

CWA UNION OPERATING PROCEDURES MANUAL

Communications Workers of America

Revised March 2024

CWA Union Operating Procedures Manual

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PART I: CWA

1. Organizational Structure

Convention

Executive Board

Districts

Sectors/Division/Region

Locals

CONVENTION

The Convention is the highest governing authority of the Union. Approximately 1,300 locally elected delegates and alternates attend the CWA Convention. Once the Convention makes a decision, that decision stands and must be carried out by every single officers and employee of the Union – at both the Local and International levels. Convention action can be changed only by a later Convention or by a referendum of the membership.

The Convention has the power to:

-) Interpret and amend the Constitution;
-) Establish the policies to be followed by the Union;
-) Elect the International President, the Secretary-Treasurer, the Vice Presidents, and At-Large Diversity Members;
-) Act as a final court of review for members who feel they have not been treated fairly at lower levels of the Union;
-) Establish per capita dues to the International;
-) Approve or change the budget;
-) Dispose of any other matters that may come before it.

Delegates to the Convention are elected by local unions with the number of delegates per local determined by membership strength as specified in the CWA Constitution.

EXECUTIVE BOARD

The Executive Board is elected at the Convention every four years and consists of:

-) President
-) Secretary-Treasurer
-) Vice Presidents — Seven District Vice Presidents and Six International Vice Presidents for:
 - Telecommunications and Technologies
 - Public, HealthCare Workers and Education Workers (PHEW)
 - National Association of Broadcast Employees and Technicians (NABET-CWA)
 - The NewsGuild (TNG-CWA)
 - International Union of Electrical, Salaried, Machine and Furniture Workers (IUE-CWA)
 - Association of Flight Attendants (AFA-CWA)
-) Director, CWA SCA CANADA
-) Four At-Large Diversity Board Members for:
 - Northeast Region
 - Southern Region
 - Western Region
 - Central Region

The Executive Board meets regularly throughout the year. The Executive Board also administers the policies established by the Convention.

The Executive Board has 16 full-time national officers who are responsible for recommending policies and programs to the Convention, based on their day-to-day experience in administrating the affairs of the Union.

DISTRICTS

CWA is structured into seven geographic Districts. Districts are responsible for carrying out the goals and programs of the Union. Delegates representing the Locals within each District elect a vice president every four years at the Convention. Representatives of Locals within each District must meet at least once each year as required by the CWA constitution.



CWA Districts

District 1	New York City, NY	District 6	Austin, TX
District 2-13	Philadelphia, PA	District 7	Denver, CO
District 3	Atlanta, GA	District 9	Sacramento, CA
District 4	Cleveland, OH	Canadian Region	Ottawa, ON

SECTORS/DIVISION/REGION

CWA has six sectors/division. Four are merger partners (AFA-CWA, IUE-CWA, NABET-CWA, TNG-CWA) that represent and negotiate contracts in their respective industries. The Telecom & Technologies sector bargains national agreements with AT&T Legacy, Lucent, Optical Fiber Solutions, and AVAYA, and coordinates bargaining with Century Link, Windstream, and Frontier. The Public, Healthcare, and Education Sector has ongoing initiatives to promote organizing and bargaining rights for public workers and contributes to national policy issues affecting members.

The Canadian Region is responsible for coordinating matters of common concern and interest with respect to contracts, wages, hours of employment and other working conditions within the units of the CWA | SCA Canadian Region.

Association of Flight Attendants (AFA-CWA)

Established in 1945, the Association of Flight Attendants is the world's largest labor union organized by flight attendants for flight attendants. AFA-CWA represents nearly 50,000 flight attendants at 18 airlines, serving as a voice for flight attendants at their workplace, in the industry, in the media and on Capitol Hill. Through the years, AFA-CWA members have fought for, and won a number of changes in the airline industry that has led to safer airplanes and transformed the flight attendant profession. Flight attendants are trained professionals, First Responders in the air, and responsible for the safety of passengers in the airplane cabin.

-) AFA-CWA negotiates the best flight attendant contracts in the industry, maintaining and improving wages, benefits and working conditions for flight attendants.
-) AFA-CWA has strength in numbers and a professional staff to assist flight attendants with workplace, career and interpersonal concerns.
-) AFA-CWA is a democratic union representing flight attendants at every Mainline, Regional, Low Cost, Niche, and charter carrier. All AFA-CWA officers are flight attendants who solicit member input on policy and financial decisions.
-) AFA-CWA shares information and strategies, working in solidarity with flight attendant unions around the world through the International Transport Workers Federation (ITF).

International Union of Electrical, Salaried, Machine and Furniture Workers (IUE-CWA)

The International Union of Electronic, Electrical, Salaried, Machine, and Furniture Workers' roots reach back to the early 1930's in the radio and electrical manufacturing industries at many of the world's largest companies, including General Electric, Westinghouse, and General Motors. In 1936 these independent unions coalesced to form the United Electrical, Radio and Machine Workers (UE), the first chartered CIO union. In 1949, as a result of disputes within the CIO, the UE left the CIO and the IUE was born as the union representing those workers who wished to remain in the CIO.

In the 1950's a growing IUE pioneered coordinated bargaining among the 14 unions at GE and Westinghouse, which became a model for the entire labor movement. In 1987, the United Furniture Workers of American merged with the IUE, and in October of 2000, the IUE membership voted to approve the merger with CWA, becoming the Industrial Division of CWA.

IUE-CWA members remain employed in manufacturing, but also now include private and public service-related industries, with over 100,000 active and retired members throughout the United States.

The IUE-CWA Division is known for its progressive history, including leadership in the area of social action. Through the years, IUE has fought on behalf of civil rights and anti-poverty programs, equal employment opportunity, fair housing, education, national health care, pay equity, and trade reform. Currently, the Division is focused on improving union members' job security by bringing both a union-oriented version of high performance, or lean, manufacturing and Energy Treasure Hunts into IUE-CWA worksites. Other priorities include ensuring that a green economy and a U.S. manufacturing renaissance translate into high quality union jobs. The Division is active in the AFL-CIO Industrial Union Council and is outspoken in calling for fair trade laws and a fair and equitable U.S. manufacturing policy.

National Association of Broadcast Employees and Technicians (NABET-CWA)

In 1994, NABET merged with CWA. NABET-CWA has 29 chartered Locals with over 10,000 members who are employed in broadcasting, distributing, telecasting, recording, cable, video, sound recording and related industries in North America. Radio announcers, technicians, clerical workers, set designers, directors, video camera operators, videotape editors, and audio visual technicians are among those represented by NABET-CWA.

NABET-CWA negotiates over 100 collective bargaining agreements for its members. Major employers include NBC, ABC and independent companies in the public and private sectors.

Early history of NABET-CWA:

-) In 1933, some 300 NBC workers formed the Association of Technical Employees (ATE).
-) In 1934, ATE signed its first contract with NBC. The contract called for a 48-hour work week and a monthly wage scale of \$175.
-) In 1940, ATE changed its name to the National Association of Broadcast Engineers and Technicians (NABET).
-) In 1941, NABET negotiated its first eight-hour day contract provision.
-) In 1943, a Supreme Court decree splits up NBC and creates ABC. NABET adds ABC to its contracts.
-) In 1951, NABET affiliates with the Congress of Industrial Organizations (CIO).
-) In 1994, NABET merged with CWA.

Public, Healthcare and Education Workers - PHEW

CWA saw its first public worker members in 1965 when 2,300 New York City government workers joined CWA Local 1180. Public worker organizing continued over the next two decades. A major leap in membership occurred in 1980 when 40,000 New Jersey State workers voted for CWA representation.

At CWA's Special Committee on the Future Convention in 1983, delegates saw the need to establish a separate department for its growing public workers sector and created the CWA Public Workers Department. They voted to elect a Vice President who would oversee the Department and become a CWA Executive Board member.

Since that time, public workers in 25 states along with thousands of health care workers throughout the country have joined CWA. The Public, Healthcare and Education Workers Sector represents over 130,000.

Union attempts to organize public workers began in the 1930's but it was in 1959 when Wisconsin became the first state to enact legislation giving public workers a legally enforceable right to bargain collectively. During the 1960's sixteen states enacted bargaining rights legislation. It wasn't until 1962 that the federal government recognized federal employees' right to join unions and bargain collectively.

The battle for recognition continues today as only 29 states and the District of Columbia have enacted comprehensive collective bargaining laws for public workers.

CWA represents public, healthcare and education workers across the US, ranging from blue collar workers, and social workers to computer programmers, heavy equipment operators, correction and police officers, finance managers and instructors.

The NewsGuild (TNG-CWA)

Led by columnist Heywood Broun, The American Newspaper Guild began in 1933. Dissatisfaction with their pay was the main reason that editorial workers, traditionally independent, came together. In 1937 it expanded its membership to include commercial departments.

TNG has been at the forefront of labor law, social justice and worker safety throughout its history. In the 1940's it fought off attacks by publishers who claimed labor law violated their 1st Amendment rights. In the 1960s, the Guild actively pushed employers to end racial and gender discrimination in their hiring and employment practices. In the 1980's the Guild lead the fight to address workplace injuries and repetitive strain injuries caused by the introduction of poorly designed computer equipment.

In the past 20 years language workers, including translators and interpreters have been added to the ranks of Guild members.

At the 2015 TNG Convention, delegates approved changing the union's name to The NewsGuild-CWA, to better reflect the current news industry and diversity of Guild units.

TNG today is primarily a media union whose members are diverse in their occupations, but who share the view that the best working conditions are achieved by people who have a say in their workplace through collective means.

TNG has more than 24,000 members in the United States, Canada and Puerto Rico.

LOCALS

CWA has approximately 900 chartered local unions in the United States and Canada. Members elect local officers and the delegates to the CWA Convention. All chartered locals must represent the workers in their respective jurisdictions and hold meetings at such time, place and frequency as the members may decide by vote. The locals are also responsible for representation and actively implementing all union programs.

2. Constitution

The CWA Constitution sets forth the rules by which the union conducts its business. Just like the Constitution of the United States, it is a living, changing document. The democratically elected delegates to the CWA convention have the power to change or amend the Constitution. Copies of the Constitution may be downloaded at www.cwamaterials.org.

3. History

The Communications Workers of America (CWA) was founded at meetings in Chicago and New Orleans in 1938. First known as the National Federation of Telephone Workers, convention delegates in 1947 changed the name to the Communications Workers of America. CWA joined the Congress of Industrial Organizations (CIO) in 1949 and has been an affiliate of the AFL-CIO since the two labor organizations merged in 1955.

The late Joseph A. Beirne was the Union's founding president and was succeeded upon his death by Glenn E. Watts who served between 1974 and mid-1985. Morton Bahr became the third president of CWA with his election by acclamation on July 16, 1985 during the Union's 47th annual convention. On August 30, 2005, Larry Cohen was elected president of the CWA and served until 2015. Chris Shelton is the current president, elected during CWA's 75th Convention on June 8, 2015.

On January 1, 1987, the 70,000 member International Typographical Union, America's oldest chartered labor union, affiliated with CWA to become the union's Printing, Publishing and Media Workers Sector.

In 1994 the National Association of Broadcasting, Engineers and Technicians brought 9,000 workers to CWA.

In 1997, The NewsGuild (formerly The Newspaper Guild), representing 40,000 workers merged with CWA.

The year 2000 brought 110,000 new members with the merger of the International Union of Electrical, Salaried, Machine and Furniture Workers.

In 2004, the American Flight Attendant merger brought 45,000 members into CWA.

4. Duties of International Officers and Staff

PRESIDENT

The International President is the principal officer of CWA and the official spokesperson for the Union. The President has full responsibility for administering and implementing the policies of the union as determined by the Convention – CWA’s highest decision-making body -- and for guiding and building the union. Between Executive Board meetings and Conventions, the President is charged with ensuring that the directives and goals of the union are carried out.

The President presides over the Convention and meetings of the Executive Board of the Union. All officers report to the President. The President is also the Constitutional Chair of all the Bargaining Councils and is the final authority for setting strike action. The President is elected by the delegates to the convention every four years.

The President works to build and strengthen alliances with allies in the U.S. and around the world to support collective bargaining and workers' rights.

The President and the Secretary-Treasurer make up CWA’s Executive Committee.

SECRETARY-TREASURER

This officer has the job of receiving, identifying, distributing and keeping a day-to-day record of the dues income of the Union. The Secretary-Treasurer is responsible for maintaining the membership database and preparing financial statements. The Secretary-Treasurer is elected by the delegates to the convention every four years.

DISTRICT VICE PRESIDENTS

CWA is divided into seven geographic Districts. Each District has a Vice President who is responsible for supervising all policies and programs of the Union within a District. The Vice Presidents work under the direction of the President and they in turn supervise CWA Representatives and other Staff assigned to their Districts. The Vice Presidents are elected by delegates from the locals in their District every four years at the convention.

INTERNATIONAL AND NATIONAL VICE PRESIDENTS

The Vice Presidents on the Executive Board are elected by convention delegates from locals with members in their sectors/division every four years at the convention. TNG-CWA and AFA-CWA are elected at their own conventions.

THE DIRECTOR, CWA|SCA CANADA

The Director of CWA|SCA Canada is responsible for coordinating matters of common concern and interest with respect to contracts, wages, hours of employment and other working conditions within the units of the CWA-SCA Canadian Region.

AT-LARGE DIVERSITY BOARD MEMBERS

The At-Large Diversity Members on the Executive Board are elected by convention delegates from locals with members in their regions every four years at the convention.

NON-ELECTED FULL-TIME STAFF

CWA non-elected full-time Staff are employed by the Executive Board. Full-time Staff employees work out of CWA Headquarters/District/Sector offices under the supervision of officers and vice presidents. Most field Staff are assigned to locals and are responsible for assisting locals in meeting all the goals of the Union. Staff at Headquarters support department functions. Organizers direct and support organizing campaigns throughout the Union.

5. Headquarters Departments

COMMUNICATIONS

The Communications Department handles CWA's internal, traditional and online communications programs, including the weekly e-newsletter, CWA News and other publications, social media, media outreach and video. Connect with CWA at www.cwa-union.org, on Facebook at CWAUnion, on twitter @CWAUnion and on youtube at CWAUnion.

COMPLIANCE

This office endeavors to assist any Local which may have specific needs in the area of compliance with any Federal, State or CWA Constitutional requirements. Handles all charter jurisdiction changes, Local officer information, Labor Bond coverage and claims, dues certification, and updating of the UOPM.

EDUCATION

This department produces materials and programs that inform members about key issues affecting our union and prepares members for mobilization actions to improve our strength at the bargaining table, in the workplace and in the community. The department develops training for stewards, local officers, union activists, and CWA staff in the fundamentals of union representation, leadership development, contract enforcement and movement building.

FINANCE AND MEMBERSHIP

The Finance and Membership Department handles the day-to-day financial work of the union. The Department works diligently to ensure that membership records are maintained accurately and that dues reports and checks are worked in a timely and efficient manner. In addition, the accounts payable section processes and pays the bills for headquarters and district expenses. The accounts receivable section processes the income received from dues and other sources. The accounting department generates budget reports and quarterly financial reports for the union.

HUMAN RESOURCES

The Human Resources Department handles all benefits programs and processes the payroll for all employees in headquarters and in the district offices. This office also handles benefits for all retired employees of the international union.

HUMAN RIGHTS

CWA accepts its responsibility to represent all members, regardless of gender, color, disability, sexual orientation, creed or nationality. CWA consistently challenges discriminatory practices and fosters enlightened attitudes throughout our union and society. This office coordinates the National Committee on Civil Rights and Equity, the National Women's Committee, works with the AFL-CIO constituency groups and coordinates CWA Activism on key human rights issues.

LEGAL

CWA is represented by a General Counsel and by various in-house and retained counsel across the country in all legal matters, including litigation, NLRB , other administrative agency proceedings and arbitration cases. CWA attorneys also handle and provide advice relating to internal governance issues, complaints and appeals and other matters governed by the CWA Constitution. CWA's Legal Department provides opinions and guidance on a wide range of matters relating to organizing, mobilization, corporate campaigns, bargaining obligations, legislative and regulatory initiatives and enforcement, benefit and personnel matters and on contractual interpretations and representation disputes.

LEGISLATIVE AND POLITICAL

Coordinates CWA's Political Action Fund and LPAT program (Legislative-Political Action Teams). Works with District/Sector Legislative-Political Coordinators to increase CWA's grassroots political legislative action efforts and member support of Local, State and Federal candidates. CWA has one of the most active grassroots lobbying and political programs in the country and is working to build up our independent political power for workers in the US.

OCCUPATIONAL SAFETY AND HEALTH

The department works towards the identification and elimination of member occupational safety and health hazards through the development of education and training materials, conducting workplace safety and health education and training, providing technical assistance, and conducting research specific to member occupational safety and health hazards.

ORGANIZING

Works with the districts/sectors and locals in expanding external organizing opportunities. Provides resource support and direct assistance to locals in organizing campaigns. CWA has one of the most active organizing programs in the labor movement.

RESEARCH

CWA's research and technical staff provide support for CWA bargaining, organizing, and public policy work. The Research Department develops strategic and financial analyses of companies and sectors where CWA members are employed. Department members provide research and technical support for corporate campaigns and other initiatives.

6. CWA on the Web

CWA-UNION.ORG

CWA's main website at cwa-union.org is updated daily with the latest news and information from around the union.

The "For Locals" section of the website contains links to this manual, and the CWA Constitution, Convention Proceedings and Biennial Reports, forms, and other materials that can assist you with local administrative duties.

CONNECT WITH CWA

CWA provides just about every form of media possible for members, leaders, and coalition partners to stay current with the latest news and information. Please post on your local website and disseminate through your established mobilization channels.

CWA e-Newsletter (weekly) - Published every Thursday, the CWA e-newsletter highlights the latest information important to CWA members and activists. Visit www.cwa-union.org/news to subscribe. All activists and stewards should be subscribed.

CWA Materials CWAMATERIALS.ORG is CWA's source for ordering education, organizing, training, and political action materials. Many of the materials can be downloaded at no cost. Orders may only be placed by locals or district/national offices. www.cwamaterials.org

CWA News (quarterly) - CWA publishes a news magazine four times a year that is mailed directly to CWA members' homes. The magazine is issue-based, covering important concerns of CWA members and retirees. Please encourage your members to update their mailing address to ensure timely and accurate delivery of the CWA News. Use CWA news stories at union meetings.

Speed Matters/Telecom Industry Updates (weekly)- Provides critical information on telecommunications. Sign up for weekly Telecom industry updates at www.speedmatters.org.

CWA Mobile News and Movement Building App - When news breaks, you want to know about it and know what's coming next. The CWA Union Movement Builder brings the latest news, events, photos, Tweets, information and opportunities for action from the Communications Workers of America right to your iPhone or Android. Download the app and create your profile at <http://www.cwa-union.org/app-info>.

CWA Rapid Response Text List: Sign up to get rapid response text messages by texting CWAAction to 69866.

Facebook www.facebook.com/CWAUnion
Twitter twitter.com/cwaunion
Flickr www.flickr.com/photos/cwaunion
YouTube www.youtube.com/user/CWAUnion
Google+ plus.google.com/+cwaunion/posts

ONLINE TOOLS FOR YOUR LOCAL

CWA provides free tools to locals to help you send bulk e-mail, create online advocacy and event RSVP pages and host your local website.

For more information about these tools and to request access visit cwa-union.org/localtools

PART II: LOCAL OFFICERS

1. Local Authority Duties and Obligations

Under CWA Constitution, Article 13, Section 9 The authority, duties and obligations of chartered Locals, their officers and members, in addition to those otherwise set forth in the Constitution or in their respective Bylaws and rules, shall be:

- (a) To represent the workers in their respective jurisdiction relating to Local matters;
- (b) To actively implement all Union Programs and carry out the policies established by the District, State or Area meeting at which it is required to be represented;
- (c) To abide by the Constitution, the decisions of the Convention, the Executive Board of the Union and the decisions resulting from the referendum procedure;
- (d) To adopt Bylaws and Rules not inconsistent with this Constitution and to repeal, amend, or modify such Rules and Bylaws as may be inconsistent therewith, voluntarily, or at the direction of the Executive Board of the Union, subject to the right of appeal to the Convention. As provided more fully in Article IX, Section 7, commencing immediately after the 2011 CWA Convention, all appeals pending in non-Convention years may be heard and resolved by delegates to a Local President's Meeting;
- (e) To establish and maintain actively functioning organizing, education, legislative-political, community services, women's equity, and such other committees as may be necessary to effectuate the policies of the local, the Union and the District, State or Area;
- (f) To participate actively in the political and legislative processes on a city, state, provincial and national level, with special regard to legislation affecting the

welfare of the members, and do all things reasonable and necessary to accelerate the adoption of laws which may be beneficial and to encourage defeat or cause the repeal of laws which may be detrimental to the workers;

(g) To respect picket lines of any Local of the Union engaged in a strike authorized and conducted in accordance with this Constitution;

(h) To provide for the bonding of Local Officers and other persons who handle Union funds and property;

(i) To hold Local meetings at such time, place and frequency as the members may decide by vote;

(j) To hold Local elections by secret ballot with provision of reasonable opportunity for all members to vote in accordance with the Bylaws or Rules established by the Local and this Constitution;

(k) To elect by secret ballot delegates and alternate delegates to the Union Convention as provided in this Constitution and to designate the Chair of such delegation;

(l) To establish a quorum and other rules of conduct of Local meetings;

(m) To maintain adequate files and records and have made an annual audit of the financial records of the Local by competent persons; make available Local financial statements to the membership at least annually; furnish to the Union's Secretary-Treasurer in acceptable form, an annual financial statement;

(n) To furnish the Vice President and Secretary-Treasurer of the Union with copies of Bylaws and Rules of the Local and copies of revisions as they may be made;

(o) To require participation of all Local officers and stewards in appropriate training schools and programs;

(p) To establish a program designed to keep rank and file members informed of Union activities;

(q) To process grievances through the step below the top level of the grievance procedure preceding arbitration, where applicable;

(r) To represent the members of the Local at all District, State or Area Meetings, and at quarterly meetings of Local Representatives with their International Staff, at such times and places as may be set by the Vice President, or the Vice President's accredited representative;

(s) To maintain an active internal membership development program; (t) To maintain an active organizing program and budget monies to support the Local's efforts as well as assisting the Union in reaching a goal of 10% of resources to be spent on growth.

(u) To do all other things necessary for the proper disposition of matters which may come before the Local for consideration.

2. Fiduciary Responsibilities

LOCAL OFFICERS - FIDUCIARY RESPONSIBILITY

Every Local Officer stands in a fiduciary position with respect to the Union and its members. The sources of that fiduciary position are the:

- Labor and Management Reporting and Disclosure Act (LMRDA)
- CWA Constitution
- Local Bylaws
- Union and Local Policies
- Local Union Credit Cards – Beware!

Generally, a Local officer's fiduciary responsibilities require him or her to hold the assets of the local in trust, to see that the Local's money is spent only for a proper purpose and to account for all expenditures of the Local's assets. **It is important to note that all officers are held accountable, not just the Treasurer.** Local Officers should familiarize themselves with the duties required of them.

LMRDA

The Labor Management Reporting and Disclosure Act provides that "officers, agents, shop stewards, and the other representatives of a labor organization," occupy positions of trust in relation to the union and its members and imposes five particular duties of such persons. Thus, an officer of a Local is required:

- To hold its money and property solely for the benefit of the organization and its members;
- To manage, invest and expend its money and property in accordance with its Constitution and Bylaws and any resolutions of the governing bodies adopted thereunder;
- To refrain from dealing with such organization as an adverse party in any manner connected with his or her duties;
- To refrain from holding or acquiring any pecuniary or personal interest which conflicts with the interests of the organization; and
- To account to the organization for any profit received by him or her in whatever capacity in connection with transactions conducted by him or her under his or her direction on behalf of the organization.

CWA CONSTITUTION

In addition to the duties set forth in the law, a Local Officer's fiduciary responsibilities are further defined by the CWA Constitution. The Constitution in Article XIII, Section 11, declares that the Local's assets "shall be considered a trust fund of the union to be held and administered" by the Local for the membership. In Section 9 of Article XIII, the Constitution imposes specific duties. They are:

- To maintain adequate files and records;
- To have an annual audit of the financial records of the Local prepared by competent persons.
- To make financial records available to the membership at least annually;
- To furnish to the union's Secretary-Treasurer an annual financial statement; and
- To provide for the bonding of Local Officers and other persons who handle union funds and property.

LOCAL BYLAWS

Local Bylaws generally set forth additional duties of Local Officers. For example, a Local's Bylaws may require the Treasurer to issue payments only upon review and approval of proper documentation indicating the purpose and amount of the expense.

UNION AND LOCAL POLICIES

In addition to its Bylaws, a Local may also have established policies or rules concerning the financial administration of the Local. For example, a Local may have a policy by which it will reimburse an officer or member only for actual lost wages when engaged in union business. Payments in this Local to an individual for time spent on union business, but for which no wages were actually lost, may trigger a finding of a breach of fiduciary responsibilities.

BREACH OF FIDUCIARY RESPONSIBILITIES

The consequences for a Local Officer's breach of his or her fiduciary responsibility can be severe. An officer may be held personally liable for losses sustained by the Local or union as a result of a breach of fiduciary duties. Moreover, the LMRDA provides that an officer who embezzles, steals or otherwise converts Local funds or assets to his or her own use may be fined in an amount up to \$10,000 and/or imprisoned for up to five years.

3. Local President Duties and Responsibilities

The President is ultimately responsible for the conduct of all Local business. The responsibilities of the President are to:

- Assume direct responsibility for internal organizing.
- Engage in and supervise collective bargaining as needed.
- Make worksite visits.
- Provide communication link between members and the International.
- Perform all duties as required by the CWA Constitution and Local Bylaws.
- Execute all Local programs as established by the membership.
- Lead the Local.
- Conduct all Local business.
- Plan and Chair membership meetings and Executive Board meetings.
- Set specific goals for the year with input from other officers.
- Prepare a budget in consultation with other officers, which supports and reflects specific goals for the year.
- Foster an organizing culture and identify external organizing leads.
- Supervise work of all officers and committees.
- Have working knowledge of contract(s) -- check with district staff for interpretations.
- Supervise all grievances.
- Approve expenditures
- Develop new leadership within Local.
- Involve other officers in Local decision-making.
- Operate as a member of a team -- as well as lead that team.
- Share information with other officers.
- Get members involved in the union.
- Represent the Local to employer, community leaders and media.

4. Local Treasurer Duties and Responsibilities

Protecting the funds and assets of the Local is the fundamental job of the Treasurer. The responsibilities of the treasurer are to:

- Maintain an updated and accurate membership database.
- Perform all duties as required by the CWA Constitution and Local Bylaws.
- Prepare budget in consultation with other officers.
- Maintain financial records.
- Receive funds due to the Local, including dues payments from the International, cash dues, initiation fees, etc.
- Handle expenditure of funds.
- Secure authorization, documentation and explanation for all expenditures.
- Reconcile and keep bank account records.
- Report on finances to Executive Board and membership.
- Furnish financial statement to International.
- Maintain records on employees.
- Prepare Forms W-4, W-2, W-3, I-9.
- Prepare Forms 1099, 1096.
- Prepare and reconcile accounts (i.e. QuickBooks).
- Meet Federal Report requirements.
 - LM reports
 - Form 990
 - Unemployment Compensation Form 940
 - Quarterly tax report Form 941
- Meet state, county, city report requirements.
- Arrange for annual audit.
- Handle bonding coverage.
- Manage Local's assets.
- Invest Local funds consistent with sound accounting practices and policies of the Local.

a. CHECKLIST OF DOCUMENTS

When you take office, review this list to make certain that you have the following documents. Make them part of your permanent records. Some of these items may not apply to your Local.

