

**CONSTITUTION & BY-LAWS of the
Boston, Massachusetts Metropolitan Area Local
American Postal Workers Union, AFL-CIO**

March 20, 1996; September 12, 1996; April 24, 1997, August 20, 2003, October 28, 2007, October 17, 2010

MEMBERS BILL OF RIGHTS

Will be the same as contained in the National Constitution and By-Laws.

ARTICLE I

NAME

This organization shall be known as the Boston, Mass. Metropolitan Area Local of the American Postal Workers Union.

The Boston Metro Area Local will accept any local or M.A.L. voting to merge with it after receiving a majority vote of approval from the Boston Metro Executive Board.

**ARTICLE II
OBJECTIVES**

The objectives of this Local Union shall be the same as the objectives of the American Postal Workers Union, AFL-CIO, as stated in the national constitution.

**ARTICLE III
JURISDICTION**

Local 51-100, United Federation of Postal Clerks, AFL-CIO, the Boston Union, National Postal Union Local 46, National Federation of Post Office Motor Vehicle Employees, AFL-CIO, Local 44, National Association of Post Office and General Services Maintenance Employees, AFL-CIO, Local 11, National Association of Special Delivery Messengers, AFL-CIO, have combined to form the Boston, Massachusetts Local of the American Postal Workers Union, AFL-CIO. This Local claims jurisdiction over the combined jurisdictions granted to each and all of those merging locals and over any and all jurisdictions of other unions which may merge or combine with this Local at any future date and for any reason.

**ARTICLE IV
MEMBERSHIP**

SECTION 1 -- Any Postal Service bargaining unit employee is eligible for membership.

SECTION 2 -- Membership shall be divided into three classes -- Active, Associate, Honorary.

ACTIVE MEMBER is a dues paying member of this Union. Payment shall be made by signed (1187) form.

ASSOCIATE MEMBER is an insurance or former active member since promoted or separated from the Postal Service whose benefits depend upon retention of membership in good standing.

SECTION 3 -- Application for membership must be made by completion and submission of Form 1187.

SECTION 4 -- Application for membership and nominations for honorary membership shall be voted upon at a regular meeting and must be accepted by a majority vote.

Any member may call for a secret ballot on any application for membership or nomination for honorary membership.

**ARTICLE V
OFFICERS**

SECTION 1 -- The officers of this Local shall be elective.

SECTION 2 -- The elective officers shall consist of:

1. General President
2. Vice President/Treasurer
3. Director Industrial Relations
4. Recording Secretary
5. President Clerk Craft
6. President Motor Vehicle Craft
7. President Maintenance Craft
8. Vice President North
9. Vice President South
10. Vice President Central
11. Vice President West
12. Trustee Clerk Craft
13. Trustee Clerk Craft
14. Trustee Clerk Craft
15. Trustee Clerk Craft
16. Trustee Motor Vehicle Service
17. Trustee Maintenance
18. Director Organization, Education and Legislation
19. Sergeant at Arms
20. Director of Mechanized Distribution
21. Human Relations Officer
22. Assistant Treasurer
23. Vice President 020 Stations & Branches
24. Vice President 017 Stations & Branches

SECTION 3 -- The terms of all officers shall commence on June 1 following the triennial election and shall run for 3 years. General elections will be held every 3 years thereafter.

SECTION 4 -- The installation of officers shall be held at the first Regular Membership Meeting following the election in April, unless other arrangements are made in any year by vote of a membership meeting.

SECTION 5 -- The General President shall preside at the Regular, special or Executive Board meetings of the Local. He/She shall appoint all committees and be the chairman ex-officio of all committees. He/She shall be the chairman of all delegations and chief spokesman for the Local. Unless otherwise specified in this constitution, he/she shall have appointive powers to fill permanent vacancies, between general local elections with the approval of 2/3 vote of the Executive Board present and voting.

This vote shall be made at a compulsory Open Executive Board meeting which will be scheduled within 30 days of the date the position became permanently vacant. The time and date of the Executive Board meeting will be posted on all official union bulletin boards. During the temporary absence of any officer, the President shall appoint a member to fill the vacancy pro tem. An officer's position will be determined to be permanently vacant upon the death, resignation, removal or ineligibility of that officer pursuant to this constitution. The permanent vacancy must be filled unless the Executive Board, by a majority, votes to extend the time period.

