
- D. The candidate receiving a majority of the votes cast for each of the offices shall be declared elected. A majority shall be deemed constituted by one

(1) more than one-half (1/2) of all valid votes cast not counting abstentions.

- E. When more than two (2) candidates are nominated for an office, and no candidate receives a majority, there shall be a run-off conducted between the two (2) candidates receiving the highest number of votes.
- F. Write in candidates will not be allowed.
- G. When there is only one (1) candidate for office, and is running unopposed, that candidate will be ratified by acclamation

Section 7: The term of office shall be for three (3) years. Elections for Local Officers and Delegates shall be conducted every three (3) years commencing in the year 2005. All officers and delegates shall take office on January 1st, of the year following the election year.

Section 8: Transition Period and Process. With at least fifteen (15) calendar days before the new officers take office, or with other reasonable time the parties mutually agree, they must meet with the departing officers to perform a formal, transparent and efficient transition of leadership. The CWA's Uniform Operating Procedures Manual will govern the transition process. Any officer that hinders, behaves negligently, recklessly or refuses to participate in the transition process, may be subject to charges following the process of these bylaws and the CWA Constitution.

Section 9: Vacancies

- A. A vacancy in the office of Local President shall be filled immediately by the Local Executive Vice President.
- B. A vacancy in the office of Executive Vice President shall be filled immediately by the Second Vice President.
- C. Vacancies in other Local offices shall be filled by appointment and majority vote of the Local Executive Board, subject to approval of the appointment by the Local membership within sixty (60) days.
- D. At-Large Delegates: A vacancy in an At-Large Delegate position may be filled by majority vote of the respective office where the vacancy exists.

ARTICLE 16

PARLIMENTARY AUTHORITY

The parliamentary authority shall be the current edition of ROBERTS RULES OF ORDER. Anything not included in these by laws may be supplemented by the parliamentary authority.

ARTICLE 17

FINANCES, FISCAL YEAR AND AUDIT

- Section 1: The fiscal year of this Local shall be from July 1st of each year to June 30th of the following year.
- Section 2: Budgets and Expenses.
- A. Budgets will be prepared by the President and the Treasurer and approved by the Executive Board prior being submitted to the membership.
 - B. The Budget will include a contingency line for when is impossible to predict an event in the budget.
 - C. The Budget will also include a line called "Special Projects" to allow for items and issues that were not foreseeable at the time the budget was prepared.
 - D. Each payment disbursed should be supported by adequate documentation in the form of an invoice or receipt. Review paid invoices, budget category, approval for payment and receipts along with the canceled checks.
 - E. Local 1183 will reserve up to 10% of their annual budget for organizing.
- Section 2: The financial records of this Local shall be audited by a Certified Public Accountant, or by a committee established by the Local, at the end of each fiscal year. The results of such audit shall be made available for the inspection of any member of the Local and a copy thereof shall be sent to the District Vice President.

ARTICLE 18

CHARGES AGAINST MEMBERS

- Section 1. Specifications of Offenses—Locals:
- Members may be fined, suspended and/or expelled by Locals in the manner provided in the Constitution for any of the following acts:
- A. Making false material statements or withholding material information when applying for membership;
 - B. Willfully refusing to pay dues or assessments properly established or fines properly imposed or other valid financial obligations to the Union or Local;
 - C. Willfully violating the Constitution of the Union, Local Bylaws or Rules;
 - D. Disobeying or willfully failing to comply with any lawful decision or order of the Union or Local;
 - E. Working without proper Union authorization, during the period of a properly approved strike in or for an establishment which is being struck by the Union or Local;

- F. Instigating or knowingly participating in an unauthorized strike or slowdown;
- G. Willfully violating the adopted standards as to wages, hours or working conditions;
- H. Misappropriating money or property of the Union or Local;
- I. For such other offenses, equally serious, which tend to bring the Union or Local thereof into disrepute.

Section 2. Specifications of Offenses—Union:

Members may be fined, suspended or expelled by trial courts selected by the Executive Board of the Union in the manner provided in the Constitution for any of the following acts:

- A. Willfully supporting or assisting any other labor organization in connection with a claim of jurisdiction in conflict with the jurisdiction of the Union;
- B. Willfully supporting or assisting any person, group of persons, or organization in any act or activities for the purpose of seeking or obtaining the replacement of the Union as collective bargaining representative.