RECEIVED	ITEM
_____	CWA Constitution (most current one)
_____	Local Union Bylaws (most current one)
_____	Local Operating Practices or Standing Rules
_____	The Uniform Operating Practices Manual (UOPM)
_____	Local Union Employer Identification Numbers EIN: _____
_____	Local Union LMSA File Number with the Department of Labor LMSA File Number: _____
_____	Copy of the Blanket Tax Exemption IRS Letter
_____	Local Union Checkbook(s) Account Number(s): _____
_____	Local Union Savings Account(s) Account Number(s): _____
_____	Money Market Certificates Account Number(s): _____
_____	Vouchers (for past five years)
_____	Local Budget (most current and previous years if available)
_____	Financial Report(s) To Membership (most current)
_____	Annual Local Financial Statements
_____	Key to Local Safety Deposit Box
_____	Fixed Asset Inventory
_____	Current Fiscal Year General Ledger (i.e. QuickBooks)
_____	Past Years' General Ledgers (for past five years)
_____	Current Fiscal Year Journals (which include): <ul style="list-style-type: none">• Cash Receipts• Disbursements• Petty Cash
_____	Past Years' Journals: <ul style="list-style-type: none">• Cash Receipts• Disbursements• Petty Cash

RECIEVED

ITEM

- _____ Past Years' Payroll Cards
- _____ Current Fiscal Year Cancelled Checks and Bank Statements
- _____ Past Years' Cancelled Checks and Bank Statements (for past 5 years)
- _____ Current Fiscal Year Payments
- _____ Current Fiscal Year Bills
- _____ Past Years' Bills

Insurance Policies:

- _____ Workers Compensation
- _____ Liability
- _____ Casualty and Liability
- _____ Fidelity Bond---Amount: \$_____
- _____ Other:
- _____ Copy of the Mortgage/Lease
- _____ Copies of ALL Audit Reports
- _____ All IRS Reports of ___ W-2's ___ W-3's ___ W-4's
_____ 990's ___ 990N's ___ 990-T's
_____ 940's ___ 941's ___ 1096's ___ 1099's
- _____ Department of Labor Reports (either LM-2, LM-3 or LM-4's)
Locals comprised entirely of public employees are not required by law to file LM reports.
- _____ All State and Local Tax Bills and Receipts of Payments
- _____ Copy of Labor-Management Reporting and Disclosure Act, (LMRDA) as Amended 1959
- _____ Other:
- _____ Other:

5. Local Secretary Duties and Responsibilities

The duties and responsibilities of the Secretary are to:

- Perform all duties as required by the CWA Constitution and Local Bylaws.
- Maintain a up to date and accurate membership database.
- Record minutes of all Local meetings.
- Maintain files:
 - Membership
 - Reports
 - Grievances/Arbitration cases
 - Correspondence
- Furnish International and District with proper records and reports as required.
- Handle correspondence.
- In cooperation with Treasurer, implement budget.
- Inform President and (Executive) Vice President of changes in International and/or District procedures.
- Remind President of items for agendas of meetings.
- Cooperate with other officers in furnishing proper reports to government.
- Become involved in Local decision-making processes.
- Work as a member of the Local Officers' team.

a. MINUTES

Purpose

Minutes are the official, permanent record of the activities and official actions of the Local and must be taken at all meetings whether Executive Board, Local committees or membership. Minutes also serve as a reminder to members of what went on at the last meeting. They should be retained indefinitely in the Local files since they may be necessary to substantiate Local actions at some future date. Minutes need not be word for word, but must be clear and accurate so that when they are referred to at a later date there is no doubt what action the members took (or didn't take) regarding the business brought up.

Minutes must be record motions and actions, such as:

- Committing the Local to a particular policy.
- Committing the Local to a particular course of action.
- Authorization to spend Local funds.
- Approval of membership action.
- Approval of Bylaw amendments.
- Officer elections.
- Committee recommendations.
- Trial Court hearings, etc.

Writing Minutes

After a little practice, most Secretaries find taking minutes fairly easy.

Take notes during the meeting. Have a copy of the agenda in front of you as a guide.

Rewrite the minutes as soon as possible; if you are not sure how it sounds, read it aloud to yourself.

The final copy of the minutes should be kept in a bound book. Minutes for different kinds of meetings should be kept in different books.

If a correction is made in the minutes at the next meeting, the Secretary writes the correction at the end of the minutes and initials it.

Minutes Include:

- Name of organization (Communications Workers of America, Local 0000, for example).
- Kind of meeting (regular, special, Executive Board, etc).
- Date and time of meeting.
- Place of meeting.
- Chair of meeting; roll call or officers with absentees noted.
- Quorum of members present.
- Action taken on minutes of last meeting.

- Brief summary of reports of committees, delegates, officers and others, including financial report - show what action, if any was taken on reports.
- Wording of every motion and action taken that comes to a vote must be included along with a note explaining whether it was passed or rejected. **(This is very important).**

The Secretary must get correct wording of the motion; ask the Chair to repeat the motion if in doubt.

It is not necessary to write up discussion on a motion; some secretaries summarize debate on important motions.

Names of members making motions should be reported.

Minutes Do Not Include:

The Secretary should not include personal opinions or evaluations. Such phrases as "a brilliant suggestion," "very heated discussion" or "an able report" do not belong in the minutes. The Secretary is a recorder of events, not an interpreter of sentiment.

b. LOCAL FILING SYSTEM

A simple filing system is absolutely necessary in conducting the Local business. Several types of files are needed.

Action File

An action file should be kept by each Local Officer.

All matters which require attention or action should be kept in these files until the problem is solved or appropriate action taken. Nothing on such matters should be transferred to the regular files until the problem is solved or appropriate action is taken.

Some Locals have purchased red folders for use as action file folders. A red folder is easier to spot and keep track of on a busy desk.

Follow-Up File

Copies of communications sent by the Local which require a reply should be placed in a file for follow-up action.

This file should be a folder, indexed by number from 1 to 31, representing the days of the month.

The copies should be placed under the appropriate date, usually ten days after the communication is sent, to allow reasonable time for the recipient to answer.

This file should be checked every day and a reminder communication sent if a reply is not received after a reasonable wait.

Correspondence File

The purpose of filing is to keep letters and records which the Local may need in the future. It is not necessary to keep every piece of correspondence or every leaflet received.

Experience has shown that a subject file system works best for most Locals. This is a system in which letters are filed according to the subject discussed. For example, a letter on pensions is filed under "pensions."

Correspondence files, such as these, are the property of the Local. When a secretary goes out of office, files should be turned over to the new secretary immediately.

Grievance File

Every Local should keep a file of grievances. This file may be kept according to the date the grievance was written or by the subject of the grievance (seniority, overtime, wage rates, safety, etc.)

Arbitration File

A file should also be kept on every arbitration case, containing all the background materials, briefs, etc.

ELECTRONIC FILE RECORD KEEPING

So much of what we do today is electronic that we need a plan to organize electronic files similar to the way we organize paper files.

There are numerous benefits of an organized electronic filing system. Here are some of the reasons to get your computer files in order:

- Saves you time when you can find what you need quickly and easily, even years later.
- Easy to maintain.
- Helps you be more productive.
- Saves physical storage space and money by reducing the number of filing cabinets and office floor space needed.
- Uses your time more efficiently by reducing the time you spend retrieving and re-filing physical records.

Tips to organize your electronic record keeping:

1. Make sure that the electronic filing system meets the needs of the Local and all documents have a place in the system.
2. Mirror your paper folders using the same headings and topics as your paper system. The more similar the two systems, the better.
3. Be consistent about naming your files. Set up files, folders and subfolders that everyone will find meaningful and easy to understand.
4. Limit the number of clicks to three: file, folder and subfolder. There is no need to go any deeper. Note: whatever filing name system you choose, it needs to match your needs and/or the Local's needs.
5. Use a hierarchal system to organize files. Group all projects and files relating to a particular project, person or thing together instead of using separate folders. For example, a hierarchy for a grievance file folder might look like this:
 - a. File: Grievances
 - b. Folder: Individual Member's Names
 - c. Subfolders: Descriptive topic names such as: suspension, discharge, overtime, etc.
6. Use the same format for dates. The key is to be consistent.
7. Add as much information into the file name as possible so it will not be necessary to open it. Be descriptive. An example of a subfolder under suspension might be: AT&T Joe Smith Nov 2015. Don't just put in "grievance."
8. If others also work on the document, add your initials at the end.
9. Avoid abbreviations and codes that are not immediately obvious to everyone.
10. Delete previous revisions once document is final.

11. Create a records retention schedule based on function and date to ensure that outdated electronic documents are disposed of when they are no longer needed.
12. Be ruthless about the documents you save. The more data on the computer the more difficult it is to find necessary documents.
13. Move frequently-used files to the top of the file folder list by adding an “a” or “!” (any symbol works) at the beginning of the file name.
14. File as you go. Do not wait until you have a long list.
15. Develop a system for regularly backing up files. (example – backup to a portable hard-drive or to an encrypted cloud storage option). **THIS IS VERY IMPORTANT.**
16. Regularly change passwords on protected files, if necessary.
17. Scan your paper files into pdf format files, if possible, to eliminate the need for paper storage.

OTHER FILES

Other files the Local may wish to maintain for bargaining or grievance purposes are:

- Copies of employer notices regarding hours, policy, vacation, etc.
- Reports published by the employer on the insurance plan, number of pensioners, etc.

PART III: ORGANIZING

1. Organizing Guidelines

The Director of Organizing and District Vice President shall supervise and direct all organizing (internal and external) in his/her District and shall:

1. Develop and carry out internal organizing programs designed to bring all existing Locals up to or above ninety percent (90%) membership development;
2. Develop and carry out external organizing programs for organizing the unorganized into new CWA bargaining units. The "unorganized" includes any group of workers not presently organized under a contract held by another AFL-CIO affiliate;
3. Provide guidance and direction to staff, clearly outlining their authority and responsibility to give guidance, assistance and direction to the Locals they are assigned to serve, covering all of the activities required of the Locals;
4. Coordinate organizing activity in the District with the organizing activities of other Districts when so directed; and
5. Make all decisions affecting organizing in his/her District including the granting of Local charters or the amending of existing charters as provided in the CWA Constitution and the negotiation of recognition agreements and wage and working condition contracts for newly established units.

The District Organizer/Coordinator or CWA Representative shall:

1. Give assistance and direction to Locals;
2. Advise and assist the Locals regarding membership percentage with special emphasis on those Locals having less than ninety percent (90%) development;

3. Advise and assist the Locals in carrying out their responsibilities for external organizing within their geographic jurisdiction; and
4. Comply with the rules established by the Vice President, especially those for reporting the membership development levels of Locals and the status of all external organizing projects.

2. Organizing Rules

ORGANIZING EXPENSES

1. In general, Locals are responsible for all expense incurred while conducting internal organizing programs.
2. Locals requiring financial assistance in external organizing may make application through the District Vice President.
3. The Vice President and Organizing Department will review the request and notify the Local of their decision.

Approval must be obtained before any of the expenses for which such assistance is requested are incurred.

REPRESENTATION CASES

Vice Presidents shall establish appropriate rules regulating the filing of representation cases with the National Labor Relations Board or other appropriate agencies which shall include same day notice of such filings to the President.

A copy of the form filed with the agency shall be used for this purpose.

UNFAIR LABOR PRACTICE CHARGE

Unfair labor practice charges shall not be filed without the prior approval of the Vice President.

REPORTS

1. Vice Presidents shall establish appropriate rules and procedures for receiving regular reports covering new projects started, projects completed, projects dropped and a prognosis for uncompleted projects.
2. Vice Presidents shall furnish the President, on a monthly basis, not later than the 10th day of each following month, a report by states and by Locals covering new projects started, projects completed, projects dropped and a prognosis for each uncompleted project.

This report shall include projects requiring Headquarters approval of expenditures as well as those financed from District or Local funds.

DUES AND INITIATION FEES

1. Monthly membership dues and initiation fees, established by the Local in accordance with the Constitution, are due and payable not later than the first day of the second month following the date recognition is obtained from an employer or the date the contract is ratified.
2. Monthly per capita dues for bargaining units joining CWA through affiliation are due and payable as provided in the affiliation agreement approved by the Executive Board.

3. Organizing Models

Following are organizing models to give you guidance in beginning an organizing campaign. (Section 20.3.1)

For further details on organizing methods and procedures, refer to your Organizing Manual.

a. UNITS WITH MORE THAN FIFTY PEOPLE WITH EMPLOYER OPPOSITION

1. Receive initial contact - begin two-way process of deciding whether or not to proceed.
 1. Does unit make sense for an existing CWA Local?
If not, is unit big enough or critical enough to charter new Local?
If no to both, explain to contact why we cannot proceed.
 2. Map out worksite and get list of names, titles and where they fit on map (home addresses, if possible).
 3. Identify CWA Local person(s) or staff who will accept this campaign as their primary assignment.
 4. Depending on size and difficulty of the unit, lost time may be involved. Identify volunteers in Local who will work on project.
2. Build the Organizing Committee by identifying and recruiting at least one key leader per work unit. In units with more than twenty workers, one committee member per ten workers:
 1. Build the committee primarily through interviews, including house visits and small group meetings;
 2. Committee must be trained on what to expect as they organize. Use CWA leaflet "Our Boss Said We Don't Need A Union Because He'll Take Care Of Us"

3. Divide up list of unit employees among committee members - five to ten each.

Explain the role of the committee in **convincing** employees to support the Union and then constantly **checking on** those employees to make sure we maintain that support.

4. If committee seems strong enough, proceed to #3. If not, explain why we cannot proceed.
3. Develop a plan to contact every member of the unit to support the Union and sign a card. This work should mainly be done through the committee structure as outlined above.

Also set dates for committee meetings to evaluate results:

1. To the extent possible, contacts should be made at the worksite. Otherwise, supplement with small group meetings and home visits.
2. Keep a record of every contact with the result.
4. If we have a strong majority, move for recognition or NLRB election. If not, either list key people who we try again to convince or tell committee to monitor worksite until more people are convinced (goodbye for now or associate program).

b. UNITS WITH LESS THAN FIFTY PEOPLE WITH EMPLOYER OPPOSITION

1. Receive initial contact -- begin two-way process of deciding whether or not to proceed:
 - a. Does unit make sense for an existing CWA Local? If not, explain to contact why we cannot proceed.
 - b. Contact must be willing to help build small committee quickly, or find someone else who will.
Each committee member should be responsible for five to ten people who she/he can contact easily at work when necessary.

- c. Map out worksite and get list of names, titles and where they fit on map (home addresses, if possible).
 2. Contact potential committee based on 1B, usually individually, and within one week hold committee meeting:
 - a. Committee must be trained on what to expect as they organize -- allow at least two hours for this meeting so we can move quickly to next step.

Use CWA leaflet "Our Boss Said We Don't Need A Union Because He'll Take Care Of Us"
 - b. Divide up list of unit employees among committee members - five to ten each.

Explain the role of the committee in CONVINCING employees to support the Union and then constantly CHECKING those employees to make sure we maintain that support.
 - c. If committee seems strong enough, proceed to #3. If not, explain why we cannot continue.
 3. Set a time period (one week or less) to contact every member of the unit to support the Union and sign a card. This work should mainly be done through the committee structure as outlined above.

Also set date for next committee meeting to evaluate results.

- a. To the extent possible, this should be done at the worksite.
 - b. Otherwise, supplement with small group meetings and home visits.
 - c. Keep a record of every contact with the result.

If we have a strong majority, move for recognition or NLRB election. If not, either list key people who we try again to convince or tell committee to monitor worksite until more people are convinced (goodbye for now or associate program).

4. Organizing Forms

Form Number	Form Name	Form to be Used in These Situations
2	New Project Notice	Notifying the District and International of new organizing projects
3	Project Dropped Notice	Notifying the District and International of the discontinuation of organizing projects
4	Progress Report	Keeping the District and International informed of the progress of organizing projects
8	Request for Organizing Funds	Requesting financial aid for an organizing project
9	Project Completion Notice	Notifying the District and International of the completion of an organizing project
9A	Change/Deletion Notice	Notifying the District and International of changes in employer information
10	Decertifications Quarterly Report	Monitoring small bargaining units
0-100	Representation Authorization Card	Obtaining authorization from prospective members for CWA to act as their collective bargaining representation

All forms are available on the CWA website, www.cwa-union.org under “For Locals” and click on “Forms.”

ORGANIZING NEW PROJECT NOTICE (FORM 2)

Overview

The New Project Notice, Form 2 (Rev. 01/90), is used by Locals, CWA Staff and/or District Organizers/Coordinators to notify the District and International of new organizing projects.

Policy

Where a project is initiated and completed in one calendar month, this form should be submitted with a Project Completion Notice, Form 9. (See Section 20.4.6)

If a representation petition is filed with the National Labor Relations Board during the same month in which a New Project Notice was submitted, the staff person initiating the petition must send a copy of the petition to the District Vice President with a memo requesting that it be attached to the New Project Notice and transmitted immediately to the International.

Forms Completion and Transmittal Procedures

The New Project Notice is self-explanatory.

DOP Number (Item 10) refers to the District Organizing Project Number which is assigned by the district using a numbering system determined by the Vice President.

All subsequent correspondence and forms regarding this project should reference the DOP Number.

Upon completion of the form, the required number of copies should be forwarded to the District office.

At the end of each month, the District will send copies of all New Project Notices received to the Contract Section at the International who should receive the forms no later than the 10th of the following month.

ORGANIZING PROJECT DROPPED NOTICE (FORM 3)

Overview

The Project Dropped Notice, Form 3, is used by Locals, CWA Staff and/or District Organizers/Coordinators to notify the District and International of the discontinuation of organizing projects.

Policy

This form should be used to report discontinuation of organizing projects only. If a project suffers the loss of a National Labor Relations Board election, that information should be reported on a Project Completion Notice, Form 9. (See Section 20.4.6)

Forms Completion and Transmittal Procedures

The Project Dropped Notice is self-explanatory.

The District Organizing Project Number must be indicated.

Upon completion of the form, the required number of copies should be forwarded to the District office.

At the end of each month, the District will send copies of all Project Dropped Notices received to the Contract Section at the International.

ORGANIZING PROGRESS REPORT (FORM 4)

Overview

The Progress Report, Form 4, is used by Locals, CWA Staff and/or District Organizers/Coordinators to advise the District and International of the status of ongoing organizing projects.

Policy

A separate Progress Report must be submitted for each organizing project in progress.

The first Progress Report is due at the end of the month following that in which the project was initiated and reported on a New Project Notice, Form 2. (See Section 20.4.1)

Forms Completion and Transmittal Procedures

The Progress Report is self-explanatory.

The District Organizing Project Number must be indicated.

Upon completion of the form, the required number of copies should be forwarded to the District office.

At the end of each month, the District will send copies of all Progress Reports received to the Contract Section at Headquarters.

ORGANIZING REQUEST FOR ORGANIZING FUNDS (FORM 8)

Overview

The Request for Organizing Funds, Form 8, is used by District Vice Presidents to request financial aid for an organizing project from the International's Organizing Fund.

Policy

Two copies of the District Organizing Project Survey should accompany the Application.

This will ensure that the President has all information necessary to give proper consideration to the request.

If desired, the Vice President may also include a memo supplying additional justification for the request.

Forms Completion and Transmittal Procedures

The form is self-explanatory.

If space provided is insufficient to completely answer any questions, supplementary sheets may be attached.

One copy of the request for Organizing Funds and one copy of the District Organizing Project Survey should be submitted to the Organizing Department.

PROJECT COMPLETION NOTICE (FORM 9)

Overview

The Project Completion Notice, Form 9, is used by Locals, CWA Staff and/or District Organizers/Coordinators to notify the District and International of the certification or recognition of a new bargaining unit.

Policy

A project may be "completed" by consent recognition secured from a company or as the result of a National Labor Relations Board election.

If an NLRB election is held, the project will be considered completed even if the election resulted in a CWA loss.

Where it is determined that organizing efforts should be continued after such a loss, the Project Completion Notice should be submitted to the International along with a New Project Notice, Form 2.

The "remarks" section of the New Project Notice should explain the situation.

Forms Completion and Transmittal Procedures

Item 1 - Date of Election - should show the date of the NLRB election -- not the date the form is completed.

Item 4 - Product and/or Type of Business - should be as descriptive as possible. For example, specify if the employer **manufactures, repairs, sells or installs** electronic alarm systems.

Item 5 - should specify the staff assigned to negotiate the contract for the new bargaining unit or if it is to be incorporated into an existing bargaining unit. If applicable, it is important that the existing bargaining unit number be given so that two different numbers are not assigned to the same bargaining unit.

Item 7 - Employer (unit) number assigned - will be completed by the International.

Item 11 - DOP # - refers to the District Organizing Project Number assigned by the District when a New Project Notice, Form 2, was completed.

Upon completion, the Project Completion Notice should be submitted to the Contract Section at the International.

The Contract Section will review the form and will contact the appropriate District office if there are any questions.

After the employer number is assigned, the Contract Section will distribute copies of the Project Completion Notice as indicated in the legend at the bottom of the form.

CHANGE/DELETION NOTICE (FORM 9A)

Overview

The Change/Deletion Notice, Form 9A, is used by Locals to notify the District and International of changes in bargaining unit information (i.e., company name or location, Local number, etc.)

It is also used to delete a bargaining unit from the International's files.

Policy

The Change/Deletion Notice should be completed immediately when a Local is advised of any changes in bargaining unit information.

Forms Completion and Transmittal Procedures

This form is self-explanatory.

Indicate whether a change in location (Item 8B) affects the company's headquarters or the bargaining unit by circling either HQ or BU.

It is important that detailed explanation of other changes (8C) and deletions (9B) be given.

Upon completion, the Change/Deletion Notice should be submitted to the Contract Section at the International.

The Contract Section will make the necessary changes in the computer database and distribute copies of the form as indicated in the legend at the bottom.

ORGANIZING DECERTIFICATION SEMI-ANNUAL REPORT (FORM 10)

Overview

The Decertification Semi-Annual Report, Form 10, is used by CWA Staff to keep the District office informed of the status of small bargaining units not worked with on a regular basis.

Forms Completion and Transmittal Procedures

The Report is self-explanatory.

The form should be completed in its entirety and submitted to the administrative staff person in the District assigned to monitor organizing projects.

The form should be completed semi-annually.

ORGANIZING REPRESENTATION AUTHORIZATION CARD (0-100)

Overview

The Decertification Semi-Annual Report, Form 10, is used by CWA Staff to keep the District office informed of the status of small bargaining units not worked with on a regular basis.

Policy

The Representation Authorization Card is to be used only in external organizing campaigns.

It should not be used to enroll new members in existing Locals.

To order a supply of these cards, send a written request to the International Secretary-Treasurer stating the number of cards desired.

PART IV: LOCAL FINANCES

1. Preparing a Local Budget

Preparing a Local budget gives officers an opportunity to support the goals of the Local. When allocating the Local's income, we must ask ourselves, "What percentage of the Local's budget is allocated on this item? Are we spending too much on certain items and not enough on others? Are we allocating funds to areas, programs and activities that help build the Local Union and involve members?"

Predicting Income

To predict income you should make a prediction of what your membership may be and identify all other sources of income such as: fundraising activities, interest on saving and investments, newspaper advertising, etc.

The bulk of a local's income is derived from membership dues and, thus, may be difficult to predict. Some of us are in periods of growth, some locals are fairly stable, and others are faced with declining membership. In the interest of safety, it usually makes sense to assume the "worst possible" scenario in making membership predictions.

Do not include income that cannot be accurately predicted and **do not include unrealistic income for the sole purpose of balancing the budget.**

Your revenue information is available online via your local dues summary reports. Contact duesquestions@cwa-union.org with any questions.

PLANNING FOR FUTURE EXPENDITURES

To plan for future expenditures you should decide which services and activities you want to provide to your members and determine how much each will cost.

Take into account the following four types of expenditures.

1. Those that are required by law, such as payroll and property taxes.
2. Those that are required by local constitution, such as affiliation fees.
3. Those that are required by contracts, such as leases, equipment rentals, employment contracts, etc. and those that are determined by the local.
4. List all existing programs, services and activities individually and come up with an amount for each.
5. List all programs proposed for the coming year.

You should also include a “contingency line” in the budget, because it is impossible to predict with certainty all events that occur in a coming budget year. Also, you may want to include a line called "Special Projects" to allow for items and issues that were not foreseeable at the time that the budget was prepared. Compare your total expenditures to total income and if you have a surplus, you may want to bank it for future use, or expand your local’s programs. If you have a deficit, you should decide which activities must be reduced or eliminated.

Sample Local Budget

Anticipated Income

Membership Dues _____
Interest _____
Total Income _____

Expenses

I. Affiliations, Per Capita	Amount	Percent of Total Budget
CWA Per Capita	_____	_____%
MRF	_____	_____%
State Federation	_____	_____%
Labor Council	_____	_____%
CWA State Council	_____	_____%

II. Office and Administration	Amount	Percent of Total Budget
Rent/Mortgage	_____	_____%
Utilities	_____	_____%
Telephone	_____	_____%
Insurance	_____	_____%
Office Equipment	_____	_____%
Postage	_____	_____%
Stationary, Supplies	_____	_____%
Bank Service Charge	_____	_____%
Accounting Services	_____	_____%

III. Wages and Expenses	Amount	Percent of Total Budget
Officers' Salaries	_____	_____%
Lost Time Salaries	_____	_____%
Grievance Expenses	_____	_____%
Executive Board Expenses	_____	_____%
Steward Expenses	_____	_____%
Payroll Taxes	_____	_____%

IV. Organizational Expenses	Amount	Percent of Total Budget
Steward Training	_____	_____%
Officer Training	_____	_____%
Work Site Meetings	_____	_____%
Membership Meetings	_____	_____%
Convention/Presidents Meeting	_____	_____%
CWA/International	_____	_____%
State Fed	_____	_____%
Conferences:		
CWA District	_____	_____%
Labor Council	_____	_____%
Other:		
Holiday Party	_____	_____%
Legislative Lobbying	_____	_____%
Mobilization	_____	_____%
Organizing Internal Units	_____	_____%
Local Committees	_____	_____%
Website/IT	_____	_____%

V. Contributions	Amount	Percent of Total Budget
Community Partners	_____	_____%
CWA Programs	_____	_____%
Coalitions	_____	_____%
Political	_____	_____%

VI. Contingency Reserve	Amount	Percent of Total Budget
1.	_____	_____%
2.	_____	_____%
3.	_____	_____%

Totals	Expenses	Income
---------------	-----------------	---------------

2. Expenditures

AUTHORIZATION

Because of the fiduciary nature of your position as Treasurer, the need for authorization for disbursements is greater than in a commercial enterprise. Basically, no disbursement should be made without an authorization.

Authorization may take the form of allowances set forth in Bylaws or a motion passed at a membership meeting, or Executive Board action.

Authorization for payment of rent, supplies, etc. may be delegated to officers, however, such authorization must have been acted on by the membership at some point in time.

DOCUMENTATION

Disbursements should have supporting documents such as receipts, bills, etc.

Receipts should include who attended and their title.

If there is no documentation for the expense, reimbursements are not to be made without proper explanation.

EXPLANATION

An explanation of the activity which caused the expense should be included on all expenditures.

DOUBLE DIPPING - DON'T!

We negotiate employee paid lost time wages for members conducting union business so that the Local Union can stretch out its financial resources. We advise against the practice of paying additional lost time wages (out of Local dues money) for lost time which is paid by the employer.