He/She shall be the custodian of all non-current books and records of the Local and of its officers and representatives. He/She shall be empowered to authorize payment for expertise, lost time to officers, committee members, stewards or members for the purpose of carrying on the business of the Local. Any member filling a full-time officer's position, due to temporary absence of that officer, shall be paid the salary of the position being filled. He/She may employ as necessary, clerical, technical or professional services to carry out the objectives of the Local and to serve the membership. He/She shall notify the Vice President/Treasurer of any absence.

He/She shall be paid a salary of \$72,009.60. Any contract raises will be added to the salary of \$72,009.60, in the event of a percent (%) raise, the amount of raise shall be based on the salary level of a Level 5, Step O. Negotiated COLA raises will be paid on a dollar for dollar basis. The Union will pay for all necessary expenses incurred during the performance of his/her duties as General President. He/she shall be responsible for the work of the Union and all officers shall work under his/her supervision. He/She shall be the Editor of the local publication.

SECTION 6 -- Vice President/Treasurer shall perform the duties of the General President in his/her absence after due notification by the General President. He/She shall succeed the General President if that office becomes permanently vacant. He/She shall be a permanent member of all joint labor/management committees and in the absence of the General President, act as a chief spokesperson of all such committees.

He/She shall keep a record of all monetary transactions of the Union, receiving all of the financial obligations of and in behalf of this Union. He/She shall deposit all monies received in a bank which is a member of the Federal Reserve System as directed by the Executive Board. He/She shall meet all obligations by check drawn on such bank. He/She shall submit monthly reports to membership meeting, and shall submit an annual report at the end of the fiscal period of the Union showing all monies received and disbursed. He/She shall instigate, oversee and monitor all organizing efforts for the local. He/She shall be bonded in accordance with the law. The premium shall be paid by the Union. Normally, he/she shall co-sign all checks. In his/her absence, checks may be co-signed by the President, Director Industrial Relations or Assistant Treasurer. He/She shall also perform such other duties as may be assigned to him/her by the General President.

The Vice President/Treasurer shall be paid a salary of \$68,203.20. Any contract raises will be added to the salary of \$68,203.20. In the event of a percent (%) raise, the amount of the raise will be based on the salary level of a Level 5, Step O. Negotiated COLA raises will be paid on a dollar for dollar basis. The Union will pay for all necessary expenses incurred during the performance of his/her duties as Vice President/Treasurer.

SECTION 7 -- The Recording Secretary shall keep a record of all proceedings at Regular, Special or Executive Board meetings. He/She shall prepare correspondence directed by vote of meetings. Within thirty (30) days after the close of the fiscal year, all financial officers and financial committees shall deliver to the Recording Secretary their written reports and records of the previous year. The basic records shall be kept for five years. The Recording Secretary shall be paid a salary of \$50 per month. The fiscal year for the Boston Metro APWU Local shall commence on January 1st and end on December 31st.

SECTION 8 -- The Trustees shall audit quarterly the books of the Local and annually have a C.P.A. audit prepared and submitted. They shall be compensated for their work in auditing the books, if necessary to lose time from work, at a rate not exceeding their regular Post Office pay.

SECTION 9 -- There shall be craft divisions established within the organization structure of this Local. Each craft division of this Local shall be responsible for handling the grievances and such other matters as are peculiar to that craft. Each craft division shall be represented, within the organizational structure of the Local, by at least two elective officers and such appointive officers as are deemed necessary. There shall be a President for each craft and at least one Trustee, to be elected in the triennial election of officers, by the members of that craft only. The salaries of the officers in the crafts shall be:

Clerk President – \$3,000 per annum, and the difference between level 9, Step O,
and current postal annual salary.

Maintenance President – \$2,500 per annum

M.V.S. President – \$1,800 per annum

All Trustees – \$350 per annum

SECTION 10 – All craft presidents shall work under the direction of the General President, and be available for union business 24/7.

SECTION 11 -- The Director of Industrial Relations shall maintain all active and inactive grievance records of the local, and will maintain the local's reference library. He/She shall coordinate all Article 12 issues, as well as staffing packages. He/She will work under the direction of the General President. The Director of Industrial Relations shall be paid a salary of \$68,203.20. Any contract raises will be added to the salary of \$68,203.20. In the event of a percent (%) raise, the amount of the raise will be based on the salary level of a Level 5, Step O. Negotiated COLA raises will be paid on a dollar for dollar basis. The Union will pay for all necessary expenses incurred during the performance of his/her duties as Director of Industrial Relations (Effective June 1, 1987.)