Section 3. Suspension, Pending Trial

An officer of the Union, member of the Executive Board, Local Officer or other elected official against whom charges have been filed for conduct set forth in Paragraphs (a) and (b) of Section 2 of this Article may be suspended from office by a two-thirds (2/3) vote of the Executive Board pending final determination of the charges by a trial court or any appeal resulting from such trial, where such suspension is determined by the Executive Board to be in the best interest of the Union.

Section 4. Non-Immunity

No member of the Union shall be immune from penalty for committing any of the offenses set forth in this Article by reason of the position or office the member may hold in the Union or any Local thereof.

ARTICLE 19

TRIALS AND APPEALS—GENERAL MEMBERSHIP AND OFFICERS OF LOCALS

Section 1. Persons Subject to Trial

- A. Members of the Union, including Officers of Locals, shall be tried for any of the offenses listed in Article 17 as provided herein;

- B. Officers of a Local may be removed or suspended from office pursuant to Article IX, Section 4, Paragraph (b) of CWA's Constitution, excepting that the Executive Board of CWA may conduct such trials after notice to the Locals involved, on its own initiative in the event of inaction by the Local. The procedure for such trial shall be in conformity with the standards set forth in Sections 2, 3, and 4 of this Article.

Section 2. Charges

- A. Charges made against a member of the Union or an Officer of the Local shall be in writing, signed and sworn to by the accuser. Charges of offenses described in Article 17, Section 1, shall be filed with the recording officers of the Local of which the accused is a member. In the event the accused is such recording officer, the charges shall be filed with the President of the Local. Should both the recording officer and the Local President be involved as a charging party or as a party charged, the charges shall be filed with the Secretary-Treasurer of the Union. All charges of offenses described in Article 18, Section 2, shall be filed with the Secretary-Treasurer of the Union. In the event the accused is such Secretary-Treasurer, the charges shall be filed with the President of the Union. Trial procedures for all charges filed with the Secretary-Treasurer of the President of the Union shall be in conformance with the CWA Constitution.
- B. Charges must be submitted within sixty (60) days of the time the accuser becomes aware of the alleged offense.
- C. Charges shall contain an allegation of the facts constituting the offense with which the accused is charged and the approximate date or dates said offense is alleged to have occurred.

Section 3. Local Trials. Charges filed with the local will be reviewed by the Executive Board. If the charges meet the requirements under this Bylaws and the CWA Constitution. If the charges are in compliance, the Executive Board will proceed as follows

- A. Appoint a prosecutor, who is a member of the Local, but not an accuser, to first investigate the charges. If, after investigation, the prosecutor is of the opinion that there is not probable cause to believe that a violation punishable under these Bylaws or the Constitution has been committed, the prosecutor shall report the findings in writing to the Executive Board of the Local with a recommendation that the charge not be prosecuted. Copies of the findings and recommendations shall be delivered to the accuser and the accused. The recommendation shall be become final unless appealed by the accuser within thirty (30) days after receipt using the procedures established pursuant to Article IX, Section 7, of CWA's Constitution.
- B. If the prosecutor determines that probable cause does exist, the trial shall be held speedily with due notice to the accused;The Executive Board will

then appoint an unbiased court, composed of not less than three nor more than seven persons, who shall be members of the Local, not parties to the proceeding, by using a random selection process. The court shall be bound to render a decision and impose a penalty, if the accused be found guilty, without bias or prejudice, based on all the evidence presented;

- C. The accused shall have the right to select a member of the Local as counsel, the right to produce witnesses and present documentary evidence and to be heard on the accused's own behalf. No attorneys or any non-member will be allowed to participate as counsel or prosecution for either side. The accused shall have the opportunity to cross-examine witnesses;
- D. All witnesses shall testify under oath;
- E. A decision shall be reached and written notice of the decision and penalty, if any, shall be given to the person charged within five (5) days after the close of the trial. The requirement of such notice shall be satisfied by personal service or certified mail receipt;
- F. A faithful and accurate record of the proceedings shall be made;
- G. The Local may suspend the accused pending the final decision on an appeal.