NOTE: If an employee is taking vacation paid by the employer they are not eligible for lost wages from the union (double dipping) unless there is approved bylaw language that allows this exception to the rule.

3. Credit Cards

LOCAL UNION CREDIT CARDS – BEWARE!

Credit Cards are the leading cause of Locals getting into financial and legal difficulties. A Local significantly increases its financial and legal exposure by issuing credit cards to officers in the name of the Local.

Our experience confirms that the possibility for problems increases in proportion to the number of officers and/or executive board members given Local credit cards or access to them. A local union credit card can present an irresistible temptation for some, especially if they are experiencing financial or marital difficulties, or have children with drug or alcohol problems, or cannot qualify themselves for a personal credit card.

The Local can avoid many of these problems by establishing a policy whereby officers secure cards in their own name and the Local pays for the card's basic annual fee (if any). The officer then submits the credit card charges associated with authorized union activity along with receipts and the Local reimburses the officer. Any additional expenses charged to the card, plus the payment of the credit card bill, remain the responsibility of the officer, not the Local's obligation.

For those Locals who currently issue credit cards in the Local's name and who are not convinced by our comments to change that policy, we recommend the following steps to protect the Local and yourself.

1. Issue cards only to those officers who have extensive travel responsibilities or are responsible for purchasing goods, services or bills that cannot be handled through the Local's normal voucher procedure.
2. Inform Local officers on the proper use of the Local's credit card. Ask each officer to read and sign the "Local Union Credit Proper Use Statement" and file a signed copy.
3. Do not activate the cash-withdrawing feature of the credit card (usually with PIN).
4. Require officers to submit monthly credit card expense reports.
5. Set up an audit committee, which knows how to spend time reviewing credit card statements, payments and monthly credit card expense reports.
6. Locals that maintain credit cards for their officers should consider increasing their blanket fiduciary bonding coverage beyond the required 10% of the Local's assets. It has been our experience that Local Union credit card fraud often exceeds the normal bonding requirements.

LOCAL UNION CREDIT CARDS PROPER USE STATEMENT

1. I understand that the Local Union Credit Card, which has been issued to me, is to be used ONLY for official, authorized Union expenses.
2. I understand that my Local Union Credit Card is not to be used for any personal expenses or purchases. This includes personal meals, transportation and purchases at stores or through catalogues.
3. I understand that my Local Union Credit Card is not to be used to pay for any expenses associated with a personal vacation or trip. If I am away on Union business and choose to stay extra days, I will make other payment arrangements for the extra days.
4. I understand that I cannot use my Local Union Credit Card to pay for personal expenses, even if I promise to repay the Local promptly when the statement arrives.

I have read the four items above and agree to abide by them when using the Local Union Credit Card. I understand that I hold a position of trust in relation to the Union and its members as stated in the Labor-Management Reporting and Disclosure Act (LMRDA) and that I am required by law and the CWA Constitution to hold the Union's money and property solely for the benefit of the Union and its members.

Print your name and Local Position

Signature

Date

4. Local Reimbursement Guidelines

EXPENSE FORMS

An expense form should be used by individuals to gain reimbursement for authorized personal expenses incurred in the course of union business. Expense forms can be found on the CWA website.

Expenses should be turned in with a proper explanation of expenses, activities, who attended and receipts which support reimbursements. All expenses should be submitted in a timely fashion. **The International's policy is that expenses should be submitted for reimbursement within 90 days.**

Where receipts are not obtainable, an appropriate explanation should be entered on the vouchers.

LOCAL VOUCHER LINE ITEMS

Wages

Wages should be reimbursed weekly for lost time while on union business. Wages paid for other than actual lost wages may occur when working full-time for the union (for example, vacation, etc.) A W-4 form "Employees Withholding Allowance Certificate" must be on file for each individual reimbursed for wages. Wages are not to be paid if a W-4 and an I-9 form are not on file. This also applies to any withholding forms required by state or city income taxes for which you may be liable.

Meals and Hotel

When away from home on union business, the individual should follow the Local Union's policy regarding the class (room rate range) of hotel to stay in. The Local will then reimburse the individual for the actual cost of the hotel room plus actual expenses for meals and incidentals in accordance with the Local Union policy and authorization.

Transportation

When traveling, officers and representatives of the union are required to use the class of travel designated by the Local's policy. All travel and travel expenses should have prior approval and actual receipts should be submitted to the Local with an explanation.

Personal Car/Mileage

In the event that personal cars are used in the conduct of union business, the mileage rate established by the local will be reimbursed to the individual. It is recommended that this not exceed the current IRS allowance per mile. <https://www.irs.gov/Tax-Professionals/Standard-Mileage-Rates/> It is necessary that the individual explain the travel using a point to point designation (i.e., Philadelphia to D.C. to Philadelphia).

All individuals using their personal car to conduct union business should have proper insurance in accordance with state requirements. You should ask those who normally drive on union business for the name of their insurance carrier and policy number and keep on file.

Telephone

The use of hotel phone systems should be avoided because of the very high rates charged. If telephone calls are charged on the hotel bill, the call(s) must be for official union business, properly vouchered and paid according to Local Union policy. Explain on the hotel bill the nature of the call.

Other

Any expenses that do not fit the headings above and are incurred during the course of union business must be authorized and explained. Proper documentation must exist before reimbursement is made. The Treasurer should not make payment unless it is properly authorized.

Examples of proper documentation:

- Itemized Restaurant receipts – written explanation of the specific union business conducted (it is insufficient to simply record “union business”- you must be more specific than that), full names of who attended and titles of all persons incurring the food and beverage charges.
- Itemized Hotel bills
- Invoices
- Transportation – receipts from taxi or shuttle service
- Airline – copy of ticket confirmation showing amount paid.

5. Full-Time/Part-Time Reimbursement by the International

Guidelines for approved reimbursements:

- Receipts for all expenses are required.
- CWA has adopted the IRS per diem chart for meal expenses as part of their accountable plan. These rates will be used to satisfy the substantiation requirements. This chart sets rates for daily meals and incidentals by location within the continental United States.
- When out-of-town on approved International work, Local members will be reimbursed up to the IRS per diem. If no over-night stay is required, the reimbursed amount will be \$17.50.
- When traveling, the most economical and practical mode of transportation should be used.
- The IRS standard business mileage rate is used to determine the amount reimbursed for personal car use.
- Hotel expenses will be paid, excluding incidentals. (ie. movies, liquor, etc.) Room service will be paid for personal meals up the IRS per diem.
- Lost-time wages will be paid for the approved number of days. Overtime will not be paid.
- Expenses should be submitted for reimbursement within 90 days.

All Full and Part-time reimbursements should be entered into the International's Concur system. The training for Concur can be found at:

<http://www.cwa-union.org/pages/concur-training-video>

6. Financial Reporting to International, Local and Membership

The CWA Constitution requires Locals to make financial reports to their Local, their membership and to the International.

FINANCIAL STATEMENT TO INTERNATIONAL

Every Local must submit annually a financial statement, as a result of the Local's annual audit, to the International Union. This is a requirement of the CWA Constitution, Article XIII, Section 9.

The financial statements should be sent to the CWA Headquarters address in Washington, D.C., ATTN: Secretary-Treasurer or emailed to cwamail@cwa-union.org.

FINANCIAL REPORT TO LOCAL AND MEMBERSHIP

Members should be encouraged to know as much as possible about the finances of their union. When members know where the money goes, they are more likely to support expenditures for worthwhile programs. The CWA Constitution requires that all Locals make a financial report to the membership at least once a year (Article XIII, Section 9m). However, it is a good Local policy to report more often. You can build your Local union by sharing this information which will help educate members on all aspects of their union.

Officers have to make a special effort to see that financial reports are easy to understand, are meaningful and reach all the membership, not just those who come to membership meeting.

Some Suggestions:

- Distribute a monthly or yearly financial report at the membership meeting. Encourage members to ask questions. Don't get defensive about questions. Remember, the members don't know as much as you do about how and why the Local spends its money.
- Print the financial report in your Local newsletter.

- Go over the report with the stewards before handing it out so they can explain it to the members or answer questions.
- Make the report easy to understand. Run it past your spouse or friend; if they are confused, your membership will also be.
- Use simple language.
- Explain all items. Don't say "lost time;" say lost time for stewards and officers on grievances.
- Use a pie chart along with the report.
- In your report try to anticipate all questions which might arise on financial matters and answer them carefully and fully.

7. Local Accounting

CHECK WRITING VS. ACCOUNTING SOFTWARE

In discussing computerization of the locals' records, there is a marked difference between check-writing and accounting software applicability. Check-writing programs are less sophisticated than accounting programs and certainly do not have as many features. The local's checking account is probably the single most important record of the union. No single person should have control of, or responsibility for, the finances of the local. It is absolutely essential, while setting up internal controls, that there should be two signatures for all checking account transactions. However, more than two people should be authorized to sign on each account, due to unforeseen circumstances. Signature stamps and signing blank checks destroy the control of cash disbursements.

Some locals find QuickBooks or Quicken to be an inexpensive, efficient software options, but there are others.

PAYROLL SYSTEMS

The best route to establish a payroll system is to have a payroll service such as Paychex or ADP help you establish your payroll system. These firms will, for a modest fee, calculate and prepare payroll checks, make payroll tax payments and file reports required by state, federal and local agencies.

GENERAL JOURNAL

The general journal is used for recording transactions that are not otherwise recorded in either the cash receipts, cash disbursements, payroll or other specialized journals. General journal entries are commonly used to record correcting, adjusting and closing entries.

Correcting entries include correction of prior journal entries recorded incorrectly, etc.

Adjusting entries are used to record the depreciation of fixed assets, amortization of bonds, etc.

Closing entries are used to "close out" the Local's income and expense accounts at the end of the year.

GENERAL JOURNAL

The general ledger is used to summarize the financial transactions of a Local union by account number. This summarized information is then used to prepare financial statements, LMs, 990s and other reports.

Once the receipt, disbursement, payroll and journal entries (if any) for the month have been recorded and totaled, the next step is to record (post) the totals by account in the general ledger. This is done on a monthly basis.

A general ledger requires setting up a chart of accounts which gives a brief description of each account and assigns a number to each type of account. Some examples of accounts are:

- Assets
- Liabilities
- Income
- Expenses

All postings to the general ledger are either "debits" or "credits." Debits are posted to the left hand side and credits are posted to the right hand side of accounts in the general ledger. The meaning of credit and debit (whether it reflects an increase or decrease to the account) depends on the nature of the account.

The debits and credits must equal each other when posting in the general journal or general ledger.

Here are some guidelines to follow in posting to the general ledger from the various types of journals:

Cash Receipt Journal

The total of the cash account is a debit. The other accounts to which the cash is distributed are credits.

Cash Disbursement Journal

The total for the cash account is a credit. The distribution accounts are debits.

Payroll Journal

The net pay amount is a credit to cash. Gross pay is a debit to the salaries account and all deductions from payroll are credits.

General Journal

Each portion of the journal entry is posted as either a debit or credit as indicated on the journal.

BANK ACCOUNTS

Bank accounts and Certificates of Deposits should be in the name of the Local.

Local Bylaws should require that all checks be signed by two officers. This is also a recommendation of the U.S. Department of Labor and most auditors.

It is an unacceptable policy for Local Officers to sign blank checks or make checks payable to “Cash”.

Local Union funds should be disbursed only by check or electronic funds transfer. (The one exception is a petty cash account.) Always mark an invoice, statement or bill paid, date it and put the number of the check issued for payment. This will safeguard against double payments.

Checks should be numbered consecutively.

Always have authorization, documentation and explanation before issuing a check.

Reconcile and balance the local's checking account every month. It is a fiduciary responsibility of the Treasurer to reconcile the accounts monthly. Failure to balance the Local's checking account can result in a loss to the Local due to an error by the bank.

EVALUATING EXISTING PROCEDURES

To evaluate existing procedures you should:

1. Review all internal control procedures
 - Are the checkbook and permanent financial records kept in a secure location?
 - Are two signatures required on all accounts?
 - Are deposits made in a timely manner?
 - Are financial reports made at all regularly scheduled meetings?
 - Is there proper separation of duties?

2. Cash receipts review

- Each item should be listed in the cash receipts journal.
- Verify the receipts of payroll deductions from the employer to ensure that all deposits were made. Also, check the accuracy of the employer's dues deduction to make sure it matches your local's dues rate.
- Trace all deposits of direct-dues paying members through the cash receipts journal and the bank statement.
- Trace the deposit of any miscellaneous receipts through the cash receipts journal and the bank statement.

3. Cash disbursements review

- Each payment should be entered in the cash disbursements journal with monthly accumulations of expense categories maintained.
- All expenses should be paid by check or EFT. Checks should be pre-numbered, used in numerical order, and bear two signatures.
- Review canceled checks for proper payee and endorsement. Voided checks must never be destroyed but should be clearly marked "void" across the face of the check and maintained. Each payment must be accounted for and monthly bank reconciliations reviewed.
- 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.

4. Other

- Independently verify cash balances in each account maintained by the local.
- Be sure that bank reconciliations are performed on a routine basis and that the balance per bank agrees with the book balances.

IMPLEMENTING OPERATING CONTROL PROCEDURES

To implement operating control procedures you should identify standard operating procedures to safeguard the local's finances and protect you as a union officer. The operating control procedures used should produce a report detailing items in both the current balance sheet and the statement of income and expenditures. These

procedures should contain enough detail and internal controls to support the size of your local.

An audit or review procedure should be included as per CWA Constitution, Article XIII - Locals, Section 9m - Authority, Duties and Obligations of Locals.

Adopt these procedures into your local's bylaws.

8. Maintaining Financial Records

Although this section will explain how to manually keep paper records, the International strongly recommends using accounting software (like QuickBooks, Peachtree, etc.) to record all financial activity.

To maintain the local's financial records, remember that the basic accounting record for many organizations is the checkbook or the system of documents that keeps track of deposits and disbursements from the checking account. Adequate remarks should be noted in the checkbook to clearly identify and describe each transaction.

For a few small organizations, the checkbook and a spreadsheet or paper ledger of all activity may be enough of a financial record to meet the organization's needs. Most locals, however, will need to keep additional accounting records. If there is uncertainty regarding the local's requirements please reach out to the International at duesquestions@cwa-union.org.

MAINTAINING THE CHECKBOOK

To maintain the local's checkbook:

1. Where the local's finances are concerned, the use of cash should be discouraged.
2. Note: In those cases where you do not have payroll deduction of dues and must collect dues from individual members, you should not refuse to accept cash payments but the cash must be carefully accounted for. Only the most

insignificant expenditures should be made from petty cash. All other payments should be made by check and checks should not be made payable to "Cash."

3. If a local maintains one or more savings accounts in addition to the checking account, payments should not be made directly to or from the savings accounts but should go through the checking account. This provides a detailed record of all transactions from a single source - the checkbook.
4. The checkbook should be reconciled each month shortly after the statement is received. This activity gives you the opportunity to quickly correct any errors that you may have made and to find any errors that the bank may have made. Banks do make mistakes.

When maintaining your checkbook...

DO: Keep a running balance in the checkbook or on the computer
Enter checks and deposits immediately.
Reconcile the account soon after you receive the statement.
Have two officers sign all checks

DON'T: Sign checks that have not been completely filled out.
Use rubber stamps instead of signatures.
Use checks out of numerical sequence.
Make checks out to "Cash."

DON'T EVER: Sign blank checks.
Deposit voluntary COPE contributions to the union's general fund.
Make political contributions to candidates from the general fund.

MAINTAINING A RUNNING BALANCE

To maintain a running balance of the local's checkbook you should balance the checkbook at the end of each month.

Since there is always a time lag between the writing of a check and its clearing the bank, reconciling the checkbook helps show that your checkbook balance is in accord with the bank's balance for your account.

Sort the canceled checks in numerical order each month.

Reduce the checkbook balance by any service charges not yet recorded in your checkbook.

Enter the current bank statement balance on the form.

Enter and add any deposits that have not yet cleared the bank.

Make a list of all checks that have not cleared the bank.

Subtract the total of all uncleared checks from the adjusted bank balance, which includes any deposits in transit.

This balance should be the same as that in your checkbook and the general ledger. Keep your canceled checks in a secure place.

Fraud can happen. Protect checks that have already cleared the bank. They can be scanned into a computer.

If you follow the practice of writing as many checks as possible at the beginning of the month, most will have cleared the bank and will be recorded on the statement. If you have a volume of checks, this will make the reconciliation easier.

Most new computer programs for accounting or check writing also have a bank reconciliation area to make this process easier for you.

HANDLING PETTY CASH

To handle the local's petty cash account you should establish a small "petty cash" fund. Petty Cash receipts or vouchers should be used to record amounts taken from this fund. These funds should be balanced at the end of every month.

When necessary, the petty cash fund should be replenished by check, not by adding incoming cash to it.

Checks to replenish the funds should be made payable to the custodian of the fund.

For example:

"Mary Jones - Petty Cash" If you were to buy \$3.50 worth of office supplies, a petty cash receipt\voucher for that amount would be placed in the fund. At the end of the month, the vouchers would be totaled. They could come to \$18.50. In that case, a check to "Mary Jones - Petty Cash" for \$18.50 would be issued to bring the fund back up to \$25.

Sample Petty Cash/Receipt Voucher

Amount \$ _____	
RECEIVED OF PETTY CASH	No. _____
Date: _____	
For: _____	
Charge to: _____	
_____ Approved by:	_____ Received by:

CLASSIFYING & CODING RECEIPTS

To classify and code receipts you should:

1. Stamp Checks or write "For Deposit Only to Locals checking account XXX". The restricted endorsement "For Deposit Only" places a limitation on the use of a check.
2. Make a copy of the checks received and deposit funds received by the union immediately upon receipt. Depositing funds reduces the possibility of the funds becoming lost before they are deposited and increases the amount of interest earned if the union has interest-bearing accounts.
3. Staple the copy of the checks to a copy of the deposit slip for a proper audit trail.
4. Receipts should be classified to the appropriate revenue category by the person making the deposits. Questions about account classifications should be referred to you, the treasurer.
5. There may be more than one account number assigned to an individual receipt. Of course, if more than one account number is used, the total of all such categories must be equal to the total receipt amount.
6. Record all "receipts" (any collections, bank interest or credit, or anything else received by the union for whatever reason) regardless of which account they may be deposited to
7. Try to deposit all funds into a single master checking account. Then transfer funds as needed into any auxiliary accounts. This will permit a comparison of receipt information with specific bank account deposit statements.
8. Ensure that your records distinguish between receipts of new funds and mere fund transfers between accounts. Identify all such fund transfers as well as which account they came from and into which account they were deposited.
9. If union personnel make the actual deposit trip to the bank, record the Name or ID of that individual on each deposit record.

MAINTAINING THE CASH RECEIPTS JOURNAL

To maintain the cash receipts journal (CRJ) you should log all moneys received, by date and in the order received.

It is usually easier to record transactions in the cash receipts journal (CRJ) when they are made instead of waiting until the end of the month. For each month, a new and separate page should be started in the cash receipts journal. Classify all moneys received in the appropriate account categories as they are recorded. Account categories used in the CRJ should be the same as those used in the budget.

SAMPLE CRJ

LOCAL UNION, #7999 JOURNAL OF CASH RECEIPTS FEBRUARY 200X							
DATE	DESCRIPTION	AMOUNT	DUES	INTEREST	LEGAL DEFENSE	FUND- RAISING	OTHER
5-FEB	CWA	6,012.34	6,012.34				
5-FEB	John Smith	60.00	60.00				
11-FEB	City Office Supply	36.29					36.29 (REFUND)
28-FEB	Mary Lewis	60.00	60.00				
		<u>6,168.63</u>	<u>6,132.34</u>				<u>36.28</u>
28-FEB	Interest on Savings per Statement						
31-JAN		20.32		20.32			
		<u>6,188.95</u>	<u>6,132.34</u>	<u>20.32</u>			<u>36.29</u>

LISTING DEPOSITS

To list deposits in the cash receipts journal (CRJ) you should list each receipt in order by date, from whom received, the total amount and categorized across the page. An indication should be made after each deposit, showing the date and amount deposited. When a deposit is made, add the total amount deposited to the checkbook balance on that date.

ADJUSTING THE CASH RECEIPTS JOURNAL

To adjust the cash receipts journal (CRJ) when a check is received and deposited then returned by your bank for insufficient funds or for some other reason, and the amount is deducted from your checking account, you should do the following:

1. If you have not yet closed out the month, draw a single line through the entry and do not include that amount in the monthly totals.
2. If you have closed out the month, list the transaction again in the current CRJ, but put all of the monetary amounts in parentheses. Numbers in parentheses are always subtracted when adding totals.
3. Some items, such as interest on back accounts, may not find their way into the CRJ because you do not receive a check or make a deposit for them. If you receive your bank statement before you prepare your financial statement, list those items at the bottom of the CRJ and include them in the monthly totals. If you receive the bank statement after you have prepared your monthly report, add those items at the end of the following month.

CLOSING THE CRJ AT THE END OF THE MONTH

To close the cash receipts journal (CRJ) at the end of the month you should:

1. Post all receipts through the last day of the month.
2. Draw a line after the last entry.
3. Total all of the columns. Again, the total of the "amount" column should be equal to the total of all of the other columns.

MAINTAINING THE CASH DISBURSEMENT JOURNAL

To maintain the cash disbursements journal (CDJ) you should:

1. Keep a log of all checks written, maintained by date and in numerical order.
2. Classify all expenditures in the appropriate expense and budget account categories as they are recorded.
3. CDJ account categories should be the same as categories used in the budget.

It is usually easier to record transactions in the cash disbursements journal (CDJ) when they are made instead of waiting until the end of the month. For each month, a new and separate page should be started in the cash disbursements journal.

CLASSIFYING & CODING DISBURSEMENTS

To classify and code disbursements you should:

1. Review the invoices prior to payment and assign the account code at that time. Of course, if you, as treasurer, write the checks, this may all be done at the same time. There may be more than one account number assigned to a single check. For example: A check might be written to an individual reimbursing them for office supplies and postage. Depending on the number of transactions per month and the method of accounting employed (manual or computerized) the account numbers may be broad or specific.
2. If a check is classified to more than one account category, the total of all such categories must equal the total check amount.
3. Maintain an integrated system of disbursement data across all accounts so you have a unified view of total union activity. Do not overlook so-called pass-through accounts. These accounts are often targets for embezzlers. Ensure that your records identify all such transfers as well as which account they came from and into which account they were deposited.
4. Consider making all (or nearly all) expenditures via check. Consider writing checks via computer.
5. Consider limiting access to the disbursements and/or check-writing section of your system to select individuals with unique passwords and secret ID's.
6. Consider using a voucher system for all disbursements in which pre-numbered vouchers correspond to the pre-numbered checks.
7. Create disbursements transactions for all payment activity, including bank debits, ATM charges, EFT payments, etc. Ensure that your records distinguish between real disbursements and mere fund transfers between accounts.
8. Ensure that all disbursements are fully explained in your journal, check stub and voucher entries. The more details the better. Do not categorize expenditures as "miscellaneous." Do not establish a petty cash fund unless you really need it. Keep it small.

Listing Checks

To list checks in the cash disbursements journal (CDJ) you should:

1. Each check should be listed in order by date, check number, payee and total amount, then categorized across the page.
2. Questions about classifications should be referred to you, the treasurer.
3. If a check is voided while being written, indicate "VOID" on the face of the check, list the check in the CDJ by check number and write "void" on the payee line. Voided checks should always be kept and not thrown away.
4. At the end of the day's activities, subtract all of the expenditures for the day from the checkbook balance.

ADJUSTING THE CASH DISBURSEMENTS JOURNAL

To adjust the cash disbursements journal (CDJ) you should do the following:

1. If a check is voided after it has been listed but before the month has been totaled, draw a line through the entry and do not include that amount in the monthly totals.
2. If a check is voided after the month has been summarized and reported, re-enter the check in the CDJ at the point where it is being voided.

Be sure to add the amount back into the checkbook balance, in either case.

Put all of the monetary amounts relating to a voided check in parentheses. Numbers in parentheses are always subtracted when adding totals. Some items, particularly bank charges, will not find their way into the CDJ because no check is written for them. If you receive your bank statement before doing the financial statement, list those charges at the bottom of the CDJ and use "DM" (debit memo) for the check number. If you receive the bank statement after you have done the monthly report, deduct those charges in the following month.

9. Preparing for a Financial Audit

Although this section will explain how to manually keep paper records, the International strongly recommends using accounting software (like QuickBooks, Quicken, Peachtree, etc.) to record all financial activity.

The CWA Constitution requires every Local to have an audit at least annually of its financial records and supply a copy of that audit to the International Secretary-Treasurer's office. (see Article XIII-Locals Sec. 9(m))

The audit serves as a review of the Local's financial transactions. Members of the Local's executive board may serve on the committee; however, the committee should include other members who demonstrate a sincere interest in the financial affairs of the Local.

Usually a committee of three to five members can do an effective review. Ideally, a couple of committee members should be rotated off each year, thereby providing some continuity and experience for future meetings.

The Local Secretary-Treasurer should make the Local records available and be prepared to answer any questions from the committee members.

Many Locals have an outside CPA prepare their LMs and 990s. These CPAs do not always do a full audit of the books and only look at bottom line numbers in order to fill out these reports, especially for Locals filing LM-3s and 4s. Keep this in mind when working to fulfill the audit requirement.

The Department of Labor has a Guide which features a 10-step audit designed to help Trustees (Audit Committee) from small unions carry out their duties. A "small union" is considered to be one with annual receipts of less than \$50,000 but Trustees from larger unions with more complex recordkeeping systems may also find this Guide helpful. The Guide can be found at:

<http://www.dol.gov/olms/regs/compliance/smunion/smallunions.pdf>

When preparing for your Audit:

- **Determine Responsibility**– discuss roles with other Trustees and select a chairperson. Contact members who have served as Trustees in prior years to discuss their experiences.
- **Gather Materials** – any forms, manuals, or handbooks issued which pertain to your duties; the most recent CWA Constitution and Local Bylaws with relevant sections for reference as necessary throughout the audit; the most recent audit report, IRS 990 and the most recent LM-2/3/4 annual financial report filed with OLMS.
- **Meet with the Principal Officers** – to seek their cooperation and support "up-front" to avoid any later problems or misunderstandings. Determine the person who should be dealt with as a point of contact within the local. Ascertain how the records are maintained on a computer system and arrange for the necessary printouts of the appropriate financial information. Decide where the examination is to take place. Finally, determine if and when "lost time" will be made for the auditors.
- **Schedule the Audit** – decide the time frame that the audit will cover and when it will begin. You may want to begin shortly after the local union has filed its annual financial report with the OLMS. This will ensure that the audit will not interfere with the ongoing operations of your local and can be used as a comparison with information reported on the LM filings.
- **Request Records** – create a list of financial records needed for the audit and provide this to the principal financial officers of the local.

10. How to Select an Accounting Firm

If your Local feels the need to hire a professional accounting firm or accountant, it is important to inquire as to the type of services they could provide.

Some of the possible services are:

Annual audit of financial statements.

The accounting firm will review and document your accounting system, test the activity in your general ledger, propose any adjustments needed for your financial statements to keep in conformity with generally accepted accounting principles and issue an opinion on the fairness of your financial statements.

Preparation of tax forms.

Sometimes it is cost efficient to have the accounting firm prepare the Local's 990 or LM report because during the audit of your financial statements they have already accumulated most of the information needed to prepare these forms.

Management advisory series.

Many firms now act as consultants in updating computer systems, improving the efficiency of accounting procedures and gathering any type of statistical data you might need.

Technical assistance throughout the year.