SECTION 12 -- The full-time officers of this Union shall be eligible for benefits under Article XVI of the American Postal Workers Union National Constitution. However, in lieu of participation in the National Union's Officers Retirement Plan, the full-time officers of this Union shall be eligible to continue their participation in the Civil Service Retirement Plan during their incumbency in office and while on leave of absence without pay status from the Postal Service, with the full amount of the contributions for such participation being paid by the Local.

Full-time officers of this Union shall also continue to be eligible to continue participation in the Federal Employees Health Benefits Program and in the Federal Employees Group Life Insurance Plan with the full amount of the premiums for such participation being paid by the Local.

The Boston Metro Area Local will participate in the A.P.W.U. nationally sponsored 401(k) Retirement Plan. All employees will be eligible. The Boston Metro Area Local will make a matching contribution for each Participant's Elective Deferral Contributions during each pay period, up to:

FERS Employees - five (5%) percent of the participant's compensation each month.

CSRS Employees - 0% of the participant's compensation each month.

Secretarial or Professional Staff - five (5%) percent of the participant's compensation each month.

It shall be the responsibility of the Vice President-Treasurer to administer the 401(k) Plan, which shall include submitting all enrollment information to the Plan Committee, withholding employees' contributions, and distributing them in accordance with the Plan reporting requirements and the Plan Adoption Agreement.

SECTION 13 -- The Director Organization, Education & Legislation shall work under the direction of the General President. He/She shall review quarterly the non-members list. He/She shall serve as the Legislative Director for the Local, and shall assist the General President in preparing for local training seminars. The Director Organization, Education & Legislation shall receive a salary of \$300 per annum.

SECTION 14 -- The Director of Mechanized Distribution shall be responsible for carrying out all functions relating to the mechanization field. He/She shall work under the direction of the Clerk Craft President. He/She must be a member of the clerk craft with some working experience in the mechanization field and will be elected in the General Election by members of the clerk craft. The Director of Mechanized Distribution shall receive a salary of \$300 per annum.

SECTION 15 -- Vice President North - representing the following stations and branches: AMC, Chelsea, East Boston, Everett, IMC North, Malden, Medford (all), Melrose, Revere (all), Somerville (all), Stoneham, Tufts and Winthrop.

SECTION 16 -- Vice President South - representing the following stations and branches: Braintree (all), Dorchester (all), Hyde Park, Jamaica Plain, Mattapan, Milton (all), Quincy (all), Readville, Roslindale, West Roxbury, Weymouth (all).

SECTION 17 -- Vice President Central - representing the following stations and branches: Allston, Astor, Back Bay, Boston College, Brighton, Brookline (all) Cambridge (all), Cathedral, Charles Street, Charlestown, Chestnut Hill, Fenway, Fort Point Station, General Mail Facility, Garage, Hanover, J.F.K., Kenmore, Lafayette, Milk Street, Prudential, Roxbury (all), Soldiers Field, South Boston, and State House.

SECTION 18 – Vice President West - representing the following stations and branches: Arlington (all), Auburndale, Newton (all), Wellesley (all), Waban, Waltham, Weston, Watertown (all), Belmont, Waverly, Babson Park, Needham (all), and Lexington.

SECTION 19 – Vice President 020 Stations & Branches - representing the following stations and branches: Brant Rock, Canton, Cohasset, Dedham, Dover, Green Harbor, Hull, Islington, Mansfield, Marshfield, Marshfield Hills, Medfield, Millis, Minot, Norwell, North Scituate, Norwood, Scituate, Stoughton, Westwood, Wrentham, plus any other 020 station or branch that merges with the Boston Metro Area Local in the future.

SECTION 20 – Vice President 017 Stations & Branches - representing the following stations and branches: Bedford, Carlisle, Framingham, Holliston, Lincoln, Natick, Sherborn, Southborough, plus any other 017 station or branch that merges with the Boston Metro Area Local in the future.