Section 4: Appeals. A member or officer of a Local upon being found guilty by a Local court may appeal as provided in this Section:

- A. Have the right to refer the matter to a membership meeting of the Local, within thirty (30) days after being found guilty by a court, which may affirm or reverse the decision or reduce the penalty; provided that where a Local membership meeting is held by sections, units or areas, the appeal shall be to the governing body of the Local;
- B. Have the right to appeal from the final decision of the Local to the Executive Board of CWA within thirty (30) days after such final decision of the Local;
- C. The appeal to the Executive Board of the Union shall be directed, in writing to the Secretary-Treasurer of CWA, who shall obtain the record of the case. The Executive Board shall review the case and affirm or reverse the decision or reduce the penalty or return the case for a new trial;
- D. Have the right to appeal from the decision of the Executive Board of the Union to the next CWA Convention by giving a notice of appeal in writing within thirty (30) days after the decision to the Secretary-Treasurer of the Union. If the Executive Board has failed to render a decision within thirty (30) days preceding the Convention, the accused may appeal directly to the Convention, which may affirm or reverse the decision or reduce the penalty.

- E. The thirty (30) daytime limit provided in this section for filing of appeals from decisions of trial courts may be extended at the discretion of the body to which the appeal is being taken for an additional period not exceed thirty (30) days, upon showing of justification by the party making the appeal.

Section 5: Determination of Appeal. Decisions on appeal shall be determined by majority vote.

ARTICLE 20

RECALL OF LOCAL OFFICERS OR EXECUTIVE BOARD MEMBERS

Section 1: Any elected Officer or Executive Board Member of the Local may be recalled in accordance with the provisions of Article XXI and XXII of the CWA Constitution.

Section 2: Any facility delegate may be recalled for violations of these bylaws by a petition signed by at least 20% of the membership of that facility. The Executive Board is authorized to vote on the recall of any such delegate.

ARTICLE 21

REFERENDUMS OF THE LOCAL

Section 1. The Local Election Committee shall submit any question to a referendum of the membership when directed to do so by action of a regular or special membership meeting or by the Executive Board.

Section 2. Questions submitted to referendum shall be determined by a majority vote of those voting on the question

ARTICLE 22

OATH OF OFFICE

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

"I, _____, hereby accept the office of (name of office) of Local 1183, Communications Workers of America, with full knowledge of the responsibilities and duties of such office. I promise to faithfully discharge my duties according to the bylaws and rules of the Local and the Constitution and policies of the Union. I further promise to give my successor in office all books and records in my possession. I shall at all times endeavor to serve my Local and the Union to the best of my ability, so help me God." (The phrase "so help me God", may be substituted by "I so affirm" at the candidate's option).

ARTICLE 23

AMENDMENTS

Section 1: Proposed amendments to these Bylaws shall be submitted in writing to the Local Secretary at least sixty (60) days prior to the annual membership

meeting. The Local Secretary shall provide a copy of any proposed amendments to the Bylaws Committee for review and recommendation and shall distribute a copy to each member of the Local at least thirty (30) days prior to the annual meeting.

Section 2: Proposed amendments shall be voted upon at the annual meeting by secret ballot and/or by secret ballot mail referendum, if the question has been advertised to the membership by use of the Local newsletter, bulletin boards, or U.S. mail, postage pre-paid, at least thirty (30) days in advance of the meeting or mail ballot referendum.

Section 3: Any proposed amendments submitted to the Local Secretary less than sixty (60) days before the annual meeting shall be reviewed by the Bylaws Committee which shall exercise its discretion, consistent with these bylaws and all applicable Federal laws, in determining whether to present the amendment at the upcoming annual meeting. Proposed amendments submitted under this section shall require quorum and approval by two-thirds (2/3) of those members present and voting by secret ballot at the annual meeting.

Section 4: All amendments shall be effective immediately upon approval.

ARTICLE 24

ADOPTION

These bylaws shall be adopted upon the approval of a majority of the members voting upon their adoption in the membership meeting called for that purpose or by referendum of the membership.

These Bylaws adopted: May 25, 1971

Revised Bylaws adopted: March 16, 2023

**Donna Ellaby
Local 1183 President**

**Christopher Jackson
Recording Secretary 1183**