Whichever firm you might choose, they should be willing to answer any type of accounting or tax question whenever the need arises and usually at no charge.

Check with neighboring CWA Locals, or other unions, for recommendations of firms familiar with 501©(5) organizations. Not every CPA firm has experience with 501©(5) organizations and knows the requirements / deadlines of the DOL or 990s.

After you have decided which services would be best for your Local, have at least two or three accounting firms bid a fixed fee on the cost of providing service to your Local and references of other 501©(5) organizations they provide services for.

Remember, large does not always mean better when it comes to accounting firms. Many smaller local firms might be able to give your questions and accounting problems more attention throughout the year at a lower billing rate.

Each year you should review and evaluate the services the accounting firm has provided and decide whether another accounting firm could better serve your purpose or, perhaps, you may need to expand on the services the current accounting firm is performing.

NOTE: An accounting firm is only held accountable for what they did with the information you provided them. Because you engage an accounting firm does not mean they have the fiduciary responsibilities, or take over your responsibility, to the Department of Labor.

11. Federal Reporting

For information on required Local Reporting to the Federal government see Part V of the Union Operating Procedures Manual on Federal Reporting.

PART V: FEDERAL REPORTING

1. Checklist of Federal Government Required Forms and Reports

REPORT/FORM	WHO MUST FILE	LOCAL OFFICER RESPONSIBLE	GOVERNMENT FILING DEADLINE
Report LM-1	All newly chartered labor organizations	Treasurer	90 days from date of charter. (NOT 3 months)
Report LM-1A	Any labor organization with changes in either their Constitution and Bylaws and/or practices and procedures.	Secretary and President	Attached to and filed with LM-2 or LM-3.
Report LM-2	Labor organizations with total receipts \$250,000 or more per year. Must attach Bylaw amendments.	Treasurer and President	Within 90 days after the end of the fiscal year. (NOT 3 months).
Report LM-3	Labor organizations with total receipts under \$250,000 per year. Must attach Bylaw Amendments.	Treasurer and President	Same as Above
Report LM-4	Labor organizations with total annual receipts of less than \$10,000.	Treasurer and President	Same as Above
Form 940 Federal Unemployment Tax Return	Labor organizations with full-time or part-time employees or paying lost time.	Treasurer	Form 940 must be filed by the following January 31. Taxes will be paid using Form 8109.

REPORT/FORM	WHO MUST FILE	LOCAL OFFICER RESPONSIBLE	GOVERNMENT FILING DEADLINE
Form 941 Employer's Federal Tax Return	Locals with full-time or part-time employees or paying lost wages.	Treasurer	Due quarterly: April 30, July 31, October 31, January 31.
Form 990 Return of Organizations Exempt From Income Tax	All Locals with either 1) gross receipts greater than or equal to \$200,000 OR 2) total assets greater than or equal to \$500,000.	Treasurer	On or before the 15th day of the 5th month following the close of the Local's fiscal year.
Form 990-EZ	Locals may choose to file Form 990-EZ if the Local's gross receipts are less than \$200,000 AND total assets at the end of the tax year are less than \$500,000	Treasurer	On or before the 15th day of the 5th month following the close of the Local's fiscal year.
Form 990-N	Local that normally has gross receipts of \$50,000 or less.	Treasurer	On or before the 15th day of the 5th month following the close of the Local's fiscal year.
Form 990-T	Any Local with unrelated business or trade income of \$1,000 or more. For example: rental income.	Treasurer	15th day of the 5th month after the end of the tax year.
Form 1094-C Transmittal of Employer-Provided Health Insurance and Coverage Information Returns	All Locals with 50 or more full-time employees (including full-time equivalent employees) in the previous year.	Treasurer	February 28th or March 31st if filling electronically.
Form 1095-C Employer Provided Health Insurance Offer and Coverage	All locals with 50 or more full-time employees (including full-time equivalent employees) in the previous year	Treasurer	Due to employees by January 31 Due to IRS by February 28

REPORT/FORM	WHO MUST FILE	LOCAL OFFICER RESPONSIBLE	GOVERNMENT FILING DEADLING
Form 1096	Used solely for purpose of transmitting Form 1099 to the IRS.	Treasurer	Date Due to IRS February 28.
Form 1099 Statement for Recipients of Miscellaneous Income	Payments (including strike benefits) for services performed for a trade or business by people not treated as its employees.	Treasurer	Must give form to individual by January 31.
Form 1120-POL*	Any Local with a Political Action Committee with taxable income after taking the \$100 specific deductions for taxable year.	Treasurer	File by the 15 th day of the 3 rd month after the end of the tax year.
Form I-9 Employment Verification	All new employees must complete at time of hiring.		Retain I-9 form for three years from date of hiring or one year after date of termination, whichever is later.
Form W-2 Wage and Tax Statement	All Locals who have paid wages within the calendar year.		Due to employees by January 31. Due to the Social Security Administration by February 28.
Form W-3 Transmittal of Income Tax Statement	All Locals required to file W-2.		February 28.
Form W-4 Employee's Withholding Certificate	All employees.		Retain unless employee claims more than 10 Federal exemptions or, if an employee claims exemption from all Federal taxes and can be expected to earn more than \$200 per week, then a copy of the W-4 must be filed with the next quarter's Form 941.

* Transfers to CWA-COPE or CWA-COPE PCC do not qualify as a political contribution and are exempt from consideration of this tax.

2. CWA Policy for DOL Compliance

The Labor Management Reporting and Disclosure Act of 1959, as amended, imposes on the individual Local and its officers full responsibility, with criminal penalties provided, for filing the information and reports required under the Act, and for otherwise complying with the provisions of the law, as it applies to Locals. As a result of this, the CWA Executive Board, on November 20, 1959, adopted the following resolution:

1. That the International Secretary Treasurer shall be responsible for complying with the requirements of the LMRDA of 1959, as amended, as they affect the International level of the Union by filing required reports and information with appropriate government agencies.
2. Locals and officers of Locals shall be responsible for complying with the requirements of the LMRDA of 1959, as amended, as it applies to Locals, and shall file such reports and information directly with the DOL.
3. That two informational copies of all such reports filed with the DOL by the Locals and their officers shall be filed with the appropriate District Vice President.
4. That the office of the Secretary Treasurer of CWA shall keep the Locals of CWA advised with respect to report forms, regulations and other information published by the DOL with respect to the LMRDA of 1959, as amended, and shall furnish to Locals upon request such advice as may be sought.

A. LM-1 REGISTERING A NEW LOCAL WITH THE DOL

CWA Locals, when first chartered, become subject to the LMRDA, and must file with the U.S. Department of Labor, Office of Labor Management Standards (OLMS), an initial Report Form LM 1.

Form LM 1 "registers" a CWA Local with the DOL. The form, and instructions for filing the form, may be secured from the DOL website at:

http://www.dol.gov/olms/regs/compliance/GPEA_Forms/blanklmforms.htm

An acknowledgment will be sent by OLMS listing the Local's LM file number. This six digit number must be shown on any reports or correspondence with the OLMS. It should, therefore, be made a permanent part of your Local's files and records. This file number must be entered on the annual financial reports (Form LM 2, LM 3, or LM 4) which your Local is also required to file yearly with the DOL.

The Labor Management Reporting and Disclosure Act of 1959 requires that each labor organization subject to the Act adopt a constitution* and bylaws and file two copies with the Secretary of Labor, together with an initial Form LM 1 within 90 days after the date on which the Local becomes subject to the Act. Please note that it is 90 days and NOT 3 months. The initial Form LM 1 must report certain information concerning the structure, practices, and procedures of the labor organization.

**CWA Headquarters files with the Department of Labor copies of the CWA Constitution each time it is revised. Therefore, it will not be necessary for any newly chartered CWA Local to file this document with the LM 1. The Local, however, is responsible for filing two copies of its bylaws with the report form.*

Any changes in the information reported on the initial Form LM 1 must be reported when the Local files its annual financial report.

B. LM REPORTS

Fiscal Reports

Every Local subject to the Labor-Management Reporting and Disclosure Act (LMRDA) of 1959, as amended, must file a Financial Report Form LM-2, LM-3, or LM-4 each year with the Office of Labor-Management Standards (OLMS) of the DOL.

The only Locals exempt from filing any reports under the LMRDA are those comprised entirely of state, county, municipal or federal employees.

Reporting Requirements

- Locals with total annual receipts **of less than \$10,000** may use the Form LM-4.
- Locals with total annual receipts of **\$10,000 or more but less than \$250,000** may use the Form LM-3.
- Locals with total annual receipts of **\$250,000 or more must** use the electronic Form LM-2.

The DOL reports are **due 90 days after the close of the fiscal year**. For example, if your fiscal year ends September 30th the LM report must be filed by December 28th. The LMRDA does not authorize or grant any extension of time for filing this report for any reason.

Please be advised that the LM-2 must be filed electronically.

Reporting and assistance information is available at www.olms.dol.gov.

Locals are not required to file copies of the CWA Constitution as this requirement has been fulfilled by the CWA International on behalf of all CWA Locals.

Any Local whose charter is recalled must file a terminal LM report with the DOL, sending a copy to the International CWA Headquarters. A terminal financial report must be filed within 30 days after the date it ceased to exist. The last president and treasurer or the officials responsible for winding up the affairs of the labor organization must file a terminal financial report for the period from the beginning of the fiscal year to the date of termination.

CWA Councils (city, state or regional Councils) are also subject to all the reporting requirements of the LMRDA. Councils should use the same monetary guidelines as previously outlined in determining which LM financial report form to use.

i. LM-4

If total annual receipts are **less than \$10,000** Locals may use the **Form LM-4**.

To access the LM-4 and instructions:

<http://www.dol.gov/olms/regs/compliance/formspage.htm>

The DOL reports are due 90 days after the close of the fiscal year. The fiscal year for most CWA Locals closes on September 30, therefore, the reporting period for DOL reports is October 1 through September 30. This report must be filed with the DOL by December 28. The LMRDA does not authorize or grant any extension of time for filing this report for any reason.

For those Locals chartered during the fiscal year, the reporting period is the period from the date chartered through September 30. A newly chartered Local must also file Form LM-1 within 90 days of the charter date. A copy of the Local's bylaws must accompany the form.

While not required, the electronic forms system [EFS] is also available for LM-4 filers. It is a free, secure, web-based electronic filing system and requires no software or digital signature purchase.

EFS is ideal for smaller unions and has built-in, context-sensitive help eliminating the need to flip through paper instructions. Key information from the previous year's form is pre-filled into your EFS form. EFS has built-in math functions, therefore eliminating math errors. Before you file with EFS, a verification step identifies all incomplete entries and errors. Once you transmit the form, it is received and posted on-line the same day, which greatly reduces the chances of filing late. You can even save a copy of the report electronically for your records. EFS will save you time and reduce risk of error.

To learn more about EFS, take a tutorial on how to register and use it, please visit <http://www.dol.gov/olms/regs/compliance/efs/efshelp.htm>.

The OLMS has added Compliance Tips to their website located at <http://www.dol.gov/olms/regs/compliance/compltips.htm>. Included are tips for dealing with electronic recordkeeping, lost wages, credit cards, reporting officer and employee payments on Forms LM-2 and LM-3, and many others.

If you are interested in arranging for any training in these areas or have any questions, please feel free to contact any one of the OLMS District Offices. A complete listing of these offices can be found at: <http://www.dol.gov/olms/contacts/lmskeyp.htm>.

Reporting and assistance information is available at www.olms.dol.gov.

NOTE: You are not required to file two copies of the CWA Constitution as this requirement has been fulfilled by the CWA International on behalf of all CWA Locals.

ii. LM-3

If total annual receipts are **less than \$250,000** Locals may use the **Form LM-3**.

To access the LM-4 and instructions:

<http://www.dol.gov/olms/regs/compliance/formspage.htm>

The DOL reports are due 90 days after the close of the fiscal year. The fiscal year for most CWA Locals closes on September 30, therefore, the reporting period for DOL reports is October 1, through September 30. This report must be filed with the DOL by December 28. The LMRDA does not authorize or grant any extension of time for filing this report for any reason.

For those Locals chartered during the fiscal year, the reporting period is the period from the date chartered through September 30. A newly chartered Local must also file Form LM-1 within 90 days of the charter date. A copy of the Local's bylaws must accompany the form.

While not required, the electronic forms system [EFS] is also available for LM-3 filers. It is a free, secure, web-based electronic filing system and requires no software or digital signature purchase. With many LM-3 and LM-4 reports due before the end of December, this is the perfect time to register for and use EFS to file your annual report.

EFS has built-in, context-sensitive help eliminating the need to flip through paper instructions. Key information from the previous year's form is pre-filled into your EFS form. EFS has built-in math functions, therefore eliminating math errors. Before you file with EFS, a verification step identifies all incomplete entries and errors. Once you transmit the form, it is received and posted on-line the same day, which greatly reduces the chances of filing late. You can even save a copy of the report electronically for your records. EFS will save you time and reduce risk of error.

To learn more about EFS, take a tutorial on how to register and use it, please visit <http://www.dol.gov/olms/regs/compliance/efs/efshelp.htm>.

The OLMS has added Compliance Tips to their website located at <http://www.dol.gov/olms/regs/compliance/compltips.htm>. Included are tips for dealing with electronic recordkeeping, lost wages, credit cards, reporting officer and employee payments on Forms LM-2 and LM-3, and many others.

If you are interested in arranging for any training in these areas or have any questions, please feel free to contact any one of the OLMS District Offices. A complete listing of these offices can be found at: <http://www.dol.gov/olms/contacts/lmskeyp.htm>.

Reporting and assistance information is available at www.olms.dol.gov.

NOTE: You are not required to file two copies of the CWA Constitution as this requirement has been fulfilled by the CWA International on behalf of all CWA Locals.

iii. LM-2

If total annual receipts are **more than \$250,000** Locals **must** use the **online Form LM-2**.

To access the LM-4 and instructions:

<http://www.dol.gov/olms/regs/compliance/formspage.htm>

The Form LM-2 must be filed electronically using the OLMS Electronic Forms System (EFS), unless a hardship exemption has been obtained from the DOL. EFS is a web-based system for completing, signing, and submitting Labor Organization Annual Financial Reports. EFS allows a labor organization the ability to acquire, complete, sign, and electronically file a Form LM-2 report without purchasing a digital signature or downloading special software.

The DOL reports are due 90 days after the close of the fiscal year. The fiscal year for most CWA Locals closes on September 30, therefore, the reporting period for DOL reports is October 1 through September 30. This report must be filed with the DOL by December 28. The LMRDA does not authorize or grant any extension of time for filing this report for any reason.

For those Locals chartered during the fiscal year, the reporting period is the period from the date chartered through September 30. A newly chartered Local must also file Form LM-1 within 90 days of the charter date. A copy of the Local's bylaws must accompany the form.

The OLMS has added Compliance Tips to their website located at <http://www.dol.gov/olms/regs/compliance/compltips.htm>. Included are tips for dealing with electronic recordkeeping, lost wages, credit cards, reporting officer and employee payments on Forms LM-2 and LM-3, and many others.

If you are interested in arranging for any training in these areas or have any questions, please feel free to contact any one of the OLMS District Offices. A complete listing of these offices can be found at: <http://www.dol.gov/olms/contacts/lmskeyp.htm>.

Reporting and assistance information is available at www.olms.dol.gov.

NOTE: You are not required to file two copies of the CWA Constitution as this requirement has been fulfilled by the CWA International on behalf of all CWA Locals.

iv. COMMON REPORTING ERRORS

Report improperly signed by one signer in both places as President and Treasurer.

LM Instructions: Items 70 – 71 on the Form LM-2, Items 57-58 on the form LM-3 and items 20-21 on the Form LM-4 require both the president and treasurer, or corresponding principal officers, of the Labor organization to sign. If an officer other than the president or treasurer performs the duties of the principal executive or principal financial officer, then he or she should sign the report. If an officer other than the president or treasurer signs the report, enter the correct title and explain in Item 69, 56, or 19 (Additional Information) why the president or treasurer did not sign the report.

If the Local does not have two officers to sign the report, please send report to CWA Secretary-Treasurer's office for second signature.

Cash Reconciliation Imbalance

A cash reconciliation imbalance occurs when a labor union's end of year cash balance does not equal its beginning-of-year balance after receipts are added and disbursements are subtracted.

Beginning Cash Balance
Plus Receipts=
Total Cash
Minus Disbursements =
EOY Cash Calculated
Minus EOY Cash Reported =
Difference

The difference may be due to adjustments being made to the beginning cash after the prior LM report was filed. For example, there may have been an audit adjustment made to your cash account after the LM report was filed. Please review your beginning cash and see if there were any adjustments made after the prior LM report was filed. The beginning cash on the LM report should be changed and an explanation should be added if there were any audit adjustments made.

Credit Cards Reported as Vendor

Charges appearing on credit card bills paid during the reporting period must be allocated to the recipient of the payment by the credit card company. In addition, the labor organization must report some credit card expenses incurred by union officers and employees (including those for meals and entertainment) as indirect disbursements to officers and employees in Schedules 11 and 12. However, the labor organization must report in Schedule 15 through 19 credit card expenses incurred for transportation by public carrier (such as an airline) and for temporary lodging expenses while traveling on union business. The labor organization must report in Column G (Other Disbursements) of Schedules 11 & 12 any direct or indirect disbursements to union personnel for expenses not necessary for conducting union business. Do not abbreviate the name of the entity or individual.

Schedules 14 through 19

The itemization page must be completed for Schedule 14 if “Other Receipts” from a single payer equal or exceed \$5,000 or more per reporting year; likewise, an itemization page from Schedules 15 through 19 must be completed if disbursements are made to a single payee / vendor of \$5,000 or more, with that functional activity category, per reporting year.

If no single receipt (in the case of Schedule 14) or no single disbursement within the appropriate functional activity category (in the case of Schedules 15-10) equals or exceeds \$5,000, then only Columns A (Name and Address), B (Type of Classification) and Line I (Total of All Non-itemized Transactions with this Payee/Payer) must be completed.

If there are one or more receipts (in the case of Schedule 14) or disbursements within a functional activity category (in the case of Schedules 15-19) of \$5,000 or more, then in addition to Columns A and B, Columns C (Purpose), D (Date) and E (Amount) must be completed for each transaction of \$5,000 or more. Line I should also be completed to disclose the total of any non-itemized transactions with that payee/payer.

“Various”, “Miscellaneous Expenses – Various / Office Expenses – Various/Insurance”, “Various Vendors”, “Various Supplies” are not vendors and should not be used on an itemization page. The actual name of the vendor who received the payment needs to be put on the itemization page if this page is required.

Schedule 11 (All Officers and Disbursements to Officers)

The Form LM-2 instructions require that you list all the labor organization’s officers and report all salaries and other direct and indirect disbursements to officers during the reporting period. You must report the full name of each person who held office in the labor organization at any time during the period. For example, if there was a new president or officer appointed during the reporting year then the new officer and the past officer must be reported. You must include all the labor organization’s officers whether or not any salary or other disbursements were made to them or on their behalf by the labor organization. An “Officer” is defined in section 3(n) of the LMRDA (29 U.S.C. 402) as “any constitutional officer, any person

authorized to perform functions of president, vice president, secretary treasurer, or other executive functions of a labor organization, an any member of its executive board of similar governing body.

Please also see #3 Credit Card Vendors reported as Vendors for direct and indirect disbursements to officers.

Terminal Reports

If a labor organization has gone out of existence as a reporting labor organization, the last president and treasurer or the officials responsible for winding up the affairs of the labor organization must file a terminal financial report for the period from the beginning of the fiscal year to the date of termination. A terminal financial report must be filed if the labor organization has gone out of business by disbanding, merging into another organization, or being merged and consolidated with one or more labor organization to form a new labor organization. A terminal financial report is not required if the labor organization changed its affiliation but continues to function as a separate reporting labor organization.

The terminal financial report must be submitted within 30 days after the date of termination.

You must also provide (Additional Information) a detailed statement of the reason the labor organization ceased to exist. Also report plans for the disposition of the labor organization's cash and other assets, if any (for example, transfer of cash and assets to parent body). Provide the name and address of the person or organization that will retain the records of the terminated organization. If the organization merged with another labor organization, report that organization's name, address, and 6-digit file number.

3. Internal Revenue Service (IRS) Required Reports

A. FORMS 990-N, 990EZ AND 990

ALL Locals must file Form 990s with the IRS – there are **NO** exceptions.

Organizations with Gross Receipts of **\$50,000 or less** must file an e-Postcard (Form 990-N)

990-N filing information: <https://www.irs.gov/Charities-&-Non-Profits/Annual-Electronic-Filing-Requirement-for-Small-Exempt-Organizations-Form-990-N-e-Postcard>

Organizations with Gross Receipts of **more than \$50,000** must file a **Form 990 or 990EZ**

Form 990 filing information: <http://www.irs.gov/uac/Current-Form-990-Series-Forms-and-Instructions>

The Internal Revenue Service (IRS) Form 990 must be filed no later than the fifteenth (15th) day of the fifth (5th) month following the close of the Local fiscal year. The fiscal year for most CWA Locals closes on September 30, therefore, the reporting period for DOL reports is October 1 through September 30. This report must be filed with the DOL by February 15.

If a Local fails to file a 990 or 990-N for 3 consecutive years, the IRS may revoke their tax exempt status under the CWA's Group Exemption. If this happens, CWA cannot reinstate the Local and the Local must file for their own tax exemption.

There are penalties for late filing or failure to file Form 990 or 990 EZ. If an organization whose gross receipts are less than \$1,000,000 for its tax year files its Form 990 after the due date (including any extensions), and the organization doesn't provide reasonable cause for filing late, the Internal Revenue Service will impose a penalty of \$20 per day for each day the return is late. The maximum penalty is \$10,000, or 5 percent of the organization's gross receipts, whichever is less. The penalty increases to \$100 per day, up to a maximum of \$50,000, for an organization whose gross receipts exceed \$1,000,000.

Any Local whose charter is recalled must file a terminal Form 990 with the IRS, sending a copy to the International Headquarters. This report would reflect a year ending date as the date the charter was recalled and a notation should be made at the top of the form that this is a "Terminal Report."

B. TAX EXEMPT STATUS

Each CWA Local is exempt from federal income tax under **IRS Code 501(c)(5)** per an exemption letter dated October 26, 1951 on file at the International office. This exemption applies to only income taxes. CWA affiliates are not exempt from sales tax, payroll taxes or personal property taxes.

When a local is chartered, the name of the local was submitted to the IRS to be placed on the roster identifying CWA affiliates. **The CWA Group Exemption Number (GEN) is 1102.** There is no need for a local to apply for exempt status with the IRS unless the Local has had their exemption revoked due to not filing their 990.

C. EMPLOYER IDENTIFICATION NUMBER

Locals do need to apply for an Employer Identification Number (EIN) and indicate the Group Exemption Number (1102) in the appropriate location on IRS Form 990. The employer identification, sometimes called a taxpayer identification number, is a unique, nine digit number assigned by the Internal Revenue Service (IRS) to identify a business or organization. It is required even if the union has no employees. The EIN is obtained from the IRS using form SS 4 and can be found at www.irs.gov and search for SS-4. Before applying, first verify that the local does not already have an EIN. This can be done by checking the local's bank statement for an EIN. Then check with the CWA financial services department to see if the local already has a number on file. Never use a social security number in the place of an EIN, because this could lead to unpleasant tax consequences for any officer involved.

D. FEDERAL AND STATE TAXES REPORTING

i. Withholding Tax

In establishing a payroll system for the local, CWA and its affiliates have discovered that hiring an outside payroll service such as Paychex or ADP is probably the best route to take. These firms will, for a fee, calculate and prepare payroll checks, make payroll tax payments and file reports required by state, federal and even local agencies. This method is strongly recommended because it relieves the treasurer of a great deal of work, and virtually guarantees those payroll tax payments and government reports will be submitted on time, avoiding penalties and interest. Should the local decide to take on the payroll functions, the local should consider the following:

1. Does it have sufficient experience in handling a payroll system, and
2. The interest payments and penalty fees for incorrect or late filing of payroll taxes.

Locals are required to deduct withholding and FICA taxes from all salaries, wages and cash compensations paid to the employees from Local funds. A Local is considered the employer of any officer or member to whom it pays a salary or wage. If your Local pays any compensation to officers that could be considered a salary, including lost time wages, you are required, by law, to withhold income and FICA taxes on all such salaries and wage payments.

Withholding and FICA Taxes

CWA recommends that affiliates with employees, and especially those affiliates that do not have a professional accounting staff, should engage the services of a payroll service, like Paychex or ADP. This service will perform the payroll calculations and file the required reports. If you maintain your payroll system, you will need to establish a system that will provide cumulative records for each employee for each calendar year, and make regular (usually quarterly) reports to both the federal and state government.

Each quarter, all employers who pay wages subject to income tax withholding or social security and Medicare taxes must file Form 941, Employer's Quarterly Federal Tax Return. If the Local is required to make federal tax deposits, pay the amount shown on line 12 of the 941 by electronic funds transfer (EFT). If the Local is not required to make federal tax deposits, the Local may pay the amount shown on line 12 of the 941 by EFT, credit card, debit card, check or money order. For more information on electronic payment options, visit the IRS website at www.irs.gov/payments.

For each whole or part month a return is not filed when required, there is a penalty of 5% of the unpaid tax due with that return. The maximum penalty is 25%. Also, for each whole or part month the tax is paid, a penalty of 0.5% of the amount of tax generally applies. The maximum for this penalty is also 25%. The penalties will not be charged if the local has a reasonable cause for failing to file or pay.

Use of a reporting agent or other third party payroll service provider does not relieve an employer of the responsibility to ensure that tax returns are filed and all taxes are paid or deposited correctly and on time.

Do not file more than one Form 941 per quarter. Filing more than one return may result in processing delays and may require correspondence between you and the IRS. Do not report more than one calendar quarter on a return.

Use the pre-addressed form mailed to the local. If the local does not have the form, get one from the IRS in time to file the return when due. If the local uses a form that is not pre-addressed, show the local's name and EIN on it. See the instructions for Form 941 for information on preparing the form.

If the local is required to file a final Form 941, it is also required to furnish Form W 2 to its employees by the due date of the final Form 941.

File Forms W 2 and W 3 with the SSA by the last day of the month that follows the due date of the final Form 941. See the Instructions for Forms W 2 and W 3 for more information. In all cases, however, be sure to correctly fill out the "Date quarter ended" section at the top of the form. Only taxes and withholding properly reported on Form W 2 should be reported on Form 941.

Reconciling forms W 2, W 3, and 941. When there are discrepancies between Forms 941 filed with the IRS and Forms W 2 and W 3 filed with the SSA, the IRS must contact the local to resolve the discrepancies.

To help reduce discrepancies:

- a. Report both social security and Medicare wages and taxes separately on Forms W-2, W-3, and 941.
- b. Report social security taxes on Form W-2 in the box for social security tax withheld, not as Medicare wages.
- c. Report Medicare taxes on Form W-2 in the box for Medicare tax withheld, not as Medicare wages.

- d. Make sure the social security wage amount for each employee does not exceed the annual social security wage base limit.

To reduce the discrepancies between amounts reported on Forms W-2, W-3, and 941:

- a. Insure the amounts on Form W-3 are the total amounts from Forms W-2.
- b. Reconcile Form W-3 with the four quarterly forms 941 by comparing amounts reported for income tax withholding, and Social Security and Medicare taxes.
- c. The amounts shown on the four quarterly Forms 941, including current year adjustments should be approximately twice the amounts shown on Form W-3. This is because Form 941 includes both the employer and employee shares of social security and Medicare taxes.