Eligible candidates seeking election to the 017 or the 020 Area Vice President positions must be employed in one of the offices assigned to the position which he/she seeks. The candidates will be elected as general officers in the triennial general election. They will work under the direction of the General President and may be designated as stewards to represent those stations and branches that have no steward available. If the 017 or 020 Area Vice President leaves the area for any reason, except being excessed or otherwise involuntarily reassigned, during his or her term of office, he or she must resign that position. Each of the Area Vice Presidents shall receive a salary of \$1,400 per annum.

SECTION 21 – The Sergeant-at-Arms will be responsible for policing the membership attendance sheet during regular meetings. At the conclusion of the membership meeting, he/she shall turn over the attendance sheet to the Vice President/Treasurer. He/she shall also assist the General President in maintaining order during membership meetings. The Sergeant-at-Arms shall receive a salary of \$300 per annum.

SECTION 22 – The Human Relations Director carries out the program of the National Union on a local basis, i.e. prepare and direct programs in the area of equal employment opportunity, civic programs, retirement programs and all other related programs. The Human Relations Director shall receive a salary of \$300 per annum.

SECTION 23 – The Assistant Treasurer shall assist the Vice President/Treasurer as necessary and take over his/her financial duties when absent for any appreciable period of time, during which the Vice President/Treasurer is unable to perform his/her duties, and after official notification of such anticipated absence. The Assistant Treasurer shall receive a salary of \$400 per annum.

ARTICLE VI EXECUTIVE BOARD

SECTION 1 – The Officers shall comprise the Executive Board.

SECTION 2 – The Executive Board shall meet monthly. It shall meet at the call of the President any time, or upon written request of a majority of the Executive Board. Executive Board members are required to attend Executive Board meetings. Requests to be excused must be submitted to the Vice President/Treasurer prior to the meeting the member is requesting to be excused from. Such requests must be read and voted on at the Executive Board meeting. A majority vote is necessary to excuse the Executive Board member. Members who fail to attend Executive Board meetings or who are not excused will be considered absent. Three such absences in a calendar year will be grounds for removal from office. Illness will be considered an automatic reason for excusal.

SECTION 3 – Ten members of the Executive Board shall constitute a quorum.

SECTION 4 -- The Executive Board shall supervise the business and affairs of the Local between regular membership meetings. Actions of the Executive Board shall be subject to the approval of a membership meeting with the exception of the action of the Executive Board as outlined in Article V, Section 5, dealing with the appointive powers to fill permanent vacancies between General Elections.

SECTION 5 -- All Executive Board members must be available on a 24-hour call to the union office, the day before and the day of national contract deadline.

ARTICLE VII REVENUES

SECTION 1 -- The dues of this Local shall be \$22.81 per pay period. Future per capita tax and local dues increases are to be divided by deducting three (3%) percent of each negotiated salary increase, one (1%) percent for the A.P.W.U., and two (2%) percent for the Local, based on Level 5, Step 1. The formula shall not apply to any cost-of-living raises which may be incorporated into negotiated base salaries.

SECTION 2 -- Supervisors, Postmasters and EAS employees must pay full union dues to be eligible to enroll in the A.P.W.U. Health Plan.

ARTICLE VIII ELECTION OF OFFICERS

SECTION 1 -- Election of officers shall be held in April every three years beginning with the 1987 General Election. An Election Committee, no member of which shall be a candidate for election, shall be appointed by the General President and shall consist of not less than three (3) members who shall submit a full report of the election results at the April membership meeting following the election. Necessary expenses shall be paid for by the Local. The Election Committee shall promulgate reasonable rules and regulations, consistent with the national and local constitution and all applicable Federal Laws.

SECTION 2 -- Nominations shall be made at the February meeting. Nominations shall be made by submission of nomination papers to the Chairperson of the Election Committee, who shall give receipt for each nomination paper received. No person will file or run for more than one office.

President – 200 signatures
All other General Offices – 100 signatures

CRAFT OFFICERS

Clerk	100 signatures
Motor Vehicle	20 signatures
Maintenance	20 signatures
Area Officer	50 signatures

The General President shall select a recognized outside organization to conduct the election under the supervision of the Local Election Committee. The eligibility of the candidates shall be decided by the designated organization based on the requirements set forth in the Constitution and By-Laws.

Notice to the membership shall be prominently displayed in the Local publication mailed to each member or shall be in form of a special bulletin to be posted on all union bulletin boards. The notice shall list the offices to be filled, state the eligibility requirements for candidates and shall be mailed at least 15 days before the meeting at which nominations are to take place.

SECTION 3 -- It shall be the responsibility of the Election Committee to conduct the entire operation of the election.

SECTION 4 -- The designated organization, after receiving the names of all eligible candidates, shall have the ballots prepared and printed. Sample ballots shall be given to the General President for posting on all union bulletin boards. Ballots shall be returned to the designated organization and counted, at which time all candidates will be entitled to be observers of the vote count. Results will be announced at the April membership meeting and will be posted on all union bulletin boards.

SECTION 5 -- Ballots shall be distributed by mail to eligible voters, with printed return envelopes, an inner envelope to contain the ballot when marked, and with an envelope or a detachable sticker with space provided for the name and address of the voter, with strict attention given to preservation of the secrecy of the ballot, yet a proper method for checking against the voting list. An eligible voter is defined as an ACTIVE MEMBER in good standing as of the close of business of the February nomination meeting. The ballots shall be mailed so as to reach the member at his/her last address of record by the Local no later than April 1st, and must be received by the designated organization by April 16th.

SECTION 6 -- No member shall be eligible to hold office unless he/she has been a member in good standing for at least one year prior to nomination day. Any postal employee eligible to be a member of the American Postal Workers Union who voluntarily holds a managerial, supervisory or EAS position with responsibility for issuing or recommending discipline, or applying or interpreting the National Agreement for the equivalent of one (1) pay period in a year

shall be ineligible to hold office at any level of the American Postal Workers Union (A.P.W.U.), so long as the employee continues to serve in such position and for a period of one (1) year from the time the employee vacates such position. Any postal employee who has submitted an application to a managerial, supervisory, or EAS position with responsibility for issuing or recommending discipline, or applying or interpreting the National Agreement, shall withdraw such application prior to acceptance of nomination for any office in the A.P.W.U. Candidates must have attended or been excused from four (4) general membership meetings during the previous twelve-month period ending with the nomination meeting. Reason for excusal shall include, but will not be limited to the following: sickness, conflicting Post Office work schedule, vacation, etc. Candidates requesting to be excused from the membership meeting requirement shall do so by submitting a request in writing to the Election Committee when submitting their nomination paper. The Election Committee will excuse those who requesting.

SECTION 7 -- The Sergeant-at-Arms shall keep an attendance register at the meeting to be signed by each member attending meetings. This shall be the only acceptable evidence of attendance at meetings for eligibility purposes.

SECTION 8 -- Recounts requested by any defeated candidate or his/her representative shall be subject to established procedures set forth by the Election Committee.

SECTION 9 -- Election protests may be made to the Election Committee of the Local. The Election Committee shall grant a full and fair hearing to the person filing the protest and shall render its decision promptly. The hearing shall be held within ten (10) days of receipt of the protest. Any protest must be in writing, contain all of the specific reasons for the protest, and must be signed by the protester. The Election Committee will at its discretion have at the hearing legal counsel to guide it in compliance with terms of this Constitution, applicable laws, and to assure the protester full protection of his/her rights.

SECTION 10 -- The Election Committee will make a finding and a binding recommendation, which may be appealed by either party under the appeals procedure contained in the National Constitution, Article XXI.

SECTION 11 -- All stewards shall be appointed by the General President. Should a petition be received from an area where there is no vacancy, it must be sent to the General President. The General President shall establish a three (3) person committee to investigate the merits of such petition. The committee will consist of the appropriate craft president or designee appointed by the General President, and two (2) impartial members from the Executive Board. They will make their recommendation to the General President by a majority vote.

All stewards must be available to the membership at work during their assigned tour of duty on the day before, the day of, and the day after national contract deadline. Any member who shall voluntarily accept or apply for any managerial, supervisor, EAS or PASS program position in the Postal Career service for any period of time, whether one day or fraction thereof, either detailed, acting, probationary, or permanent, shall not be eligible for a steward/alternate steward position for a period of one year after he/she terminates the supervisory status.

Steward rebate: Alternates are eligible for rebates. Stewards/alternate stewards must have attended three (3) membership meetings and at least one (1) seminar in the calendar year to qualify for rebate as explained below. In addition, in order to be eligible for the rebate, you must have been a steward/alternate steward for a minimum of six (6) months during each calendar year.