Amounts reported on Forms W 2, W 3, and 941 may not match for valid reasons. If they do not match, it should be determined that the reasons are valid. Keep the reconciliation so the local will have a record of why amounts do not match in case there are inquiries from the IRS or the SSA.

ii. Reimbursed Expenses

A reimbursement or allowance arrangement is a system by which a local document's and pays the advances, reimbursements, and charges for employees' business expenses. The method that a local uses to report a reimbursement or allowance amount depends on whether it has an accountable or a non-accountable plan. If a single payment included both wages and an expense reimbursement, the local must specify the amount of the reimbursement. Amounts paid under an accountable plan are not wages and are not subject to income tax withholding or the payments of social security, Medicare, and Federal unemployment (FUTA) taxes.

To have an accountable plan, a local reimbursement or allowance arrangement must require employees to meet all three of the following rules:

- a. They must have paid or incurred authorized expenses while performing services as employees
- b. They must adequately account, to the local, for these expenses within a reasonable period of time.
- c. They must return any amounts, in excess of expenses, within a reasonable period of time.

Under the Family Support Act of 1988, and effective January 1, 1989, if the expenses covered by this arrangement are not documented, or those amounts in excess of expenses are not returned within a reasonable period of time, the entire amount is treated as compensation under a nonaccountable account. By the authority granted under the Family Support Act, the Department of the Treasury ruled that, this entire amount is subject to income tax withholding, the payment of social security, Medicare, and FUTA taxes for the first payroll period following the end of the reasonable period. These rules apply to all ordinary and necessary employee business expenses that would otherwise qualify for a deduction by the employee.

Allowances and reimbursements that are paid from an "accountable plan" are tax free and are not reported on the Form W 2. Payments made from a nonaccountable plan are included as income, reported on the employee's Form W 2 and are subject to withholding (FITW and FICA) and employment tax (FICA and FUTA). These payments are subject to both employee withholdings (FITW & FICA) and employer employment tax (FICA & FUTA).

A plan is considered accountable when there is a plan or policy that includes certain requirements that employees must satisfy before expenses can be reimbursed. Specifically, the employer's policy must include the following requirements:

- 1. Expenses have a business connection.** An expense has a business connection when it is incurred while the employee performs services on behalf of the employer.
- 2. Expenses are substantiated.** An expense is properly substantiated when the employee submits documentation that includes (1) substantiation of the amount of the expense, (2) the purpose of the expense and (3) the time and place where the expense was incurred. Each element must be included. Broad references like "travel expense" or vague descriptions such as "miscellaneous business expenses" don't satisfy the substantiation requirements.
- 3. Unsubstantiated amounts must be returned to the employer.** Payments to local employees, for travel and other necessary expenses of the local, under a nonaccountable plan are wages and are subject to income tax withholding, payment of social security, Medicare, and FUTA taxes.

Local payments are treated as paid under a nonaccountable plan if:

- a. The local employee is not required to or does not timely substantiate those expenses to you with receipts or other documentation, or
- b. The local advances an amount to its' employee for business expenses and the employee is not required to, or does not timely return any amount not used for business expenses.

A local may reimburse employees by travel days, or miles, or some other fixed allowance. Employees are considered to have adequately accounted if the payments do not exceed rates established by the Federal Government. Other than the amount of these expenses, local employees' business expenses must be substantiated (for example, the business purpose of the travel or the travel or the number of business miles driven).

Another exception applies to payments made under a per diem or mileage allowance arrangement. If the per diem or mileage rate provided by the employer is higher than the IRS approved rate, the employee isn't required to return the difference between the employer's rate and the IRS approved rate (but the difference between the higher employer rate and the IRS approved rate is taxable and subject to federal income tax withholding, FICA and FUTA). If the per diem or allowance paid exceeds the amounts specified, the local must report the excess amount as wages. This excess amount is subject to income tax withholding, and payments of social security, Medicare, and FUTA taxes. Show this amount, equal to the specified amount, in box 13 of Form W 2, using code L. This exception applies only if the allowance is reasonably calculated not to exceed the employee's anticipated expenses and the employee is required to return the portion of the allowance which relates to days or miles not substantiated.

4. Substantiation and the return of unsubstantiated amounts are required in reasonable period of time. The individual is obligated to report on his individual tax return as income any difference received over actual expense incurred.

A reasonable period of time depends on the facts and circumstances. Generally, it is considered reasonable if the local's employee receives the:

- a. Advance within thirty (30) days of the time that expense is incurred, and

- b. An adequate accounting has to be made within sixty (60) days after the expenses were paid or incurred, and

Failure to abide by these rules will necessitate the entire advanced sum's treatment as compensation with Federal Income tax calculated @ 28%, and Social Security & Medicare tax @ 15.3%. Advances, if not repaid, will be reported as loans on the filings with the DOL on Form LM 2, LM 3, or LM 4 reports. The monetary limits of \$2,000 are imposed by Sec. 503 (a) of the LMRDA.

iii. Unemployment Taxes

The Federal Unemployment Tax Act (FUTA), with state unemployment systems, provides for payments of unemployment compensation to workers who have lost their jobs. Most employers pay both a federal and a state unemployment tax. Only the employer pays FUTA tax; it is not deducted from the employee's wages. For more information, see the Instructions for Form 940. Lost time wages are also subject to the unemployment tax.

The Local is subject to FUTA tax on the wages it pays employees who are in the current or preceding calendar year:

- a. The local paid wages of \$1,500 or more in any calendar quarter in the preceding calendar year or current calendar year, or
- b. The local had one or more employees for at least some part of a day in any 20 or more different weeks in the preceding calendar year or 20 or more different weeks in the current calendar year.

Computing FUTA tax. For 2016, the FUTA tax rate is 6.0%. The tax applies to the first \$7,000 is the Federal wage base. The state wage base may be different. Generally, a local can take a credit against its FUTA tax for amounts it paid into state unemployment funds. This credit cannot be more than 5.4% of taxable wages. If the local is entitled to the maximum 5.4% credit, the FUTA tax rate after the credit is .6%

For deposit purposes, figure FUTA tax quarterly. Determine the local's FUTA tax liability by multiplying the amount of wages paid during the quarter by .006 (.6%). Stop depositing FUTA tax on an employee's wages when it reaches \$7,000 in wages for the calendar year. If any part of the wages subject to FUTA are exempt from state unemployment tax, you may have to deposit more than the tax using the .006 rate. For

example, in certain states, certain payments of sick pay by unions, and certain fringe benefits, are exempt from state unemployment tax.

If the local's FUTA tax liability for a quarter is \$500 or less, it does not have to deposit the tax. Instead, the local may carry it forward and add it to the liability figured in the next quarter to see if it must make a deposit. If the local's FUTA tax liability for any calendar quarter is over \$500 (including any FUTA tax carried forward from an earlier quarter), the local must deposit the tax by electronic funds transfer (EFTPS).

Deposit the FUTA tax by the last day of the first month after the quarter ends. If the local's liability for the fourth quarter, plus any undeposited amount from any earlier quarter, is over \$500, deposit the entire amount by the due date of Form 940 (January 31). If it is \$500 or less, the local can either make a deposit or pay the tax with IRS Form 940 by January 31.

Use Form 940, Employer's Annual Federal Unemployment (FUTA) Tax Return, to report this tax. The IRS will mail a preaddressed Form 940 to the local if it filed a return the year before. If the local does not receive Form 940, it can get the form by calling 1 800 TAX FORM (1 800 829 3676).

These taxes are reported on Form 940. It should be noted that certain tax credits are considered when reporting unemployment taxes. A Local financial officer unfamiliar with this tax report should consult with a qualified CPA or IRS agent before attempting to file the 940.

The FUTA tax rates and instructions for filing the form, may be secured from the IRS website at: <https://www.irs.gov/Forms-&-Pubs> under "Instructions for Form 940".

iv. Employer's Annual Federal Unemployment Tax Report Form 940

No attempt will be made to set forth an explanation as to how the Employer's Annual Federal Unemployment Tax Return Form 940 should be completed.

However, CWA Locals are not exempt from filing this form with the Internal Revenue Service.

All chartered Locals are required to file.

Any Local having paid wages to temporary, full time, part time or occasional employees will, in all probability, have to file Form 940 and pay an Unemployment Tax.

When determining who is considered an "employee," the Local must also take into account members who are reimbursed for "lost time" pay.

Unlike other financial reports filed by CWA Locals, which are basically statements of income and expense, Form 940 applies differently to each Local.

Consideration must be given not only to salaries paid, but also to any credits for unemployment taxes paid in the state in which your Local is located.

Your financial officers should not attempt to complete and file Form 940 without qualified professional assistance.

In this connection, the Internal Revenue Service urges the Local financial officer to contact the nearest IRS office for such help.

An appointment should be made with an IRS agent familiar with the Unemployment Tax.

The Local officer will probably be requested to bring with him the financial records and books for the current fiscal year.

At the meeting with the IRS agent, he will receive detailed instructions for completing Form 940 as it relates to his particular Local.

It is not recommended that one financial officer attempt to instruct an officer of another Local in the mechanics involved in the computation of the Unemployment Tax.

Normally, Form 940 is automatically mailed to Locals who have paid unemployment taxes in the past.

However, no Local should rely on receiving the form on an automatic basis from the IRS.

Your Local's financial officer should contact the nearest IRS office and secure blank copies of Form 940 from them.

v. Property Taxes

Most small Locals will not be required to pay this state tax. However, many of the larger Locals maintaining offices will probably be required to pay personal property tax on the assessed value of their office equipment, if the state in which they are located imposes such a tax. If your Local maintains an office, it is suggested that you contact your state assessor to obtain whatever information and forms you may require.

vi. State, City and Municipal Taxes

These taxes vary in every state, as do the rules and regulations concerning such taxes. Contact your State Unemployment Commission or assessor's office for further information and guidance as to whether your Local may be liable for any such taxes.

In many cities and municipalities, there are also tax requirements. You should contact your local government agencies with respect to necessary requirements in this regard.

vii. 1094-C and 1095-C Forms

Locals with 50 or more full-time employees (including full-time equivalent employees) in the previous year use Forms 1094-C and 1095-C to report the information required under the Affordable Care Act about offers of health coverage and enrollment in health coverage of their employees.

An employer determines its number of full-time equivalent employees for a month in the two steps that follow:

1. Combine the number of hours of service of all non-full-time employees for the month but do not include more than 120 hours of service per employee and
2. Divide the total by 120.

The Local identifies its full-time employees based on each employee's hours of service. An employee is a full-time employee for a calendar month if he or she averages at least 30 hours of service per week.

The Local should then add the number of full-time employees and full-time equivalent employees to determine if they are at least 50 and need to file Form 1094-C and 1095-C.

Example – Employer is Not an Applicable Large Employer (ALE)

Local X has 40 full-time employees for each calendar month during 2016. Local X also has 15 part-time employees for each calendar month during 2016 each of whom have 60 hours of service per month.

When combined, the hours of service of the part-time employees for a month totals 900 ($15 \times 60 = 900$). Dividing the combined hours of service of the part-time employees by 120 equals 7.5 ($900 / 120 = 7.5$). This number, 7.5, represents the number of Local X's full-time-equivalent employees for each month during 2016.

Local X adds up the total number of full-time employees for each calendar month of 2016, which is 480 ($40 \times 12 = 480$).

Local X adds up the total number of full-time equivalent employees for each calendar month of 2016, which is 90 ($7.5 \times 12 = 90$).

Local X adds those two numbers together and divides the total by 12, which equals 47.5 [$(480 + 90 = 570) / 12 = 47.5$].

Because the result is not a whole number, it is rounded to the next lowest whole number, so 47 is the result.

So, although Company X has 55 employees in total (40 full-time and 15 part-time) for each month of 2016, it has 47 full-time employees (including full-time equivalent employees) for purposes of ALE determination.

Because 47 is less than 50, Company X is not an ALE for 2017

Form 1094-C is due to the IRS by February 28th and must be used to report to the IRS summary information for each Local and to transmit Forms 1095-C to the IRS.

Form 1095-C is due to the Local's employees by January 31st and must accompany the 1094-C sent to the IRS by February 28th.

viii. 1099 and 1096 Forms

The IRS has ruled that if strike benefits furnished a member were in an aggregate amount of less than \$600 per year, no forms are required to be filed. Only fixed amount strike benefits of \$600 or more are to be reported to the member on Form 1099 and to IRS on 1099 and 1096.

Food, clothing, rent and insurance payments furnished as strike benefits by a Labor Union to needy workers participating in a strike may be considered gifts and are not reportable.

Whereas Locals are not required to report strike benefits of less than \$600, these payments are includible in the gross income of the recipients in the year received.

In the IRS publication "Your Federal Income Tax," it states: "Strike and lock out benefits paid by a Union from union dues, including both cash and their fair market value of goods received, are includible in income unless the facts clearly show that such benefits were intended as a gift."

Should any Local member request information as to the total amount of benefits he received during the calendar year, your Local is obligated to furnish that information. This need not be given on the Form 1099.

Form 1099 is furnished in triplicate with indications as to who receives each copy. Complete the form according to the instructions and sample shown; separate and distribute as follows:

- Copy A will be attached to Form 1096 for mailing to IRS at the address shown on the reverse side of Form 1096.
- Copy B is mailed to the individual named on the form.
- Copy C is retained for the Local's records.

You will note Form 1099 calls for "taxpayer identifying number." This is *your Employer Identification Number* which is issued by your nearest Director of Internal Revenue. If your Local does not know its number, it is on file in the International Headquarters office.

Form 1096 is solely for the purpose of transmitting to the Internal Revenue Service their copy of the 1099.

ix. Equal Employment Opportunity Commission (EEOC) Form 274

This report must be completed in full and filed by or on behalf of only referral local unions subject to Title VII of the Civil Rights Act of 1964, as amended, which have had 100 or more members at any time since December 31 of the preceding year.

"Referral Union" is a term which describes unions under whose normal methods of operation individuals customarily and regularly seek or gain employment through the union, or an agent of the union.

For the purposes of this report, a local union will be considered to be a Referral Union only if it:

- a. Operates a hiring hall or hiring office (on its own behalf or through a joint council or other referral agent), or
- b. Has an arrangement under which one or more employers are required to consider or hire persons referred by the union or its agent, or
- c. Has ten percent or more of its members employed by employers which customarily and regularly look to the union, or any agent of the union, for employees to be hired on a casual or temporary basis, for a specified period of time, or for the duration of a specified job.

The union will not be considered a Referral Union where there are only occasional referrals to an employer who relies on sources other than the union, or an agent of the union, for a substantial portion of all hires. Thus the fact that a union representative in an industrial plant occasionally recommends persons for a job at the employer's request would not in itself result in the classification of that union as a **Referral Union**.

Accordingly, this new policy should relieve most CWA Locals of the requirements of filing EEO 3 Reports.

However, should your Local be required to file Report EEO 3, you must submit the original and one copy no later than February 28 to:

Union Reporting Program
Equal Employment Opportunity Commission
131 M Street, NE
Washington, D.C. 20002

x. Trusteeship Reporting

The CWA Constitution states, in Article XIII, Section 8(b):

"The Executive Board may appoint a temporary administrator to temporarily conduct the affairs of a Local after receiving a request from the officers or membership of a Local for such action."

As defined in the "Labor Management Reporting and Disclosure Act, as Amended," Section 408.1(b):

"'Trusteeship' means any receivership, trusteeship or other method of supervision or control whereby a labor organization suspends the autonomy otherwise available to a subordinate body under its constitution or bylaws."

Part 408 of the Act specifies the report forms which the National must file periodically whenever a trusteeship is established.

Initial Trusteeship Report (LM-15)

Within 30 days after imposing a trusteeship over a subordinate union, the parent body must file an initial Trusteeship Report, Form LM-15, containing the following information:

- The name and address of the subordinate union;
- The date the trusteeship was established;
- Provisions of the constitution which specifically authorize imposition of the trusteeship;
- A detailed statement of the specific reason or reasons for establishing the trusteeship;
- Whether a convention met to which the trusted labor organization sent delegates or would have sent delegates if not in trusteeship;
- Whether the labor organization imposing the trusteeship held an election of officers;
- A full account of the assets and liabilities of the subordinate as of the time the trusteeship was established.

Semiannual Trusteeship Reports (LM-15)

The parent union must file a report covering each 6-month period for the duration of the trusteeship. Reports must be filed semiannually, using Form LM-15 but omitting the Statement of Assets and Liabilities on page 2 of the form. The first semiannual report is due within 30 days after the end of the 6-month period following the establishment of the trusteeship. Thereafter, a report is due within 30 days after the end of each 6-month period following the closing date of the previous semiannual report. Reports must explain in detail the reasons for continuing the trusteeship during the preceding 6 months.

Annual Financial Reports (LM-2)

For the duration of the trusteeship, the parent union must file an annual financial report on Form LM-2 on behalf of the trustee subordinate union within 90 days after the end of the trustee subordinate union's fiscal year. Any Form LM-2 filed on behalf of a trustee organization must include the signatures of the president and treasurer or corresponding principal officers of the parent union and the trustees of the subordinate union. A Form LM-2 must be used for any union under trusteeship, even though it might otherwise be eligible to file its annual report on the shorter Form LM-3 or LM-4.

Terminal Reports (LM-16)

Within 90 days after the termination of the trusteeship or the loss of identity as a reporting union by the trustee subordinate union through dissolution, merger, consolidation, or otherwise, the parent union must file: A Terminal Trusteeship Information Report, Form LM-16, disclosing the date and method of terminating the trusteeship, the names and titles of the subordinate union's officers, the method of selecting them, and other information; and terminal financial report on Form LM-2, giving a detailed account of the subordinate's financial condition at the time of the termination.

Other Reports (LM-1)

The organization imposing the trusteeship is also responsible for filing an initial or amended Labor Organization Information Report, Form LM-1, if necessary. The initial Form LM-1 which reports certain information concerning the structure, practices, and procedures of the labor organization and two copies of the labor organization's constitution and bylaws must be filed within 90 days after the date on which the labor organization becomes subject to the LMRDA.

An amended Form LM-1 must be filed to update the information on file with OLMS if there have been any changes in the practices and procedures listed in the latest Form LM-1. An amended Form LM-1, if necessary, must be filed with the trustee subordinate union's annual financial report, Form LM-2. (Federal employee labor

organizations subject solely to the CSRA are not required to submit an amended Form LM-1 to describe changes in their practices and procedures.)

Report on Selection of Delegates and Officers (LM-15A)

Form LM-15A must be filed with the initial, semiannual, and terminal trusteeship reports if, during the reporting period, there was any: Convention or other policy-determining body to which the subordinate union sent delegates or would have sent delegates if not in trusteeship; or election of officers of the union which imposed the trusteeship over the subordinate union.

Form LM-15A must contain detailed information on the representation of the trusted union, the method of nominating delegates, the means of notifying the members about electing the delegates, and the extent of the delegates' participation in conventions or elections of the parent union.

All forms must be signed by: (1) the International President; (2) the International Secretary Treasurer and (3) the Trustee, unless otherwise noted.

For Forms and Instructions: <http://www.dol.gov/olms/regs/compliance/formspage.htm>

4. CWA Council Reporting Requirements

In 1971 the U. S. Department of Labor ruled that CWA "Councils are labor organizations subject to the reporting requirements" of the Labor Management Reporting and Disclosure Act.

That section of the Act affecting CWA Councils was cited as follows:

"'Labor organization' means a labor organization engaged in an industry affecting commerce and includes any organization of any kind, any agency, or employee representation committee, group, association, or plan so engaged in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rate of pay, hours, or other terms or conditions of employment, and any conference, general committee, joint or system board, or joint council so engaged which is subordinate to a national or international labor organization, other than a state or local central body.

"Regardless of whether it deals with employers concerning terms and conditions of employment and regardless of whether it is composed of employees, any conference, general committee, joint or system board, or joint council engaged in an industry affecting commerce and which is subordinate to a national or international labor organization is a 'labor organization' for the purposes of the Act."

It has been determined by the Labor Department that CWA Councils "function between the International and local levels of CWA and they have a separate existence as evidenced in part by the fact that they have their own treasuries, collect assessments from affiliated locals, and elect their own officers."

Each Council is to follow the same OLMS reporting procedure as for CWA Locals. Newly formed Councils are to file a preliminary OLMS Information Report Form LM 1. A copy of this form is to be furnished to the International Secretary Treasurer.

Further, within ninety (90) days following the end of the Council's fiscal year, financial Report Form LM 2 or LM 3, as appropriate, must be filed with the Labor Department.

A copy of this form is also to be furnished the International Secretary Treasurer.

All report forms are to be forwarded through the lines of organization established in each District.

In addition, each Council is to keep the International currently advised as to the names and addresses of the principal officers.

Should you encounter any problems with respect to the above, the Vice President of your District or the International Secretary Treasurer may be of assistance.

5. Political Committees – IRS Section 527

A. ESTABLISHING, FUNDING AND USING A SEPARATE ACCOUNT FOR POLITICAL SPENDING

A Local union, or District Office, that makes political contributions and other election-related expenditures directed to non-members of the union ordinarily should set up a separate segregated non-federal political account in order to avoid potentially significant tax liability to the Local under Section 527 of the Internal Revenue Code. This separate account is often called a "Section 527" account.

The only exception might be a Local union that earns little or no net investment income from interest, rents, dividends, royalties and capital gains during the year. For that Local, there would be little or no potential tax. But, it is probably still advisable to establish a separate political account because most jurisdictions require registration and reporting of accounts that make political contributions and expenditures. It is almost always better to register and report the transactions of a separate political account than to register and report those of the Local union itself.

In order to establish its Section 527 account, the Local, or District, must obtain an Employer Identification Number (EIN) from the Internal Revenue Service, so that the IRS treats the account as a distinct organization from the union itself for tax purposes. It is easy to obtain an EIN, including online within a few minutes. See www.irs.gov/businesses/small/article/0,,id=102767,00.html.

A Local should fund its Section 527 account by direct deposits of incoming dues receipts, without first depositing them in an interest-bearing account of the Local. Or, the Local should make transfers to the account on the same day the Local received at least an equal amount of dues income. The Local should not supplement the funding of its Section 527 account with other transfers from its general fund accounts.

A Local's Section 527 account should be devoted exclusively to the following: (1) Contributions to candidates for state and local office, political party non-federal accounts and other non-federal political committees; (2) Partisan communications to the general public about non-federal candidates and political parties; and (3) Partisan voter registration and get-out-the-vote activities among the general public.

All contributions and general public spending must comply with state law concerning sources, amounts, registration and reporting. Many states either prohibit or limit particular uses of union dues funded Section 527 accounts. State law can prohibit, limit or otherwise restrict contributions. However, no state can restrict the message content of a political account's public communications about candidates and elections.

The Section 527 account must not be used to contribute to federal candidates, political party federal accounts, or other federal political committees.

The Section 527 account can be used to finance general public communications that explicitly advocate the election or defeat of particular federal candidates. However, doing so could trigger special reports with the Federal Election Commission (FEC), and doing too much of this, in relation to the account's other spending, could trigger a requirement that the account register with the FEC as a type of federal PAC that makes expenditures but no federal contributions what is commonly called a "Super PAC."

This account should not be used for spending on ballot measures (contributions to ballot measure committees or public advocacy about ballot measures), due to potentially adverse federal tax consequences. Instead, the Local's general fund should be used for ballot measure activity. State registration and reporting requirements may apply to this type of spending.

Also, the Section 527 account may be used for direct communications with the Local's own members and their household family members concerning federal, state and local candidates, political parties and other partisan matters. However, it is unnecessary to use the account for these communications, and it could trigger, to the IRS or a state, reporting of spending that it wouldn't have to report if it used its regular general fund account.

The Local can and should use its regular general fund account for these internal membership communications. Also, the FEC requires periodic reports of regular general fund spending on some explicit electoral advocacy communications to members about federal candidates during election years. This requirement applies only to communications that primarily contain that kind of message and only after a Local's direct (not overhead) costs for these communications exceed \$2,000 in connection with either the primary or general election overall.

In contrast, few states require reporting about membership communications even when paid by a regular general fund account.

B. REPORTING BY SECTION 527 ACCOUNTS TO THE IRS

There are four different IRS reporting and disclosure requirements for Section 527 accounts:

1. Form 8871
2. Form 8872
3. Form 990 or Form 990EZ
4. Form 1120-POL

1. Initial Notice of Section 527 Status (Form 8871)

A Section 527 account, whose gross receipts are expected to reach \$25,000 during its tax year, must notify the IRS that it is to be treated as a Section 527 organization. This notice must be filed electronically within 24 hours of either the establishment of the account or the date when it becomes known that the \$25,000 threshold will be reached that year. To do so, the account must file Form 8871 - Political Organization Notice of Section 527 Status. Form 8871 must be filed via the IRS "Political Organizations" website at <https://forms.irs.gov/politicalOrgs/login/887xLogin.jsp?ck>.

Filing this notice is important because it is a prerequisite to tax-exempt status for the Section 527 account. If no required notice is filed, all of the account's receipts will be taxable at a 35% rate. If the notice is not required because the \$25,000 threshold won't be reached, then that tax won't apply

2. Periodic Reports of Receipts and Disbursements (Form 8872)

A Section 527 political organization that registers with the IRS on Form 8871 must also file periodic financial reports with the IRS on Form 8872 - Political Organization Report of Contributions and Expenditures. These reports are generally due quarterly during even numbered years, and semi-annually during odd-numbered years, with some additional reports due around federal general-election dates. The Section 527 account must report the names, addresses, occupation and employer of individuals contributing at least \$200/yr and all persons the account pays at least \$500/yr.

An important exception to the Form 8872 requirement is a Qualified State or Local Political Organization (QSLPO), meaning a Section 527 organization that is registered in a state or municipality as a PAC and files publicly available reports with that authority that contain information similar to what Form 8872 requires. If a Section 527 account qualifies for this exception, then it may claim the exception by checking Line 10a of its Form 8871.

Form 8872 may be filed either by mail or electronically at <https://forms.irs.gov/politicalOrgs/login/887xLogin.jsp>. If the Section 527 account anticipates that its receipts or disbursements will exceed \$50,000/yr, then it must file electronically.

3. Annual Information Return (Form 990 or Form 990EZ)

Some political organizations must file an annual information return, either Form 990 - Return of Organization Exempt from Income Tax, or Form 990EZ - Short Form Return of Organization Exempt From Income Tax. These forms reflect general financial and operational information about the account.

If a Section 527 account has at least \$100,000/yr in gross receipts or its year-end total assets are at least \$250,000, then it must file Form 990. This is true whether or not the account is a QSLPO (see above).

A Section 527 account that is not a QSLPO and has gross receipts of at least \$25,000/yr but less than \$100,000/yr and has less than \$250,000 in year-end total assets, must file Form 990EZ.

Form 990 or Form 990EZ is due four months and 15 days after the end of the Section 527 account's tax year. These forms may be filed either by mail or electronically.

4. Annual Income Tax Return (Form 1120-POL)

A Local union's Section 527 account may and should earn interest, because that income may be used for its political purposes. The account will owe federal tax on all interest over \$100.00, subject to deductions for any expenses incurred in earning that interest. If tax is owed, Form 1120-POL - Taxable Political Receipts and Expenditures must be filed.

Form 1120-POL is due two months and 15 days after the end of the Section 527 account's tax year – two months before Form 990 or 990EZ is due. This form may be filed by mail or electronically.

C. LOCALS MAY BE TAXED ON GENERAL FUND POLITICAL SPENDING

A Local union that does not set up a separate Section 527 account, and instead makes political contributions and expenditures (again, beyond its own members) from its general fund account may owe a federal tax on that spending. If so, the Local itself must file Form 1120-POL. This tax on the Local would be assessed at a 35% rate, on the lesser of:

- The Local's political spending from its general fund accounts; or
- The Local's net "investment income" in excess of \$100. For this calculation, investment income includes the Local's net income from interest, rents, dividends, royalties and capital gains.