- a. Alternates/\$10 a month
- b. Less than 26 members/\$25 a month
- c. 26 - 100 members/\$30 a month
- d. More than 100 members/\$40 a month
- e. Chief Steward/\$60 a month

The General President shall have the complete authority to remove any steward/ alternate steward or chief steward from their appointed position.

SECTION 12 -- All chief stewards shall be appointed by the President, subject to 2/3 approval of the Executive Board present and voting. Chief stewards will be domiciled as follows: three (3) at the General Mail Facility (one on each tour), one (1) at the Northwest Boston Facility (Waltham), and one (1) in Cambridge. Additional chief stewards in offices with more than 150 members may be appointed at the discretion of the General President, subject to 2/3rds approval of the Executive Board present and voting. All stewards domiciled in the facility where the appointment is being made will be invited and have an opportunity to speak for or against the appointment in front of the Executive Board prior to the Executive Board vote on the appointment. When the appointment is for a specific tour, only stewards from the appropriate tour will be invited.

ARTICLE IX MEETINGS

SECTION 1 -- The regular meetings of this Local shall be held monthly, excepting that the previous membership meeting may vote to suspend meetings during July, August and December.

SECTION 2 -- Meetings dates and times shall be rotated so as to provide opportunities for all members to attend, and shall be announced on union bulletin boards at least seven (7) days in advance.

SECTION 3 -- Only members in good standing shall be allowed to attend meetings of this Local. A member in good standing is defined in Article 3, Section 1 of the National Constitution.

SECTION 4 -- A Special Meeting may be called: (a.) by the President, or (b.) by a majority of the Executive Board, or (c.) by a petition signed by three hundred (300) members in good standing in the Local. Special Meetings must be advertised in the usual manner at least three (3) days in advance, stating the time, place and purpose of the meeting. No other business shall be transacted.

ARTICLE X AMENDMENTS

This Constitution and By-Laws shall be added to, amended, or changed only by a two-third vote of all members present and voting at a regular meeting. Notice of such proposed amendments must contain the signatures of ten (10) members in good standing, and must be read at a regular membership meeting, then acted on at the next membership meeting, with reasonable notice of intention to vote on the question.

Dues may be increased or assessments levied only by a majority vote by a secret ballot of the members in good standing voting at a general or special membership meeting, after reasonable notice of the intention to vote upon the question. Reasonable notice shall mean at least fifteen (15) days advance notice, either mailed to the membership or posted on union bulletin boards.

BY-LAWS

SECTION 1 -- Members must notify the Vice President/Treasurer of any change of address.

SECTION 2 -- Any member desiring to speak on a subject under consideration must arise and address the Chairman, and such member shall not proceed until recognized by the Chair.

SECTION 3 -- No member shall speak twice on the same question before the meeting if another member wishes to be heard.

SECTION 4 -- All motions must be stated by the Chairman before they can be debated.

SECTION 5 -- The Order of Business:

1. Roll Call of Officers - Moment of silence for deceased members
2. Reading of minutes of the previous meeting, if requested
3. Financial Report
4. Applications for membership
5. Officers' Reports
6. Committee Reports
7. Unfinished business
8. New business
9. Good for the organization
10. Adjournment

SECTION 6 -- Robert's Rules of Order shall be the authority on all questions not covered by the Constitution and By-Laws.

**ARTICLE XI
CONVENTION - ELECTION OF DELEGATES**

SECTION 1 -- The three (3) full time General Officers and three (3) Craft Presidents, by virtue of their office, will be automatic delegates to State and National Conventions. If financially feasible, a minimum of thirty (30) additional delegates shall be sent to the National Convention. The Local Executive Board shall have the latitude to increase or decrease the number of delegates and/or alternates to attend the National Convention. This decision will be based solely on the financial capability of the local to absorb and defray the cost of sending additional delegates and/or alternates.

The decision as to the number of additional delegates and/or alternates to be sent to the National Convention will be made at the January Executive Board meeting, the year in which the National Convention falls. The decision to increase or decrease the number of additional delegates and/or alternates will require a 2/3 majority vote of the Executive Board present and voting. Within seven (7) days of the decision of the Executive Board, the President will notify the general membership by bulletin, announcing the number of delegates and/or alternates and the election process.

SECTION 2 -- No member shall be eligible to be a delegate and/or alternate to any convention unless he/she has been a member in good standing for at least one year prior to closing date for accepting applications. Candidates for delegate to a National Convention must attend or be excused from at least two (2) membership meetings in the 12-month period preceding the deadline for submitting their candidate application. Requests to be excused from the meetings must be submitted, along with their written application. The Executive Board will act on such requests. Verification of eligibility will be accomplished by the Vice President/Treasurer.

Any postal employee eligible to be a member of the American Postal Workers Union who voluntarily holds a managerial, supervisory or EAS position with responsibility for issuing or recommending discipline, or applying or interpreting the National Agreement for the equivalent of one (1) pay period in a year, shall be ineligible to be a delegate to any convention held by the A.P.W.U. or any subordinate body of the A.P.W.U., so long as employee continues to serve in such position and for a period of one (1) year from the time the employee vacates such position. That upon termination of such supervisory status, such member shall be ineligible for election to any office or delegate and/or alternate position for two (2) years.

SECTION 3 -- Starting with the December 1985 issue of the local paper (Bostonian) and every two (2) years thereafter, a notice shall be published in the Bostonian soliciting from members in good standing their written applications to serve as a delegate and/or alternate to the National Convention. Applications must be returned to the Recording Secretary at the union office no later than January 31, the year of the convention. All members in good standing who meet the eligibility requirements will be considered nominated and their names will appear on the ballot. Copies of the sample ballot in the form of a special bulletin will be mailed to each office to be posted on all union bulletin boards.

SECTION 4 -- The Executive Board, at its February meeting, will determine by 2/3 vote of those present and voting, the date the election will be held and the site or sites at which the election will take place. The delegation to the National Convention will consist of the following categories: Clerks - GMF, Clerks - Stations and Branches - including A.O.s, Maintenance Craft, and M.V.S. Craft. Proportionate representation from among those categories will be determined by the percentage of total number of employees represented by the Boston Metro Local. This determination will be made by the Executive Board at its February meeting the year of the convention. Each of the categories listed above will be guaranteed a minimum of one delegate and/or alternate in addition to the craft president. The Executive Board shall make the determination on all related convention expenses.

SECTION 5 -- In the event of insufficient applications or delegates and/or alternates for any category listed in Section 4, the delegate(s) and/or alternate(s) for that category shall be selected by 2/3 vote of the Executive Board. All nominated delegates and/or alternates whose names appear on the ballot, over and above the number of delegates and/or alternates to be elected as determined by the Executive Board present and voting as expense paid, may attend the convention at their own expense and will be seated as part of the official delegation.

SECTION 6 -- In the event of a Special Convention, the President shall appoint the required number of delegates and/or alternates with the approval of 2/3 vote of Executive Board present and voting. Craft presidents, when requested, shall attend at least one national craft president conference a year without loss of time and expenses.

Delegates to state conventions shall be elected by secret ballot at a regular membership meeting to be determined by the Executive Board at its February meeting of the convention year. Size of the delegation and expenses will also be determined by the Board. Those wishing to be delegates must submit a written notice to the Vice President/Treasurer by March 15 of the convention year. Any member in good standing is eligible to be a delegate.

ARTICLE XII DISCIPLINARY TRIALS AND APPEALS

SECTION 1 -- The following shall constitute, but shall not necessarily be an exhaustive list of offenses in commission of which shall subject any officer or member of the Boston Metro A.P.W.U. Local to disciplinary action as set forth herein:

- (a) Violating any provision of the Constitution or By-Laws of A.P.W.U. or of the Boston Metro Local, or failure to perform duties or functions specified or required therein;

- (b) Engaging in a movement which has for its purpose the fostering of a rival organization;
- (c) Violating the rights of members to be free from discrimination on the basis of race, creed, color, sex, age, handicap or national origin;
- (d) Engaging in conduct that would expose the A.P.W.U. or the Boston Metro Local to civil liability;
- (e) Joining or lending active support to any organization or movement whose purposes and objectives are contrary to the fundamental principles of the Government of the United States of America.

SECTION 2 -- An officer or member found guilty of any of the foregoing or other offense after the filing of charges and the holding of hearings and other procedures as prescribed in this Article may be disciplined by probation, suspension, expulsion, fine, or other appropriate disciplinary action. Except in cases of suspension or expulsion for non-payment of dues or per capita, no disciplinary action shall be taken for violation of any of the provisions of the Article or of the Constitution or By-Laws of A.P.W.U. or the Boston Metro Local until an accused individual has been accorded the following procedures.