In order to avoid this tax, a Local should only undertake general-public political spending from a separate Section 527 account.

Note: *If a Local's general fund (or its separate Section 527 account) is used to collect and transfer member contributions to CWA COPE-PCC, CWA's federal PAC, then those transactions are not taxable.*

D. PUBLIC DISCLOSURE

All of these IRS notices, reports and returns, except for Form 1120-POL, are made publicly available by the IRS on its website, and the Section 527 account must provide them to persons who request it. There are IRS penalties for failure to comply with these disclosure requirements.

PART VI: RECORD RETENTION

1. DOL/IRS Record Retention Requirements

Department of Labor (DOL)

Every person who is required to file a report under the Labor Management Reporting and Disclosure Act of 1959 (LMRDA) or the Civil Service Reform Act of 1978 (CSRA), either as an individual or as an officer of a union or employer, is responsible for maintaining records which will provide in sufficient detail the information and data necessary to verify the accuracy and completeness of the report. These records must be kept for no less than five (5) years after the date the report is filed. Any record necessary to verify, explain, or clarify the report must be retained, including, but not limited to, vouchers, worksheets, receipts, and applicable resolutions.

Information and guidance on DOL recordkeeping requirements are available at:

<http://www.dol.gov/olms/regs/compliance/lmrdarecordkeeping.htm>

Internal Revenue Service (IRS)

CWA Locals are required to maintain certain financial records which are used in the daily operation of the Local. In addition, these records are used to meet the federal filing requirements by all CWA Locals at the end of their fiscal year. All CWA Locals are required to file with the Internal Revenue Service on an annual basis.

The IRS has followed the policy that Labor unions are responsible for maintaining records that are material, in filing annual financial reports, for seven (7) years. This means that a Local has the current year and seven subsequent years available.

Information and guidance on IRS recordkeeping requirements are available at:

<https://www.irs.gov/Businesses/Small-Businesses-&Self-Employed/Recordkeeping>

2. Local Record Retention

LOCAL MODEL RETENTION POLICY

The Communications Workers of America, AFL-CIO Local _____ adopts this document retention and destruction policy for the purpose of ensuring legal compliance and safekeeping of documents.

The Local expects all personnel to comply with the obligations set forth in this policy. **Failure to do so can subject the Union to possible civil or criminal liability and can lead to possible disciplinary actions against responsible individuals.** The Local may periodically review these policies and procedures to ensure that the organization remains in compliance with new or revised legal or administrative obligations.

GENERAL CONSIDERATIONS

While minimum retention periods are suggested, the retention of the documents identified in the following guide should be determined primarily by the application of general guidelines such as state and federal law, as well as any other pertinent factors.

A Retention Policy applies to physical records as well as electronic documents. Emails should be retained for the same period as the document it pertains to or supports. Where it is necessary to retain an email message, the message should be saved to an appropriate electronic folder or be printed in hard copy and kept in the appropriate file.

Likewise, other electronic documents, such as PDFs, text messages, etc. that fall into any of the document types discussed in the following guide must be retained for the same periods of time as hard copy documents.

Correspondence and internal memos should be retained for the same period of time as the document they pertain to or support. For instance, a letter pertaining to a particular contract would be retained for 7 years after expiration. It is recommended that records that support a particular project be kept with the project and take on the retention time of that particular project file. All other correspondence pertaining to routine matters and having no lasting significance should be deleted after 12 months.

Once the time period for retention of a document as provided in the Local's policy has passed, the document should be appropriately destroyed; confidential documents should be shredded rather than placed in the trash or recycling. Be mindful that there may be times when documents should be retained even after they have reached their destroy date. An example is when legal counsel notifies you documents in your possession may be relevant to potential or ongoing litigation, or to an investigation that may lead to litigation. This situation is sometimes referred to as a "litigation hold."

Under no circumstances whatsoever is an employee, officer, or other person to destroy a document in anticipation of litigation or for the purpose of interfering with or hindering an investigation by the Local, by the International, or by an external organization or government agency. If you have reason to believe that a matter you are working on is likely to result in litigation, you should consult with legal counsel immediately for guidance before disposing of any related documents.

DOCUMENT RETENTION GUIDE

DOCUMENT	RETENTION PERIOD
Accounting Records	7 years
Advertisement for job openings	Date posted + 1-3 years
Annual Financial Reports	Permanently
Applicant Records for non-hires	Notification of non-selection + 2 years
Arbitration Appeal Files	Exhaustion + 2 years
Arbitration Awards (as employer)	Permanently
Arbitration Awards (as bargaining agent)	Permanently
Bank Statements	7 years
Bargaining History (notifications, proposals, etc.) – ongoing bargaining relationship	Indefinitely/duration of bargaining relationship
Bargaining History (notifications, proposals, etc.) – defunct bargaining relationship	End of bargaining relationship + 5 years
Bills of Sale	Permanently
By-Laws	Permanently
Charter for Local	Permanently
Collective Bargaining Agreements, Letters of Agreement, MOU's, MOA's, etc. (as bargaining agent) -- execution copy and copies	Permanently

Collective Bargaining Agreements (as employer)	Permanently
Complaint “Appeal” Files	Exhaustion + 2 years
Contracts (Local Business Operations)	Completion + 7 years
COPE - PAF Program Materials	End of relevant calendar year + 7 years
COPE - PAF Payroll Deduction Cards	Permanently
COPE (Local State PAC) Reports	Filing Date + 3 years
COPE (Local State PAC) IRS Reports	Filing Date + 7 years
Court Orders	Permanently
Local Newsletters	Permanently
Deeds and Titles	Permanently
Dues Receipts	7 years
Dues Objectors Calculation Database	Permanently
Dues Objectors Letters (incoming)	Date of receipt + 10 years
Dues Objectors Letters (outgoing) and check stub	Permanently
EEO -1 & 3 Reports (if applicable)	Filing + 2 years
Election of Officers Records (including unused ballots)	2 years
Employee/Officer Expense Reports	7 years
Employee Handbook and Policies (as employer)	Date superseded + 10 years
Employee Job Descriptions	Date Superseded + 3 years

Employee Payroll Records	7 years
Employee Time sheets (or similar timekeeping records)	3 years
Executive Board Meeting Minutes and Polls	Permanently
Financial Records (unless otherwise specified)	7 years
Grievances and Complaints Against the Local (as employer)	Resolution of a grievance + 7 years
Grievance and Grievance Files (as bargaining agent)	Resolution of grievance + 5 years
Grievance Settlements (as employer)	Permanently
Health Insurance Claims (as employer)	Settlement/resolution + 3 years
Individual Employee Benefit Files (as employer)	Permanently
Individual Personnel Files	Permanently
Insurance Policies	Permanently
LM-1, LM-2/LM-3 Reports (as applicable)	Permanently
LM-1, LM-2/LM-3 Report Back-up Records	Filing date + 5 years
License Agreements	Completion + 7 years
Litigation Files	Resolution + 7 years
Merger and Affiliation Agreements	Permanently
Minute Books	Permanently
Mortgages	Permanently

NLRB Recognitions	Permanently
OSHA Injury/accident reports (as employer)	Date of injury + 5 years
OSHA Logs and Summaries (as employer)	End of creation year + 5 years
OSHA Reports/Records – monitoring exposure to hazardous materials (if required by law)	Exposure + 30 years
OSHA Reports/Records – medical examinations required by law	Termination + 30 years
Payroll Records (if required by law)	7 years
Pension Plan Government Filings	End of Filing year + 6 years
Tax Returns	Permanently
Workers Compensation/Unemployment Claims records	Settlement/resolution + 7 years

PART VII: LOCAL MEETINGS

1. Membership Meeting

PURPOSE

The officers should always keep in mind the purpose of membership meetings. Membership meetings are held in order to:

- Make decisions that guide the officers in carrying out the Local's programs and the policies of CWA. Democratic control can be assured only by broad participation by members.
- Educate the membership on what is happening and why, and what might happen and why, on matters like the following:
 - Current collective bargaining developments.
 - Developments in the Labor Movement locally.
 - Legislative and political activities.
- Highlight CWA's involvement with allies in the community
- Develop spirit of solidarity among the members.
- Identify new activists.

ORDER OF BUSINESS

Each Local should have a regular order of business which can also be included in the Local Bylaws. Meetings generally are conducted as follows:

CALL TO ORDER

The Call to Order is handled by the presiding officer.

READING THE MINUTES OF THE LAST MEETING

This is done to correct any errors and inform members who were absent of the business transacted in the last meeting. Corrections may be made at the request of any member. Should there be a difference of opinion, the matter must be settled by membership vote. After any corrections are made, the presiding officer takes a vote to approve the minutes.

COMMITTEE REPORTS

Active Local committees should present reports at this time. If the report requires Local action, motions should be made accordingly and settled by vote.

OFFICER REPORTS

These are made by the presiding officer and generally consist of matters that have come to his or her attention since the previous meeting. The Local membership must also act to receive the Treasurer's report on receipts and disbursements made since the last meeting.

UNFINISHED AND NEW BUSINESS

UNFINISHED and NEW BUSINESS, generally encompass the substance of the Local's current activities. But they won't command attention unless they are presented in a way that ties them directly to each member's well-being. Here are some suggestions:

- There should be a high point, a main feature, at each meeting. Where possible, it should involve some important happening in the worksite, the community or Labor Movement.

- Consider what is likely to be on members' minds and what is happening that is important to them. A new health care plan? An arbitration case? Rumors of layoffs? A new tax bill before the legislative body? Pick out one topic and plan to cover it at the meeting.
- Don't be afraid to tackle public issues. You might want to invite a community ally to give a ten-minute talk on the issue and why CWA members should care about it.
- A good guest speaker with a short, timely topic can attract an audience.
- Always start on time and end on time. It is best if the meeting is over in an hour and a half. (unless it is a special occasion such as bargaining).
- Promote meetings. Don't just announce them. Think up a catchy title.

If the members won't come to the union, take the union to the members. Have short worksite meetings right after work or announce a brown bag lunch union meeting.

CWA belongs to the members -- it cannot be effective if only a dozen members are actively involved. Remember, if the members don't come to the union, then take the union to the members.

ADJOURNMENT

When all business is completed, any member may make a motion to adjourn or the presiding officer may adjourn the meeting.

2. Executive Board Meetings

It is the responsibility of the President to draw up the agenda for Executive Board meetings. The agenda normally includes:

- Approval of previous meeting minutes
- Reports of officers.
- Reports of committees.
- Approval for payment of routine bills.
- Evaluation of goals and progress made on goals.
- Other pending items of business.

Local Executive Boards should meet regularly. Special meetings can be called when deemed necessary by the President or a majority of the board. (Refer to your Local's Bylaws on this.)

Board meetings ensure that the officers get together as a group from time to time which is an essential element in a united efficient Local leadership team.

Local Executive Boards must keep a record of their meetings with the secretary taking minutes. A digest of the minutes comprises the Board's report at membership meetings.

PART VIII: MEMBERSHIP DATABASE & DUES PROCESSING SYSTEM

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To access information and links to Aptify – CWA’s Local Membership and Dues Database, please visit our webpage:

<https://cwa-union.org/for-locals/aptify-local-membership-and-dues-database>

PART IX: MEMBERSHIP DUES

1. Dues Structure

Only Convention delegates can decide CWA's dues structure. The current per capita was established by the 1979 convention. The per capita to the International is 40 percent of minimum monthly membership dues for each person required to pay dues to a Local.

"...Resolved that effective September 1, 1979, the minimum membership dues payable by each member of the Union per month shall be equal to two hour's pay, based on an hour's pay as determined by dividing the individual member's basic weekly wage by forty hours;"

"...that effective September 1, 1979, every Local shall pay to the International Union as per capita dues an amount equal to forty percent of minimum monthly membership dues for each person required to pay dues to the Local..."

As a result of action taken at the 1990 Convention, the minimum dues were increased to 2 ¼ hours effective January 1991. This additional ¼ hour is used to finance the Members' Relief Fund. For those units not able to strike, a 50 cents per member, per month, contribution is still required per the Constitution change in 2013. These funds are segregated and used for Strategic Industry Campaigns.

2. Types of Dues Payments

There are three types of dues payments due the International – Initiation Fees, Per Capita, Defense Fund, and Members Relief Fund. Details about each are given below.

A. INITIATION FEES

The one-time International initiation fee is \$1.00 per member.

This amount will be deducted from the Local's dues remittance payment when the International receives the member's first dues payment.

No initiation fees are deducted for agency fee payers.

B. PER CAPITA

The International's portion of dues collected is called per capita. Per capita is due the International for everyone who pays dues or fees. This money is used to operate the Union.

Each employee's weekly base wage must be determined before per capita can be calculated. The weekly base wage is calculated as follows:

- **Full-Time Employees** - If an hourly rate is maintained rather than a weekly rate, multiply the hourly rate by the basic number of hours worked.
- **Part-Time Employees** - Use the hourly rate normally paid to a full-time employee in the same job title and multiply that rate by the number of hours normally worked each week.
- **Wage Incentive and Piece-Work Employees** - Use the employee's basic hourly rate, excluding piece-work or wage incentive earnings, and multiply that rate by the basic hours of work.
- **Commissioned Employees** - The deduction is based on the top rate of the highest paid non-management person in the Business Equipment Sales Classification in the city where the Directory Sales Rep is headquartered. If there is no such classification in the headquartered city, then use the city that has Business

Equipment Sales people in a like class town within the same company. This is for premise people only. Non-premise people pay on their base wage.

- **Retired Members** - Multiply the total monthly pension from the company by 12 (months) and divide by 52 (weeks).

Annual Base Wage - Divide by 52.

Monthly Base Wage (12 deductions per year) - Multiply by 12 and divide by 52.

Semi-Monthly Base Wage (24 deductions per year) - Multiply by 24 and divide by 52.

Bi-Weekly Base Wage (26 deductions per year) - Multiply by 26 and divide by 52.

Once the employee's weekly base wage has been determined, per capita can be calculated as follows:

$$\frac{\text{Weekly Base Wage} \times 2 \times 40\%}{40} = \text{Per Capita}$$

C. MEMBERS RELIEF FUND

As a result of action taken at the 1990 Convention, the minimum dues were increased to 2¼ hours effective January 1991.

This additional ¼ hour is used to finance the Members Relief Fund.

For those units not able to strike a 50 cent per member, per month, contribution is still required.

The dues money remaining after the International's initiation fee, per capita and Members Relief Fund deductions is due to the Local.

3. Dues Formulas and Examples

These examples assume the minimum 2¼ hour dues structure is being used. Each Local, as governed by its Bylaws, may determine its own dues structure as long as the minimum dues structure (2 ¼ hours) is maintained.

A. WEEKLY BASE WAGE CALCULATION

Wage and salary rates which are not stated as hourly or weekly must be converted to weekly as follows:

$$\frac{\text{Annual Base Wage } \$26,000.00}{52} = \$500.00$$
$$\frac{\text{Monthly Base Wage x 12 } \$2,166.67 \times 12}{52} = \$500.00$$
$$\frac{\text{Semi-Monthly Base Wage x 24 } \$1,083.33 \times 24}{52} = \$500.00$$
$$\frac{\text{Bi-Weekly Base Wage x 26 } \$1,000.00 \times 26}{52} = \$500.00$$
$$\frac{\text{Weekly (48) Base Wage x 48 } \$541.67 \times 48}{52} = \$500.00$$

B. MINIMUM MONTHLY DUES CALCULATION

$$\text{Weekly Base Wage} \div 40 \times 2\frac{1}{4} = \text{MINIMUM MONTHLY DUES}$$

$$\$500.00 \div 40 = \$12.50 \times 2\frac{1}{4} = \$28.13$$

C. PER CAPITA CALCULATION

Weekly Base Wage ÷ 40 x 2 x 40% = PER CAPITA

\$500.00 ÷ 40 = \$12.50 x 2 = \$25.00 x .40 = \$10.00

1. Members Relief Fund

Hourly Rate x .25 = Members Relief Fund

\$12.50 x .25 = \$3.13

D. CALCULATING THE AMOUNT TO BE DEDUCTED PER DEDUCTION PERIOD

Minimum Monthly Dues x 12

Deduction Frequency = DEDUCTION AMOUNT

\$28.13 x 12 = \$337.56 ÷ 12 = \$28.13 MONTHLY

\$28.13 x 12 = \$337.56 ÷ 24 = \$14.07 SEMI-MONTHLY

\$28.13 x 12 = \$337.56 ÷ 26 = \$12.98 BI-WEEKLY

\$28.13 x 12 = \$337.56 ÷ 48 = \$ 7.03 WEEKLY

\$28.13 x 12 = \$337.56 ÷ 52 = \$ 6.49 WEEKLY

E. LOCAL'S PORTION OF MINIMUM DUES CALCULATION

Monthly Dues minus Per Capita, Members Relief Fund (MRF) = Local portion.

Monthly, semi-monthly and weekly (48) deductions will be constant from month to month.

Monthly Dues	\$ 28.13	Annual Dues	\$ 337.56
Per Capita	- 10.00	Per Capita	- 120.00
<u>MRF</u>	<u>- 3.13</u>	<u>MRF</u>	<u>- 37.56</u>
Local Portion	\$ 15.00	Local Portion	\$ 180.00

If the deduction period is bi-weekly (26 deductions per year) or weekly (52 deductions per year), dues collected will vary from month to month depending on the number of deduction periods in the calendar month but will average out over the year. Since the amount collected varies, the Local's portion will vary but the International's portion remains the same each month.

Example - Bi-Weekly Pay (\$1,000) - Bi-Weekly Deductions (26):

	2 Pay Period 2 Deduction Month	3 Pay Period 3 Deduction Month	Annual 26 Deductions
Bi-Weekly Deduction	\$ 12.98	\$ 12.98	\$ 12.98
Number Deduction Periods	x 2	x 3	x 26
Monthly Dues	\$ 25.96	\$ 38.94	\$ 337.48
Per Capita	- 10.00	- 10.00	- 120.00
MRF	<u>- 3.13</u>	<u>- 3.13</u>	<u>- 37.56</u>
Local Portion	\$ 12.83	\$ 25.81	\$ 179.92

Example - Weekly Pay (\$500) - Weekly Deductions (52):

	4 Pay Period 4 Deduction Month	5 Pay Period 4 Deduction Month	Annual 52 Deductions
Bi-Weekly Deduction	\$ 6.49	\$ 6.49	\$ 6.49
Number Deduction Periods	<u>x 4</u>	<u>x 5</u>	<u>x 52</u>
Monthly Dues	\$ 25.96	\$ 32.45	\$ 337.48
Per Capita	- 10.00	- 10.00	- 120.00
MRF	<u>- 3.13</u>	<u>- 3.13</u>	<u>- 37.56</u>
Local Portion	\$ 12.83	\$ 19.32	\$ 179.92

An additional .50 or \$6.00 per year will be deducted for those units unable to strike.

4. Methods of Dues Reporting

There are two methods of dues reporting used by employers -- electronic reporting and manual reporting. There is a third method of dues reporting used by Locals -- hand-collecting dues on a regular basis.

ELECTRONIC REPORTING OF DUES

The electronic method of dues reporting is the preferred method for receiving dues files from companies. Two methods of electronic reporting are: email for small files which are encrypted for security purposes; or FTP, which is the media of choice with larger employers. FTP, which stands for File Transfer Protocol, is a method of transferring large amounts of data over the internet in a secured environment. Each reporting cycle (which is determined by the contract), the employer sends the International a check and file reporting dues collected for each employee as well as changes in membership information. The International compares the employer-reported information to its Membership Database making changes where necessary and reconciles the information reported to the check amount.

Electronic reporting is the quickest and easiest method of processing dues and should be considered when negotiating contracts. For complete specifications, contact the Information Technologies Department at the International.

MANUAL REPORTING OF DUES

Small companies send the International a check and a manual report showing dues collected for each employee and changes in membership information. The International has to manually compare the Company-reported information to its Membership Database making changes where necessary and reconciling the information reported to the check amount.

This reporting method only works well if all necessary information is provided to the International. The following information is needed to process dues manually:

<u>General Information</u>	<u>Employee Information</u>	<u>Dues Deduction Information</u>
Employer Name and Address	Social Security Number	Amount of Monthly Dues Deducted
Local Number	Name	Amount of Initiation Fees Deducted
Processing Unit Number	Payroll Number, if applicable	Amount of Make-Up Dues Deducted
Dues Month and Year	Hourly Rate and Base Hours	Amount of Advance Dues Deducted
Deduction Frequency (Monthly, Semi-Monthly, Weekly, Bi-Weekly)	-OR-	Amount of Total Deductions
Employer Contact Person	Weekly Base Wage	
	Monthly Dues Amount Authorized	

Where a contract is in force but there is no deduction of dues clause, the Local is responsible for collection of dues. These dues should be submitted to the International using the Standard Dues Report (Form MLO-504). A check for the total amount of dues collected should be included.

Another method of reporting these dues would be our Local Collection system.

If an employer is going to use the manual reporting method, it is preferred that they report to the International on the Standard Dues Report (Form MLO-504). The International is then assured of receiving all the required information.

For these, and all other forms, visit the CWA website, www.cwa-union.org under "For Locals" and click on "Forms."

DUES PAID TO LOCAL

Some individuals pay dues directly to the Local on a regular basis. A Request for Automatic Deduction of Per Capita and Members Relief Fund for Dues Paid to Local (Form MLO-81) should be submitted to the International for these individuals. The Local should retain all money and the International will make a deduction from the Local's monthly dues remittance payment to cover per capita and defense fund for these employees. All deductions will remain in effect until a Form MLO-81 is sent by the Local to cancel or change the deduction.

5. Types of Membership

Below is a description of each of the membership classifications used by CWA:

MEMBERS

Members are individuals who have signed membership application cards and have been accepted for membership according to the Local's bylaws.

NON-MEMBERS

Non-members are individuals covered by a collective bargaining contract who have not joined the Union and are not required to pay dues. Non-members may be occasional employees, employees in right-to-work states, employees in companies without an agency shop clause or "grand-fathered" individuals in agency shops.

AGENCY FEE PAYERS

Agency fee payers (also referred to as dues equivalents) are individuals covered by a collective bargaining contract who have not joined the Union but are required to pay fees in lieu of dues. Agency fee payers are non-members covered by an agency contract in a non-right-to-work state.

RETIRED/ASSOCIATE MEMBERS

The CWA Constitution, in Article V, Sections 3(e) and 5(a), discusses Retired/Associate Members as follows:

3(e) Members of a Local who are or may be retired for any reason, or who are, or who may be on leaves of absence, may elect to continue to be active members or to assume the status of associate members. In the event any such person elects to become an associate member, the person shall lose voting privileges but shall not be required to pay dues.

5(a) All CWA Council Lifetime members shall be eligible to join in a CWA Retired Members' Chapter.

More information on retirees may be found in the Retirees portion of this document and in the CWA Constitution.

RELIGIOUS OBJECTORS

Religious objectors are agency fee payers who hold conscientious objections to joining or financially supporting a labor organization due to their religious beliefs or who are members of and adhere to a bona fide religion, body, or sect historically holding conscientious objections to joining or financially supporting a labor organization. CWA will accommodate such objectors by holding their fees in escrow and periodically disbursing the money to non-religious, non-labor tax-exempt charitable organizations.

An individual seeking religious objector status should notify in writing the Special Programs office. The letter should include the individual's name, address, Social Security number, Local number, employer and the basis for the request. Once this status is granted, it will remain in effect until rescinded by the individual.

AGENCY FEE OBJECTORS

Employees who are not members of the Union, but who pay agency fees, may request a reduction in that fee based on their objection to the Union's activities and expenditures that fall outside the areas of collective bargaining, grievance handling and contract administration. (See Section 10.4 for information on CWA Policies on Agency Fee Objection and Definitions.) The Policy can also be found in the CWA Constitution.

SUSPENDED MEMBERS

The procedure to follow in suspending a member is described in the CWA Constitution, Article XIX.

EXPELLED MEMBERS

The procedure to follow in expelling a member is described in the CWA Constitution, Article XIX.

PENDING MEMBER

A new or reinstated member, as reported by the Local, for whom no dues have been received from the employer. The member remains in a "pending" status until first dues

deductions are received. Once dues are received, the member will be coded as an Active member.

PENDING AFP (Agency Fee Payer)

A new or reinstated individual who has not signed a membership application or dues authorization card yet. The Local should have the individual sign a membership application, or authorization, for Agency Fees. The person will remain in a "pending AFP" status until first dues deductions are received. Once dues are received, the member will be coded as an Active AFP.

6. Local Payday With Direct Deposit

The **Local Payday** program was started during 1993. Local Payday eliminates the financial effect of an uncertain schedule and provides instead a guarantee that the dues remittance will be deposited in the Local's bank account according to a predetermined schedule. This will enable Locals to better control and plan their finances. The Local is no longer penalized because of a late company check being sent to the Headquarters Office.

There are seven scheduled paydays each month covering all the major units. The payday for each processing unit is determined by the average expected receipt date for that processing unit.

To be eligible to participate in the Local Payday Program, once a processing unit has been selected, the Local must be on Direct Deposit.

Direct Deposit is available to all Locals to which dues payments are written. While Direct Deposit without Local Payday does not guarantee dues being received on a predetermined date, it has reduced the number of manual checks and replacement of lost or delayed in the mail checks.

In this connection, a Direct Deposit form must be executed. A completed Direct Deposit form (MLO-125) must be submitted. Extra care should be taken to verify accuracy of the ABA/Routing number and account number. Fifteen (15) days lead time is needed to implement Direct Deposit once the completed form is received.

For these, and all other forms, visit the CWA website, www.cwa-union.org under “For Locals” and click on “Forms.”

7. Sample Dues Check-Off Contract Language for Use in Negotiations

Following is language for the Dues Check-off section of all new contracts to be used in negotiations. All companies who are not already doing so, should be encouraged to report dues deductions to the International via electronic format.

Information Provided To and From the Union

1. The Union agrees to notify the employer of changes of deduction amount 90 days or more prior to the month in which such changes are to occur.
2. The employer shall furnish the Union a monthly statement within ten days of the close of the calendar month in which dues were deducted. The statement will be sent in electronic format including the following information for each employee having dues or initiation fee deduction authorization or bonus/profit sharing on file:
 - First name, last name, and middle initial (when applicable)
 - Amount of dues or fees deducted
 - Payroll ID, social security number or other unique identifier
 - Hourly Pay Rate (actual hourly rate, not calculated based on hours worked)
 - Rate of Pay
 - Job classification or title
 - Work or report location
 - Mailing address, including City, State and ZIP
 - NCS or hire date
 - Local number
 - Date of Birth

In addition, the statement will include Bargaining Unit employees for whom the Employer has not made a dues or fees deduction with an appropriate explanation (i.e., “on leave,” “no shifts worked,” etc.). The statement will note or explain changes such as

new hires, pay increases, leaves of absence, returns from leave, change of address, termination of employment, etc.

3. The union and the employer shall keep each other currently informed of their respective duly authorized representative and shall promptly notify each other of any change of such representatives.
4. The information listed above will be taken from employer records and will be furnished on a timely basis; however the Union recognizes that errors and delays may and will occur, and in using the information furnished, assumes all risks associated therewith.