SECTION 3 --

- (a) The Executive Board of the Boston Metro Local shall have jurisdiction to hear and determine any and all charges under this Article of the Constitution.
- (b) Proceedings under this Article may be initiated by any member of the Boston Metro A.P.W.U. Local by filing charges with the Vice President/Treasurer of the Local. In the event the Vice President/Treasurer is the accused, charges will be filed with the Recording Secretary of the Local. All such charges shall be in writing and signed by the accuser, and shall be sufficiently explicit so as to inform the accused of the nature of the offense with which he/she is charged.
- (c) The Vice President/Treasurer or the Recording Secretary with whom such charges are filed shall promptly transmit by registered mail a copy of the charges to the accused at his/her last known address. Copies thereof shall also be transmitted to the Local Executive Board. Accompanying the charges shall be written notice of the date, time, and place of the hearing which shall be held not less than one (1) week after the date of delivery of the notice.
- (d) The accused shall be accorded a full and impartial trial on the charges before the Local's Executive Board or its designated hearing panel with the right to appear personally and be represented by any member of this union, but whether the accused shall be represented by an attorney in such trial shall be left to his/her own discretion and expense. The accuser shall also have the right to be present during hearing trial.
- (e) A hearing may be held on a charge notwithstanding the failure of the accused, after being given notice thereof pursuant to the provisions of this Article to appear thereat.

- (f) The Local's Executive Board shall constitute the trial board before which hearings on the charges shall be held provided, however, that the Executive Board may appoint at least three (3) of its members, who shall be impartial, to act for it as a hearing panel for the purpose of holding hearings. In such a case, the hearing panel shall hold such trial under such trial procedure as shall be determined by the hearing panel, shall make findings of fact and conclusions of law in respect to such charges, and shall recommend to the Executive Board when disciplinary action, if any, should be taken by the Executive Board; however, the Executive Board shall determine for itself what disposition would be made of the charges. Any conclusions of law will be referred to Legal Counsel retained by the Executive Board; the accused shall not have the right to vote on the charges.
- (g) Any decision or disposition of charges by the Executive Board of the Local shall be reduced to writing and submitted as a report to the Recording Secretary of the Local, including a synopsis of the testimony introduced at the trial, together with the verdict, "guilty" or "not guilty", and the recommended disciplinary action, if any. Upon receiving the report, the Recording Secretary of the Local shall read it at the next regular union meeting and, in the event of a guilty verdict, shall submit first the question of sustaining the report as to guilt or innocence, and if guilt is determined, then the question of accepting or rejecting the recommended disciplinary action.

SECTION 4 -- Any person or body against whom disciplinary action has been taken or whose charges have been dismissed in whole or in part shall have the right to appeal as follows:

- (a) From the disciplinary action of or dismissal of charges by a local union, (1) to the National President, (2) to the National Executive Board, and (3) to the National Convention.
- (b) From the determination on appeal of the National President (1) to the National Executive Board, and (2) to the National Convention.
- (c) From the determination on appeal of the National Executive Board to the National Convention.
- (d) In acting as an appeal board, the National Executive Board may appoint one of its members, who shall be impartial, to set for it for the purpose of hearing any appeal, in which case the member so named shall make a recommendation to the National Executive Board concerning the disposition of the appeal, but the National Executive Board shall determine for itself what final disposition shall be made of the appeal.
- (e) Appeals shall be taken within a reasonable time not to exceed thirty (30) days from the date that notice of disposition of the charges or disposition of any intermediate appeal is delivered; provided, however, that the appellate body may, in its discretion, exceed such time for appeal if circumstances so warrant, appeals shall be in writing and shall state the basis of the appeal. The appellant shall be permitted to present such appeal in person before any appellate tribunal provided, however, that in the case of an appeal to a National Convention, such personal appeal shall be limited to an appearance before the Convention Committee established to deal with the appeals unless such appeals committee or the Convention itself determines to permit a personal appearance before the Convention.

- (f) Individuals against whom disciplinary action has been taken shall be obligated to exhaust all remedies provided for in this Article and in the Constitution and By-Laws of the A.P.W.U. before resorting to a Court of Law or other tribunal.