Political Action Fund Contributions

1. The employer and the union shall provide for a program and procedure whereby eligible employees of the Company may make voluntary contributions through payroll deduction to CWA's Political Action Fund (PAF), a separately segregated political action committee sponsored by the union.
2. Eligibility to contribute to PAF through the payroll deduction program is restricted to those employees of the Company who are certified by the Union as eligible to participate under applicable federal and state laws.
3. Participation by any such employees shall be on a voluntary basis and employees shall be so informed by the person soliciting their participation on behalf of the Union. The Union shall be responsible for notifying the employer promptly when any such employee is no longer eligible to participate.

8. Possible Dues Remittance Deductions

CODE	DESCRIPTION OF DEDUCTION
PC/MEM	Per capita for members
PC/AFP	Per capita for agency fee payers
DEF (MRF)	Defense fund for members and agency fee payers
INIT. FEES	International initiation fees
REL OBJ ESCRW	Religious objector fees held in escrow
XPELLED ESCRW	Expelled from Union - fees held in escrow
ADVANCE	Dues advance repayment
PREV MO BAL	Previous month's balance due International
LOAN #XXXXXXX	Loan payment - XXXXXXXX indicates loan account number
COMPUTER SVCS	Payment for computer services (MUMSLink)
MRF/SIF	Members Relief Fund / Strategic Industry Fund
LOCAL PAY DED	Predetermined scheduled advance payment
COPE	CWA-COPE (Political Action Fund) contributions
BILLING XXXXXX	Deduction of billing due International - XXXXXX indicates the billing number
PROJECT XXXXXX	Contribution to Union-approved program - XXXXXX indicates the project code
SUBSIDY	Additional amount owed to Local on Incentive Program (Dues Split)
BAL DUE INTL	Amount calculated owed the International

9. Request for Automatic Deduction of Per Capita and Members Relief Fund for Dues Paid to Local – Form MLO-81

The Request for Automatic Deduction of Per Capita and Members Relief Fund for Dues Paid to Local Form, MLO-81, has three purposes:

- A. It is used by the Local to request automatic monthly deductions of per capita and defense fund for employees who pay dues directly to the Local for an extended period of time.
- B. It is used to cancel automatic monthly deductions of per capita and defense fund.
- C. It is also used to report a change in base wage for those employees on automatic monthly deduction of per capita and defense fund.

The International will calculate the amount of Per Capita and Members Relief Fund owed each month using the weekly base wage provided and deduct that amount from the Local's dues remittance payment. **No money should accompany this form.**

Dues are payable on or before the first day of the month for which they are applicable.

The Executive Board (February 1955 meeting) has interpreted the CWA Constitution as follows:

"Membership dues are payable on the first day of each month for the particular month and become delinquent if they are not deducted from the member's paycheck or paid in cash by 12:00 Midnight of the last day of the month."

The International will continue to deduct per capita and defense fund for cash dues paying members until written authorization to cancel deductions is received from the Local on Form MLO-81.

In order to expedite processing, please use a separate form for each processing unit.

To calculate weekly base wage:

$$\text{Monthly Pension} \times 12 \text{ months} / 52 \text{ weeks} = \text{Weekly Base Wage}$$

To calculate monthly deduction:

$$\text{Weekly Base Wage} / 40 \times 2.25 = \text{Monthly Amount}$$

If an individual received a lump sum payment, the calculation is based upon the annuity which would have been received.

It is important that the appropriate action (start deductions, cancel deductions or change base wage) be checked. Only one action per employee may be indicated. The effective date should indicate when the action noted is to take place. Each individual's member code must be provided. A list of member codes is given on the form.

For these, and all other forms, visit the CWA website, www.cwa-union.org under "For Locals" and click on "Forms."

10. Dues Split Subsidy (Local Incentive Program)

"Pursuant to the approval of the Executive Board, Local Unions that negotiate contracts and handle all grievances, arbitration cases, legal expenses and dues collection in those units that do not exceed 150 potential members may be refunded each month 25% of the International Union's per capita (received from such unit). This shall not be available to units which involve multi-local employers. The 150 limit may not be exceeded without the approval of a majority of the Executive Board. Withdrawal from the program will require Executive Board approval."

11. Convention Voting Strength Computation

The CWA Constitution, Article VIII, Section 4(b) states:

(b) Locals shall elect their delegates in accordance with paragraph (a) on the basis of the average number of members on which dues were paid or collected by the International for the twelve (12) months ending the fifth month preceding that in which the Convention begins its session. Locals chartered less than twelve (12) months preceding the fifth month shall each be averaged according to the number of months chartered. Locals chartered after the fifth month preceding the Convention shall be allowed to elect delegates in accordance with this Section on the number of members in the Local at the time it was chartered; provided, however, that duplicate representation because of shift in membership from one Local to another shall not be allowed.

For example, the 2015 Convention was held in June. Convention votes were computed using dues payments for the months of February 2014 through January 2015.

After dues are processed each month, convention credits are computed and retained in the database. Convention credits are earned and accumulated by union members based on their record of dues payments. These accumulated convention credits are later translated into a number of convention votes which form the basis for voting representation in union elections and other matters during CWA's annual convention.

A convention credit is earned by a member if union dues are paid for a month. **Only paid members are eligible to earn convention credits -- agency fee payers and CWA Associates are not eligible.**

Approximately three months before the annual convention, each Local will receive a list showing its convention votes. If the Local disagrees with the International's calculations, they should write to the Secretary-Treasurer immediately so that any necessary adjustments can be made prior to giving the records to the Credentials Committee. Any disagreements not resolved prior to convention will be referred to the Credentials Committee for disposition. The Credentials Committee and the convention are the final authorities regarding the number of votes assigned to each Local.

CWA Constitution, Article VIII, Section 4(e) states:

(e) No Local will be entitled to representation at the Convention and its delegates shall not be seated if the Local is considered to be more than ninety (90) days delinquent in any per capita payments to the International Union at the time of the Convention, except those locals that have established and remained current on a formal payment arrangement with the International Union. Locals shall be notified of such delinquency not less than ninety (90) days prior to the first day of Convention.

CONVENTION VOTING STRENGTH COMPUTATION CHART

Approximately two weeks prior to the convention, final convention votes are calculated by the International. The number of votes for each Local determines the number of convention delegates to which they are entitled as follows:

<u># Votes</u>	<u>Delegates</u>	<u># Votes</u>	<u>Delegates</u>	<u># Votes</u>	<u>Delegates</u>
000- 199	1	5,201- 5,600	15	10,800-11,200	29
200- 399	2	5,601- 6,000	16	11,201-11,600	30
400- 800	3	6,001- 6,400	17	11,601-12,000	31
801-1,200	4	6,401- 6,800	18	12,001-12,400	32
1,201-1,600	5	6,801- 7,200	19	12,401-12,800	33
1,601-2,000	6	7,201- 7,600	20	12,801-13,200	34
2,001-2,400	7	7,601- 8,000	21	13,201-13,600	35
2,401-2,800	8	8,001- 8,400	22	13,601-14,000	36
2,801-3,200	9	8,401- 8,800	23	14,001-14,400	37
3,201-3,600	10	8,801- 9,200	24	14,401-14,800	38
3,601-4,000	11	9,201- 9,600	25	14,801-15,200	39
4,001-4,400	12	9,601-10,000	26	15,201-15,600	40
4,401-4,800	13	10,001-10,400	27	15,601-16,000	41
4,801-5,200	14	10,401-10,800	28	16,001-16,400	42

If you have more than 16,400 dues-paying members and want to calculate the convention votes to which you are entitled, take the number of votes and subtract 1, divide by 400 and add 2.

Example: $24,837 - 1 = 24,836 \mid 400 = 62 + 2 = 64$ delegates

12. Membership Cards

CWA is implementing digital membership cards by generating a unique digital membership card link for all members with **active** statuses.

Locals have the option to either distribute the digital membership cards links to their members themselves or grant authorization to CWA Headquarters to distribute the digital membership links directly to their members. This authorization process can be initiated by completing the CWA Digital Membership Cards Distribution Opt-In form.

<https://cwaunion.aidaform.com/cwa-digital-membership-cards-distribution-opt-in>

If members are **required** to present a physical membership card at their workplaces, you may request blank cards through the CWA website at <https://www.cwamaterials.org>.

If the request is approved by the CWA ST-Office, the local will be responsible for covering the expenses related to the printing and shipping of the membership cards.

PART X: LOCAL ELECTIONS

1. Federal Guidelines for Electing Union Officers

UNION COVERED BY THE ELECTION PROVISIONS OF THE ACT

Title IV of the Labor-Management Reporting and Disclosure Act of 1959, as Amended (LMRDA or the act) established election procedures that must be followed by all unions covered by the act, regardless of whether their constitutions and bylaws so provide. The act does not spell out detailed procedures; rather, it sets minimum requirements. Beyond this, elections are to be conducted according to the constitutions and bylaws of each union, as long as the union's rules do not conflict with the provisions of the act. The Labor-Management Reporting and Disclosure Act applies primarily to unions that represent employees in private industry.

WHO MUST BE ELECTED AND HOW OFTEN

Offices to be Filled and How Often

The act requires that all officers be elected. The act defines the term "officer" as "any constitutional officer, any person authorized to perform the functions of President, Vice President, Secretary, Treasurer, or other executive functions of a labor organization, and any member of its executive board or similar governing body." A constitutional officer is any person holding a position identified as an officer by the constitution and bylaws of the union. All constitutional officers must be elected, even if they do not perform any executive functions. The major union offices (the President, Vice President, Secretary, Treasurer, and members of executive boards or similar governing bodies) must be filled by election. In addition, any person who has executive or policy making authority or responsibility must be elected even though he or she may not occupy a position identified as an officer position under the union's constitution and bylaws.

In addition, any delegate who votes for officers of a national or international union must be elected by secret ballot among the members in good standing of the union he or she represents.

Officers of a local union must be elected directly by secret ballot among the members in good standing

Frequency of Elections

The maximum period allowable between regular elections of officers is stated explicitly in the act. Elections must be held as often as required by the union's constitution and bylaws, but at least every three years in local unions. These periods are measured from the date of the last election. These requirements do not prohibit incumbent officers from being reelected at the end of their terms of office.

Unexpired Terms of Office

Frequently during the term of office, a union official will resign or a vacancy will occur for some other reason, such as the death of the incumbent. The act is silent on the specific point of what should be done in filling the unexpired term of office. A union may therefore fill such a vacancy by using the procedure provided in its constitution and bylaws.

Summary

- All officers of local unions must be elected by secret ballot among the members in good standing.
- All members of executive boards or similar governing bodies of local unions must be elected by secret ballot among the members in good standing.
- All delegates to conventions of national or international unions or to intermediate bodies must be elected by secret ballot among the members in good standing if the delegates are to vote in the election of officers of the national or international unions or intermediate bodies.
- All officers of national or international unions and of intermediate bodies must be elected either directly by secret ballot among the members or indirectly through representatives elected by secret ballot.
- Professional and other staff members who do not determine policy and who are subject to the control of elected officials need not be elected.
- Officers must be elected at least every three years in local unions.

NOMINATION PROCEDURE

Basic Provisions

The act requires that all members in good standing be given a “reasonable opportunity” to nominate candidates of their own choice. It also requires that the procedures followed in making nominations be in accordance with the union’s constitution and bylaws, insofar as these are not inconsistent with the requirement for “reasonable opportunity.”

Reasonable Notice for Nominations

A union must give a reasonable notice of:

- The offices to be filled by election;
- The date and time for submitting nominations;
- The place for submitting nominations; and
- proper form for submitting nominations, that is, whether written, orally from the floor, or by some other method.

Reasonable notice must given so that all members in good standing have enough time to nominate candidates of their choice for office.

How to Notify

Methods for reasonable notification include:

- Mail notice to each member in good standing within a reasonable time before nominations are held. The act does not prohibit the use of a single notice of both nominations and election if it gives members reasonable time to nominate candidates and also meets the requirement for election notices.
- Timely publication in union newspaper which (1) is reasonably calculated to reach all members in good standing and (2) actually provides reasonable opportunity for nominations to be made.
- Other means in accordance with the constitution and bylaws of the union which (1) are reasonably calculated to reach all members in good standing and

Who May Be Nominated?

Every member in good standing is eligible to be a candidate and to hold office subject to reasonable qualifications in the union's constitution and bylaws that are uniformly imposed. The factors that must be considered in determining whether a qualification is reasonable include the following:

- Its relation to the legitimate needs and interests of the union;
- Its relations to the demands of the union office to which it is applied;
- The number of members who are disqualified by its application;
- A comparison of the qualification with the requirements for holding office generally prescribed by other unions; and
- The degree of difficulty union members have in meeting the qualification.

For example, it would ordinarily be reasonable for a union to require a candidate to have been a member for a minimum period of time before the election, not to exceed two years in the case of a local.

It may also be reasonable for a union to require that candidates attend a specified number of regular meetings during a period immediately preceding an election. In addition, prescribing eligibility for nomination based on geographic, craft, shift, or similar lines is normally considered reasonable for a position representing such a membership unit.

Qualifications for office that seem reasonable on their face may not be proper if they are applied in an unreasonable or non-uniform manner. One essential element of reasonableness is that members receive adequate advance notice of the requirement. Another example is that an attendance requirement would only be reasonable if it does not exclude a large number of members and has excuse provisions for members who cannot attend because of work schedules, other union activities, or illness. A qualification that is not part of the union's constitution and bylaws or other properly enacted rules may not be the basis for denial of the right to run for office unless it is required by federal or state law. When a union adopts a new qualification requiring positive action by members (such as meeting-attendance requirement), the union may not apply the requirement until members have had an adequate opportunity to satisfy it.

It is a violation of the act to disqualify a member in good standing from being a candidate for alleged delay or default in the payment of dues if his dues are checked off by his employer according to his voluntary authorization as provided for in a collective

bargaining agreement. However, if during the time allowed for the payment of dues in order to remain in good standing, a member on a dues check-off system has no earnings from which dues can be withheld, he or she may be held responsible for paying dues in order to remain in good standing.

Unreasonable requirements include:

- Payment of a filing fee;
- A declaration of candidacy several months prior to nominations;
- Prior office holding; and
- Qualifications that limit candidacy to persons of any particular race, color, religion, sex or national origin and are therefore inconsistent with the Civil Rights Act of 1964.

Who is Ineligible?

Though in general every union member in good standing who meets the union's reasonable and uniform requirements may be a candidate for office, the law specifically bars certain persons from holding office. Persons convicted 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, a violation of Title II or III" of the act, and those convicted of abuse or misuse of their position or employment in a labor organization or employee benefit plan, are not eligible to hold office for thirteen years after conviction if there has been no imprisonment, or for thirteen years after the end of the period of imprisonment.

A union's constitution and bylaws may contain reasonable rules for deferring the eligibility of a certain class or classes of members to run for or be elected to office. For example, such rules may apply for a reasonable period of time to apprentices or to new members. If a member is involuntarily compelled to transfer from one local to another, however, a rule requiring a period of prior membership in the new local would not be reasonable if the member is not given credit for their prior period of membership. A union may not limit eligibility for office to a particular branch or segment of the union when the restriction has the effect of depriving members who are not in the branch or segment of the right to become officers of the union.

In certain unions, it is customary for members to retain their membership in good standing when they become supervisors. These members may not hold office, however, if their doing so would violate the Labor Management Relations Act, 1947, as amended (Taft-Hartley Act), which makes it an unfair labor practice for any employer (including

persons acting in that capacity) to dominate or interfere with the administration of a union.

Summary

- A union must provide reasonable opportunity for nominating candidates.
- A union must provide reasonable notice of the offices to be filled and the date, time, place and proper form for submitting nomination.
- Notice may be by mail, timely publication in the union newspaper, or other effective means.
- All members in good standing may be candidates and hold office.
- In general, persons convicted of crimes may not hold office for thirteen years after the period of imprisonment or thirteen years after conviction if there was not imprisonment.

CAMPAIGN RULES

Basic Provisions

The act sets forth certain basic standards for union election campaigns. A union may also enforce other rules if they do not conflict with those prescribed in the act.

The act forbids the use of union resources to support a favored candidate for office over any other candidates, and it specifically prohibits the union and its officers from discriminating among candidates with respect to certain procedures and use of facilities.

Distribution of Literature

A union must honor all reasonable requests by a candidate to distribute campaign literature at his or her expense to all members in good standing, whether the distribution is by mail or some other means. The union may not censor the contents of campaign literature it is requested to distribute. It must treat all candidates fairly. If its distribution of campaign literature for one candidate is without charge, then its distribution for all candidates must be without charge. Treating all candidates the same by refusing to honor any and all reasonable requests for distribution of campaign literature at the candidate's expense is not permitted, however. To avoid charges of unequal treatment among candidates, the union should inform all candidates in

advance of the conditions under which it will distribute literature and should promptly advise them or any change in those conditions.

Inspection of Membership Lists

Each bona fide candidate has the right to inspect a list containing the names and last known addresses of all members of the union who are subject to a collective bargaining agreement that requires membership in the union as a condition of employment, such as union-shop or a maintenance-of-membership agreement. This right to inspect does not include the right to copy and is limited to once within thirty days before the election. In the case of a mail ballot election, the right to inspect must be granted within the thirty day period before the ballots are mailed to members.

The union is required to refrain from discriminating in favor of, or against, any candidate with respect to the use of lists of union members. A candidate may be allowed to copy lists of union members if the union permits it. If one candidate is allowed to make a copy, however, then all candidates must be allowed to copy the lists if they so desire.

The requirements that a union must comply with reasonable requests for distribution of campaign literature and refrain from discrimination among candidates with respect to the use of membership lists may be enforced before the completion of an election by private legal action by any bona fide candidate in a union that is subject to the LMRDA.

Use of Union and Employer Funds

A union may not use funds received from dues, assessments, or similar levies to promote the candidacy of a particular individual in a union election.

These funds may, however, be used for:

- Notices;
- Factual statements of issues not involving candidates; and
- Other expenses necessary for holding an election.

Employers may not contribute funds, directly, or indirectly, in support of the candidacy of any person for union office under any conditions. This prohibition includes any costs incurred by a union or an employer and anything of value contributed by a union or employer.

Summary

- A union must honor all reasonable requests to distribute campaign literature at a candidate's expense.
- A union may not use any funds received from dues, assessments, or similar levies to promote any person's candidacy. No employer may contribute cash or anything of value to the campaign of any candidate.
- If there is a collective bargaining agreement requiring union membership as a condition of employment, such as a union shop or maintenance-of-membership agreement, a candidate has the right, once within thirty days before the election, to inspect a list of members subject to the agreement, but not to copy it.
- Privilege extended to one candidate must be extended to all. For example, if literature is distributed at a reduced rate on behalf of one candidate, then all candidates must be granted equal service by the union on the same terms, and if any candidate is allowed to copy membership lists, all candidates must be given the opportunity to do so.

ELECTION PROCEDURES

Basic Provisions

The act requires that a local union elect its officers by secret ballot among the members in good standing, subject to reasonable rules uniformly imposed.

A national or international union may elect its officers either by secret ballot among the members in good standing (referendum) or at a convention of delegates chosen by secret ballot among the members in good standing. An intermediate body may elect its officers either by secret ballot among the members in good standing or by union officers or delegates elected by secret ballot vote of the members they represent.

Although the act requires that a secret ballot be held among the members in good standing, it does not prescribe in specific detail the election procedures that must be followed. The election must satisfy the "ground rules" specified in the act and, in addition, it must be in accordance with the constitution and bylaws of the union concerned. Reasonably in advance of the election, a union must notify its members of any constitutional amendment relating to the election.

What is a Member in Good Standing?

According to the act, a member in good standing of a union is “any person who has fulfilled the requirements for membership in such organization, and who neither has voluntarily withdrawn from membership nor has been expelled or suspended from membership after appropriate proceedings consistent with lawful provisions of the constitution and bylaws of such organization.”

Not all members in good standing may be eligible to vote, however. A union may prescribe reasonable rules and regulations for voting eligibility. For example, a reasonable period of prior membership, such as six months or one year, may be required, or apprentices may be required to complete their apprenticeships. Temporary deferment of the right to vote may thus be reasonable in some cases, but the creation of permanent or quasi-permanent classes of non-voting members would normally violate the act.

Furthermore, a member in good standing whose dues have been checked off under a collective bargaining agreement according to his or her voluntary authorization may not be disqualified from voting (or being a candidate) because of alleged delay or default in the payment of dues. If, however, during the time allowed for the payment of dues in order to remain in good standing, a member on a dues check-off system has no earnings from which dues can be withheld, they may be held responsible for paying their dues in order to remain in good standing.

What Is a Secret Ballot?

The act defines a secret ballot as “the expression by ballot, voting machine, or otherwise, but in no event by proxy, of a choice with respect to any election or vote...cast in such a manner that the person expressing such choice cannot be identified with the choice expressed.” To secure a secrecy at the polls, a union should provide such facilities as curtains, screens, partitions, separate rooms, booths, or separate voting areas. In addition to providing facilities for a secret ballot, the union is responsible for insuring that voters do actually cast their votes in secret.

If the election is to be in the form of a mail referendum, the union must take appropriate steps, such as the use of double envelopes, to ensure that the identity of the individual members will not be disclosed as their marked ballots are submitted and counted.

Notice of Election

A union must mail notice of election to each member at his or her last known address not less than fifteen days before the election. The election notice may be combined with the nomination notice, as long as the union allows reasonable time for nominations. In an election involving balloting by mail, the union must mail the notice of election at least fifteen days before the date by which ballots must be mailed back in order to be counted.

Although the act does not prescribe the physical form of the election notice, it must specify the date, time, and place of the election and the offices to be filled and must be in a form reasonably calculated to inform the members of the impending election. If the election is a regular, periodic election of all officers and the notice so indicates, further specification of the offices to be filled is not necessary.

Publication of the notice in a union newspaper is considered adequate notice if the newspaper is mailed to the last known address of each union member and if the union can reasonably expect this form of publication to bring the notice to the members' attention. A conspicuous front page notice would normally satisfy this requirement. On the other hand, a notice published among, and indistinguishable at a glance from, classified advertisements would normally not be considered reasonably calculated to inform all members. At the very least, the front page of the publication should contain a conspicuous item alerting the member to the notice contained elsewhere in the paper.

Uncontested Elections

An election of officers or delegates in which the act would normally require the use of a secret ballot need not be held by secret ballot when all candidates are unopposed and the following conditions are met:

- The union provides a reasonable opportunity for nominations;
- Write in votes are not permitted, as evidenced by a provision in the constitution and bylaws, a properly adopted resolution, or established union practice; and
- The union complies with all other provisions of the Title IV.

Counting and Keeping the Ballots

In every election held under Title IV of the act, votes cast by members of each local union must be counted and the results published separately. For example, where officers of a national union or intermediate body are elected directly by members, the votes of each local must be tabulated and published separately to ensure that the results of the voting in each local are made known to all interested members. The publication need not show, however, the distribution of votes by sections within the local.

In a local election, the presentation of the election report at a regular local membership meeting, and the entry of the report in the minutes, would normally satisfy the publication requirements if the minutes were available for inspection by members or if copies of the report were made available. In an election involving more than one local, results may be published by notice on appropriate bulletin boards or in a union newspaper, or by any procedure that allows members to obtain information without unusual effort.

In addition, all ballots, including used, unused, and challenged ballots, envelopes used to return marked ballots in a mail ballot election, tally sheets, and related election documents, must be kept for one year by the election officials designated in the constitution and bylaws of the union conducting the election or by the Secretary of the union, if no other official is designated.

Right of Candidate to Have Observer

In every election required under the act, each candidate must be permitted to have observers:

- At each polling place; and
- At the counting of the ballots.

Furthermore, a candidate may have as many observers at the counting of the ballots as may be necessary to observe the actual counting and to ensure a fair election. Candidates must be permitted to have observers at all phases of the counting and tallying process, including the counting and the tallying of the ballots and the totaling, recording and reporting of tally sheets. In a mail ballot election, candidates must be permitted to have an observer present at the preparation and mailing of the ballots and at their receipt, opening and counting.

Right of Member to Support Candidate

The act further prescribes that in the exercise of the right to support candidates of his or her choice, a member may not be subjected to penalty, discipline, or improper interference or reprisal of any kind by the union or any of its members.

Election of National and International Officers at a Convention

An election of officers of a national or international union may be held either by secret ballot of the members or at the convention of delegates elected by secret ballot. Where elections are by secret ballot of the members, the union must comply with all the requirements of the act relating to secret ballot elections. In addition, the union must conduct the election in accordance with its constitution and bylaws, insofar as they are not inconsistent with the election requirements of the act. As long as officers of a national or international union are elected at a convention of delegates chosen by secret ballot and in accordance with the provisions of a constitution and bylaws that are not inconsistent with the requirements of the act, the manner in which the delegates cast their votes is not subject to special limitations. The act, therefore, does not require that the election of officers at a convention be by secret ballot. However, the delegates participating in such an election of officers must have been elected by secret ballot in accordance with the standards of the act. Nothing prohibits convention delegates from voting by proxy if the constitution and bylaws permit such a practice.

Election of Officers of an Intermediate Body

An election of officers of an intermediate body such as a conference, general committee, joint or system board, or joint council may be either by secret ballot among the members of the unions represented in the intermediate body or by the officers or delegates representing the members. The officers or delegates who represent particular organizations in the election of officers of the intermediate body must have been elected by secret ballot of their respective memberships. Union officers who have been elected by secret ballot and who by virtue of their election to office are also delegates to the intermediate body would qualify to vote in the election of officers of the intermediate body if the constitution and bylaws so provide.

The elections in the intermediate body are to be conducted in accordance with its constitution and bylaws insofar as they are not inconsistent with the provisions of the act.

Summary

- Local union elections required by the act must be held by secret ballot.
- All members in good standing have the right to vote, subject to reasonable rules, uniformly imposed.
- Rules for voting eligibility must apply to all equally, and special classes for nonvoting members normally may not be created.
- Notice of election must be mailed to each member in good standing at their last known home address not less than fifteen days before the election.
- Ballots of each local must be counted and the results published separately.
- All ballots, including used, unused and challenged ballots, envelopes used to return marked ballots, tally sheets, and related election documents, must be kept for one year.
- Each candidate has the right to have observers at each of the polling and tallying places.
- A member may not be penalized, disciplined, or improperly interfered with in the exercise of his or her right to support the candidate of their choice. Reprisals of any kind are not permitted.
- Additional requirements may be prescribed by the constitution and bylaws of the union if they are not inconsistent with the requirements of the act.
- Officers of intermediate or national and international labor organizations may be elected either directly by secret ballot of members or indirectly by officers of constituent locals or delegates elected by secret ballot for that purpose.
- Officers elected by secret ballot may also be voting delegates to intermediate bodies or national and international unions if the constitution and bylaws so provide.

Electing Union Officers By Mail: Suggestions and Safeguards.

Officials in charge of conducting a union officer election are responsible for protecting the right of every member to vote by secret ballot. Each candidate also is entitled to certain rights, including the right to have observers at each polling place and at each place where the ballots are counted. Since adequate safeguards must be provided to ensure a fair election, observers also must be permitted to observe all of the mail balloting processes, including the preparation, mailing and collecting of ballots.

Balloting by mail includes these steps:

- Preparing a membership and voter eligibility list;
- Preparing and mailing election notices and ballots;
- Collecting and tallying ballots; and
- Post election requirements.

Preparing a Membership and Voter Eligibility List

All members are entitled to fifteen days mail notice of the election whether or not they are eligible to vote. Each eligible voter is entitled to a ballot. Therefore, a list of members and eligible voters should be prepared before the date election notices and ballots are to be mailed.

The list should be accurate, complete and current. It should contain each member's full name and last known address; identification information, such as a clock number or union card number; and voter eligibility number.

The ballot with voting instructions can also serve as a notice of election if it is mailed at least fifteen days before the ballot must be mailed back in order to be counted.

Preparing and Mailing Election Notices and Ballots

The double envelope system-the method most commonly used to ensure the secrecy of the ballot includes these steps:

Each member eligible to vote should receive:

- Notice of election and instructions for voting.
- One official unmarked ballot.
- One ballot envelope.
- One return-addressed envelope, with voter identification number or space for such a number, and space for the voter's name and address in the upper left corner.

These four items should be placed in a larger envelope and mailed to the eligible voter at his or her last known address at least fifteen days before the date the ballot must be mailed back in order to be counted. These items should be mailed first class to ensure prompt delivery and forwarding, if necessary.

It is strongly recommended that two different addresses be used for the outside and inside envelopes. That way, all “return to sender” or bad addresses come to one place whereas completed ballots are received at another address.

All ballots, used and unused, and all election records must be preserved and accounted for. A certification of the exact number of ballots printed and delivered should be obtained from the printer. A certification of the exact number of ballots mailed to the members should be obtained from postal officials. Also, arrangements should be made to have undelivered ballots returned to the union’s election committee (or other group of responsible members or officials) for accounting purposes and possible re-mailing, subject to the rights of candidates to have their observers present during these activities.

Instructions to members must specify the cutoff date for counting the returned marked ballots:

Voting instructions should include the following:

- Mark an X or “✓” in the squares next to the names of candidates of your choice. Do not mark the ballot in any other way.
- Place the marked ballot in the ballot envelope and seal. Do not mark the ballot envelope.
- Insert the ballot envelope in the return-addressed envelope.
- Mark and mail your ballot in time to arrive at the designated return address before (time, month, day and year).
- Ballot secrecy can be maintained only if you follow instructions and personally mark and mail your ballot.

Collecting and Tallying Ballots

Prior arrangement should be made with postal officials not to release ballots except to authorized election officials in the presence of candidates or their observers at the schedule time for the pickup.

Ballots should be picked up at the previously designated time, date and place and brought to the pre-announced tally site. The tally should be conducted promptly by the authorized election officials, all in the presence of candidates or their observers.

In conducting the tally, election officials should:

- Establish the identity and eligibility of the voter;
- Separate the ballot envelope from the return envelope, preserving the return envelope;
- Upon completing the above steps, remove the ballot from the ballot envelope and stack the ballots in lots of twenty-five, fifty or one hundred for tallying;
- Tally the ballots by reading the voter's choice for each office, entering the results on the tally sheets, and rechecking the totals of each lot tallied for accuracy; and
- Have election officials, and preferably also the observers, initial or sign the tally sheets, certifying the accuracy.

Only election officials and authorized clerical personnel should handle the ballots and election records, and always within the view of the observers.

Post-Election Requirements

Publish election results either by announcement, posting, newspaper, or other suitable method or combination of methods. If the election involves more than one local, the voting returns from each local must be separately tallied and published.

All election records, including membership and eligibility lists, copies of nomination and election notices, voting instructions, all return envelopes, marked, challenged, and unused ballots, and tally sheets must be preserved for one year by the election official designated in the constitution and bylaws or, if none is designated, by the union Secretary.

2. Election Committee Responsibilities

1. The CWA constitution requires that all Locals establish an election committee. The committee's job is to conduct all elections and referenda and make sure that they comply with:
 - Federal Law
 - CWA Constitution
 - Local Bylaws and Rules

Candidates for any Local office or for delegate to CWA's convention are not permitted to serve on the election committee.

2. The election committee must identify and check off (on the official membership list) each voter. The committee must verify that the individual voting is a member in good standing and make certain that each member votes only once.
3. Any member may challenge the right of a person to vote. The election committee shall, by vote, decide each challenge.
4. The election committee tallies that ballots in all elections and notifies the membership of its tentative certification of the results. The nominee for any office who receives the majority of the votes cast is declared elected. If no nominee has a majority on first ballot, a new vote is taken with only the names of the two candidates having received the greatest number of votes appearing on the second ballot.

A Local may provide in their bylaws or rules for the election of candidates by a plurality of votes cast for any office except that of President, (Executive) Vice President, Secretary, Treasurer, or Secretary-Treasurer.

5. The election committee handles and decides all questions concerning the conduct and challenges of elections. Any challenge to the conduct of an election must be filed within ten days of the tentative certification of the results. The election committee must rule on any such challenges and must, within twenty days of the tentative certification of the results, make a final determination or certification. The election committee's decision on these matters is subject to appeal to the governing board and local membership.

6. All ballots, including used, unused and challenged ballots, envelopes used to return marked ballots in a mail ballot election, tally sheets, and related election documents, must be kept for one year by the election official designated in the bylaws or by the local Secretary if no other official is designated. The election records should be sealed.
7. It is strongly recommended that the return address for the return marked ballots differ from the return address of the unused ballot envelope. This way, all bad addresses are noted and dealt with in conjunction with election rules.

APPEALS PROCEDURE

An Appeals Procedure for any challenge to the conduct of an election is set forth in Article XV, Section 4(a), (b), and (c) of the CWA constitution and Section I(c) of the CWA Internal Appeals Procedures.

These procedures must be followed in order to properly appeal any decision concerning the conduct of the election.

3. Federal Regulations Governing Union Elections

The Labor-Management Reporting and Disclosure Act (LMRDA), often referred to as the Landrum-Griffin Act, was enacted into law in 1959. Title IV of the Act sets twelve specific provisions for the election of officers and convention delegates.

1. Every local union must elect its officers not less than once every three years by secret ballot among the members in good standing.
2. Every local union and its officers must comply with all reasonable requests of any candidate to distribute campaign literature at the candidate's expense to all members in good standing of the union and to refrain from discrimination in favor of or against any candidate with respect to the use of lists of members. Whenever a union or its officers authorize the distribution of campaign literature on behalf of any candidate, similar distribution at the request of any other bona fide candidate shall be made by such labor organization and its officers, with equal treatment as to the expense of such distribution.
3. Every bona fide candidate shall have the right, once within thirty days prior to a union election, to inspect a list containing the names and last known addresses of all members of the union who are subject to a collective bargaining agreement requiring membership therein as a condition of employment. The list shall be maintained and kept at the principal office of such labor organization by a designated official thereof.
4. Adequate safeguards to ensure a fair election shall be provided, including the right of any candidate to have an observer at the polls and at the counting of the ballots.
5. A reasonable opportunity shall be given for the nomination of candidates. Every member in good standing shall be eligible to be a candidate and to hold office and shall have the right to vote for or otherwise support the candidate or candidates of his or her choice, without being subject to penalty, discipline, or improper interference or reprisal of any kind by a union or any member thereof.
6. Notice of the election must be mailed to each member at his or her last known home address at least fifteen days prior to the election. If, in a mail ballot election, the ballots themselves serve as notice. The ballots must be mailed at

least fifteen days prior to the date when they must be mailed back in order to be counted.

7. Each member in good standing shall be entitled to one vote.
8. No member whose dues have been withheld by his or her employer for payment to a union pursuant to his or her voluntary authorization provided for in a collective bargaining agreement shall be declared ineligible to vote or to be a candidate for office in a union because of alleged delay or default in the payment of dues.
9. The votes cast by members of each local labor organization shall be counted, and the results published separately.
10. The ballots and all other records pertaining to the election must be preserved by the election officials designated in the constitution and bylaws or the Secretary, if no other official is designated, for one year.
11. The election shall be conducted in accordance with the constitution and bylaws of the union insofar as they are not inconsistent with the provisions of the law.
12. No monies received by any labor organization by way of dues, assessment, or similar levy, and no monies of any employer shall be contributed or applied to promote the candidacy of any person in an election subject to the provisions of this title. Such monies of labor organizations may be utilized for notices, factual statements of issues not involving candidates, and other expenses necessary for the holding of an election.

NOTE FOR PUBLIC WORKER LOCALS:

The LMRDA provisions do not apply to CWA locals which have only public sector members. CWA locals which have public and private sector members are covered under the LMRDA even if the local has only one private sector member. However, CWA recommends that all Locals regardless of membership follow the LMRDA provisions. All CWA Locals must adhere to the election provisions set forth in the CWA Constitution. In addition, if a public sector local elects its officers as delegates to CWA Conventions, those elections are covered by the LMRDA and must comply with its provisions.

4. CWA Constitutional Requirements

Governing Union Elections

Article XV, Section 3 of the CWA Constitution governs the administration of local elections.

- (a) Local Officers shall be nominated and elected during the months of September, October, November, and December.

- (b) Officers of a Local shall be at least President, Vice President and Secretary-Treasurer, or Secretary and Treasurer. Beginning with Local elections in 1987, no member shall be permitted to hold more than one such office.

- (c) Beginning with the elections held in 1972, the term of office for Local Officers shall be three years or until their successors have been duly elected and qualified.

- (d) In case of a vacancy in the office of Local President, the Local Vice President shall immediately assume all responsibilities of that office; provided, however, that where a Local has more than one Vice President, the Local Bylaws or Rules shall provide the procedure for designating one of the Vice Presidents to immediately assume the responsibilities of the Office of President. Vacancies in other Local offices shall be filled either by appointment of the governing body of the Local, subject to approval of the appointment by the Local membership within sixty (60) days or by election in the same manner as that required for regular elections and within sixty (60) days. A Local may provide in its Bylaws or Rules for the appointment of a member to fill temporarily a vacancy until the office is filled by election. A Local may also provide in its Bylaws or Rules for filling a vacancy in the Office of President by election, and in such case, the Local Vice President, as provided above, shall assume all responsibilities of the Office of Local President until a successor Local President has been elected and qualified.

5. Local Bylaws-Election Provisions

The CWA constitution requires locals to adopt bylaws or rules to govern nominations and elections. The following suggested bylaws may be used as a guide to review and check your local's current bylaws regarding nominations and elections. Place a check in the box(es) next to the item(s) that need to be changed in your local bylaws.

SUGGESTED BYLAWS

1. Nominations

Local officers and members of the governing board shall be nominated in the month of _____ each election year.

Note: The Reporting and Disclosure Act of 1959 requires, in connection with nominations, reasonable notice of the office to be filled, and the time, place, and proper form of submitting nominations. Such notice must be given in a manner reasonably calculated to inform all members in good standing and in sufficient time to permit such members to nominate the candidates of their choice. It is recommended that fifteen days be used to meet the time requirements for such notice.

Nominations may be made:

- At a membership meeting,
- By a nominating committee, with the right of members to
- Also nominate from the floor, or
- By petition.

Article XV of the CWA constitution requires that local nominations be conducted during the months of September, October, November, or December of each election year.

2. Elections

Election of local officers and governing board members shall be by secret ballot of the membership in the month of _____ each election year.

Note: The Reporting and Disclosure Act of 1959 requires, in connection with elections, notice of the election be mailed to each member's last known address not less than fifteen days prior to the election. Such notice must specify the time and place of the election and of offices to be filled.

Elections may be conducted by either of the following methods:

- Ballot conducted by U.S. mail, or
- Balloting by use of established polling places and ballot boxes.

If local elections are conducted by mail ballot referendum, the election notice may be mailed along with the ballot, so long as they are mailed no later than fifteen days prior to the date when they must be mailed back in order to be counted. It is recommended that ballots be mailed at least twenty days prior to the count.

Article XV of the CWA constitution requires local elections be conducted during the months of September, October, November or December of each election year.

3. Local Election Committee

- a. The nomination and election of local officers, members of the governing board, and delegates to the CWA convention 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 and/or provincial law, the CWA constitution and these bylaws with reasonable opportunity for each member to nominate and vote for the candidate of their choice.
- b. The election committee shall also conduct any referenda submitted to the membership.
- c. A member shall not be permitted to serve on the election committee if he or she is a candidate for any office of the local or delegate to the CWA convention.

- d. 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 board and the membership of the local.

4. General Provisions

- a. The nominee in any election receiving the majority of the votes cast shall be declared elected. If no one nominee has a majority on the first ballot, the vote shall be taken again and the two nominees having the greatest number of votes on the first ballot shall be nominees on the second ballot.
- b. Only members of the local in good standing shall be eligible to vote or hold office.
- c. The term of office shall be for three years.
- d. The officers shall take office on _____.

5. Vacancies

A vacancy in the office of local President shall be filled by the local (Executive) Vice President. The constitution states specifically: In case of vacancy in the office of local President, the local (Executive) Vice President shall immediately assume all responsibilities of that office; provided, however, that where a local has more than one (Executive) Vice President, the local bylaws or rules shall provide the procedure for designating one of the (Executive) Vice Presidents to immediately assume the responsibilities of the office of President. Vacancies in other local offices shall be filled either by appointment of the governing body of the local, subject to approval of the appointment by the local membership within sixty days or by election in the same manner as that required for regular elections and within sixty days. A local may provide in its bylaws or rules for the appointment of a member to fill temporarily a vacancy until the office is filled by election. A local may also provide in its bylaws or rules for filling a vacancy in the office of President by election, and in such case, the local (Executive) Vice President, as provided above, shall assume all responsibilities of the office of local President until a successor local President has been elected and qualified.

6. Election of Local Delegates to the CWA Convention

- a. Delegates and alternate delegates to the Union Convention shall be elected by the membership voting by a secret ballot conducted not less than thirty days in advance of the CWA convention,

Note: The secret ballot may be by mail ballot, by the use of established polling places and ballot boxes, or at a Membership meeting, whichever method may be preferred by the local. The same notice requirements, fifteen days, must be met in conjunction with the nominations and elections of local officers. Locals may provide in their bylaws for the election of certain officers and delegates simultaneously. In such case, the notices of nominations and elections and the ballot should specify that the nomination and the vote cast should be for the specific office and for the same person to be a delegate to any convention held during his or her term of office.

- b. In the event the local elects more than one delegate to the CWA convention, the local shall determine the convention votes assigned to each delegate in accordance with Article VIII of the CWA constitution.
- c. It shall be the duty of the Secretary–Treasurer (or Secretary) of the local to certify the local delegates to the CWA convention to the Secretary-Treasurer of the Union within the time limits specified in Article VIII of the CWA constitution.

6. Local Election Rules

Each local shall have Local Election Rules. These rules may be incorporated into the bylaws or established as election rules and as an administrative practice. Local election rules help keep election procedures consistent and legal. A copy of the rules should be given to the election committee and to all candidates. The following are suggested local election rules. Variations in the rules may be necessary to meet the particular needs of a local.

SUGGESTED RULES

1. Nominations

Any member of the Local may be nominated for election provided the nominee consents. Nominations may be made by the election committee or any member of the local at the membership meeting called for the purpose of making nominations.

Note: Reasonable opportunity for nominating candidates must be provided to accommodate those scheduled to work during nominating meetings or whose worksite is an unreasonable distance from the nomination meeting.

2. Campaigning

- a. Each candidate will be afforded a reasonable opportunity to have campaign materials distributed by the local to the membership. The expense of such distribution shall be borne by the candidate.
- b. Each candidate will be treated equally with respect to the conditions and expenses of the distribution of campaign literature.
- c. No local or national union funds nor employer funds shall be used to promote the candidacy of any individual. The use of employer or union stationary, facilities, equipment or personnel to promote the candidacy of any campaign is prohibited. Use of plain Local paper, facilities, equipment or personnel in connection with any campaign is prohibited unless the local is compensated. Used of union stationary with the local's name, insignia, or other mark identifying the local is prohibited

- d. No member may campaign during work time that is paid for by any local, the national union or any employer. An individual may campaign while on paid vacation or personal leave. Campaigning incidental to regular union business would not be a violation of this section or federal law.

3. Eligibility to Vote

All members of the local in good standing are eligible to vote. The local Secretary shall furnish the election committee with the latest membership list available. Questions on the membership status of an individual whose name does not appear on the membership list should be resolved by the election committee in conjunction with the local Treasurer. Questions concerning the identity of a member may be resolved by presentation of a membership card, drivers license, or similar form of identification.

4. Challenging a Voter

- a. Any member may challenge the right of a person to vote.
- b. Some reasons for such challenge are:
 - The person is not a member in good standing
 - The person attempting to vote is not the member on the list, and
 - The member has already voted.
- c. The election committee shall, by vote, decide each challenge.

5. Observers

Each candidate may have observers at each meeting of the election committee and at each polling place on the day of the election and at the location(s) where the ballots are being counted. Such observers must be members of the local. If the election is conducted by mail, observers must be given the opportunity to accompany the election committee to the post office to mail the ballots and to pick up the ballots. Observers may speak at election committee meetings, may challenge a voter or the counting of a ballot, but may not conduct any campaigning while acting as an observer.

6. Notice of Election

A notice of election will be mailed to each member at their last known home address not less than fifteen days prior to the election.

7. Ballots

- a. The ballots shall be printed containing the office and the names of the nominees and a space for write-in candidates for each office unless write-in votes are not permitted under the local bylaws.
- b. Position on the ballot shall be determined by alphabetical order or by a drawing conducted by the election committee.

8. VOTING PROCEDURE – MAIL BALLOTS

- a. Each member eligible to vote by mail will be sent:
 - One notice of election with instructions
 - One secret ballot.
 - One return addressed, postage-paid mailing envelope.
 - One return addressed, postage-paid mailing envelope. The return address should be to a post office box.
- b. Each voter must:
 - Mark the ballot as provided in the instructions.
 - Fold and place the ballot in the ballot envelope and seal it.
 - Place the sealed ballot in the return addressed envelope, seal it and affix his or her name and address on the upper left-handed corner of the return addressed envelope. An individual's ballot may not be counted unless there is sufficient information on the return addressed envelope to identify the individual and verify his or her eligibility to vote.
 - In order to ensure the security of the ballot, it is strongly recommended that mail ballots be returned to a post office box and that the post office be instructed, in writing, not to release any ballots until the pick-up date

9. Voting Procedure – Polling Place

- a. The polls should be opened at the time stated in the notice.
- b. The voter must be identified and checked off on the membership list before a ballot is issued to the voter.
- c. A member of the election committee shall initial each ballot as it is presented to a voter.
- d. The voter then enters the voting booth, marks the ballot, folds it, leaves the voting booth, and places the ballot into the ballot box.
- e. A voter who spoils his or her ballot may exchange it for another ballot by surrendering the spoiled ballot to the election committee.
- f. No electioneering is allowed in the voting area.
- g. The polls will be closed promptly at the time stated in the notice for election. Any voter in line at that time will be permitted to vote.
- h. Absentee ballot – A member must make a written request for an absentee ballot to the election committee Chair no later than seven days prior to the election. Absentee ballots may be dispensed by the Chair. Absentee ballots will be received until noon on election day.

NOTE: While absentee ballots are not necessarily required, they will be required where the local knows in advance that a substantial number, or a particular segment of the members, will not be able to exercise their right to vote in person. In the event absentee ballots are necessary, a local must provide its members with reasonable notice of the availability of such ballots. For example, members could be at work during polling hours.

10. Counting the Ballots

- a. Mail ballots:
 - Check the upper left-hand corner of the return addressed envelope to see that the name corresponds with the name and address on the eligibility list.
 - Open the return addressed envelope and remove the ballot envelope, keeping the return addressed envelope as part of the election record. Keep the return addressed envelope and the ballot envelope separate.

- Open ballot envelopes and stack the ballots for counting purposes in lots of ten, twenty-five, and fifty.

b. Polling place:

- Absentee ballots must be checked against the voting list, using the mail ballot procedure. Absentee ballots received from members who have not voted in person are opened, left folded, and placed in the ballot box.
- Open all ballot boxes and empty the contents onto a table. Stack the ballots for counting purposes in lots of tens, twenty-five, or fifty.

c. General

- Each candidate may have observers present at the counting of the ballots.
- Questions regarding voter intent in marking a ballot, if questioned, will be decided by a vote of the election committee.
- Irregularities in marking the ballot for one office will void the vote for that office only.
- The election committee shall tally the ballots in all elections and notify the membership of its tentative certification of the results. Absent a challenge to the election, the tentative certification shall become final ten days thereafter.
- Any challenge to the conduct of an election must be filed in writing with the election committee within ten days of the tentative certification of the results. The election committee shall rule on any such challenges and shall within twenty days of the tentative certification of the results make a final determination or certification.
- Both the tentative certification and the final certification shall be given to the local President and
- Secretary and the District Office, and shall be posted on all bulletin boards as soon as possible. The results shall also be reported at the next membership meeting.

11. Election Record

The election committee shall turn over to the local Secretary all records, including eligibility list, used and unused ballots, tally sheets, etc. the local Secretary shall keep them for one year from the date of the election. At the end of one year, the Secretary and the Chair of the election committee shall destroy the

7. The Role of Observers

Guidelines

1. Each candidate is allowed to have observers at each polling place on the day of the election, at the mailing and at the counting of ballots. A candidate may have as many observers at the counting of the ballots as may be necessary to observe the actual counting and ensure a fair election.
2. In mail ballot elections, candidates must be permitted to have an observer present at the preparation and mailing of the ballots and at the ballot pick-up.
3. Observers must be members of the local.
4. Observers may speak at election committee meetings and may challenge a voter or the counting of a ballot.
5. Observers should be allowed to stand in a place where they can clearly observe the tally process, but should not be allowed to interfere with that process.
6. Observers are not allowed to touch the ballots or the membership list.
7. Observers may not wear buttons or other campaign apparel, distribute campaign material, or engage in conversation with voters about candidates or the election campaign.

8. Nominations

Nominating practices vary from local to local. Some simply accept nominations from the floor at the membership meeting. Others choose a nominating committee to select candidates for each office, with other members having the right to nominate additional candidates from the floor. Below are some important federal and constitutional requirements involving nominations.

1. The CWA constitution requires that all locals adopt bylaws or rules to govern nomination and election of officers, delegates and alternate delegates; the appointment, selection or election of stewards and committee members; and the filling of vacancies.

2. Federal law requires that members receive “reasonable notice” of the nominating process. Fifteen days is considered a “reasonable notice” and sufficient time to permit members to consider the matter and submit names if they desire to do so.
3. Nominations for local officers must be held in the months of September, October, November, or December. This is a requirement of the CWA constitution.

9. Common Pitfalls in Conducting Local Elections

CWA Staff have identified the following as the most common problems that come up during local elections:

Notification of Nominations not Properly Handled

Reasonable opportunity for nominating candidates must be provided to accommodate those scheduled to work during nominating meetings or whose worksite is an unreasonable distance from the nominating meeting. Notice of nomination shall be given at least fifteen days prior to the nomination meeting. The CWA constitution requires local nominations be conducted during the months of September, October, November, or December.

No Post Office Box for Mail Ballots

Do not have the ballots mailed to the local office or to an officer’s home or the election committee Chair’s home. Rent a post office box for the election. Leave the ballots in the post office box until election day.

A Local Officer Picks Up Ballots

At least two election committee members should go to the post office box to pick up the ballots. Observers must be given the opportunity to accompany the election committee to the post office to pick up the ballots. A local officer should not pick up the ballots.

Election Committee Does Not Have Membership List

The Secretary-Treasurer is responsible for providing the election committee with an official membership list. This list must be used to confirm that the individual voting is a member in good standing and to guarantee that each member receives one vote. Every effort should be made to update the list prior to the election.

Polling Place(s), Date(s), Hour(s) and Location(s) Do Not Provide Access to All Members

The date(s), hour(s) and location(s) of elections conducted at the polling place(s) must be established in order to provide all members in good standing a reasonable opportunity to vote. When setting the location(s) and hours for the polling place(s) you must consider the shifts members work and how far they must travel to vote. If substantial numbers of members will be unable to vote because of the locations and hours of the polling places, you should arrange for absentee ballots.

Observer(s) Denied Rights

Each candidate is allowed to have observer(s).

Notification of Election Not Handled Properly

A notice of election must be mailed to each member at his or her last known home address not less than fifteen days prior to the election.

Election Committee is not Given Full Autonomy in Election

The election committee is responsible for conducting the election and collecting and counting the ballots. All challenges and complaints must be directed to the committee.

Local Takes A Shortcut

Do not take short cuts. Follow the requirements of the federal or provincial law, CWA constitution and local bylaws.

10. Counting Ballots

All ballot cast by eligible voters, except blanks, must be counted.

Blank Ballots

Blank ballots are simply ignored; they are neither counted for any purpose nor are they reported.

Ballots for obvious non-candidates (i.e. Mickey Mouse, Donald Duck) are treated as blank ballots because these types of votes are viewed as expressing a desire not to vote and therefore equal blanks.

Illegal Ballots and Void Votes

Ballots cast by individuals not entitled to vote are recorded as void and are not counted for any purpose.

If a member leaves one or more choices blank on the ballot containing more than one office to be filled, the blank spaces in no way affect the validity of the spaces he or she has marked correctly. For purposes of the offices not marked, the ballot is treated as a blank and not counted for any purpose.

If the member votes for too many candidates for a given office, that particular section of the ballot is illegal (or void) because it is not possible to determine for whom the member desired to vote. It is therefore not counted for any candidate. However, such a ballot is counted for purposes of computing the number of votes needed to win.

Small errors, like the misspelling of a word or a name, do not make a vote illegal (or void) if the meaning of the ballot is clear.

Unintelligible ballots are treated as illegal (or void) votes. They are counted for purposes of computing the number of votes needed to win, but are not counted for any candidate.

All voided ballots should be marked “void” on the front and a brief explanation of why the ballot was voided on the back of the ballot. The voided ballots should be placed in a separate envelope.

Spoiled Ballots

A spoiled ballot is one where the voter marked it wrong and turns it in and asks for another ballot. Spoiled ballots are reported as spoiled ballots and are not counted for any purpose.

Challenged Ballots

The election committee shall, by vote, decide each challenge. Challenged ballots need not be resolved or counted for any purpose unless they may affect the outcome of the election, either because they might change the number needed to win or because they might make a difference in determining the top vote getter. If challenged ballots must be resolved they are recorded as both challenged and as whatever the resolution is.

11. Sample Forms for Local Elections

a. NOTICE OF NOMINATION FORM

Nominations for the office of President, (Executive) Vice President, Secretary-Treasurer and Executive Board Members of Local _____ shall be conducted at the membership meeting of CWA Local _____ on:

Date: _____ Time: _____

Place of Meeting: _____

The election committee will open nominations from the floor. Any member in good standing may nominate, provided the nominee is a member in good standing and agrees to be a nominee.

(Optional – Include only if bylaws provide for this.) The nominations of a person for the office of President (and other offices) shall also constitute the nominations of the same person as a delegate to CWA conventions held during the term of office for which the election is being conducted.

_____ Chair, Election Committee
_____ Secretary, Election Committee

Note to Committee: *Notice of nominations may be mailed, published in the local's newspaper, or by some other effective means, distributed to the members allowing reasonable time for all members to receive such notice. There are not time requirements, but fifteen days is a safe amount of time. The mailing of the election notice and nomination notice may be combined, provided that a reasonable time is allowed for nominations.*

Reasonable opportunity for nominating candidates must be provided such as for those scheduled to work during nominating meetings of whose work site is an unreasonable distance from the nomination meeting.

b. MAIL BALLOT ELECTION FORM

Notice of Election

The election of President, (Executive) Vice President, Secretary, Treasurer and Executive Board Members of Local _____ will be conducted and the ballots counted on:

Date: _____ Time: _____

Place of Meeting: _____

(Optional – Include only if the bylaws provide for this.) A vote cast for the candidate for the office of President (and other offices) shall also constitute a vote for such candidate to serve as a delegate to CWA conventions held during the term of office for which the election is being conducted, in the event such candidate is elected President (and other offices).

Enclosed please find:

- One ballot.
- One ballot envelope.
- One return addressed, postage-paid mailing envelope.

Voting Instructions:

- Mark your vote where indicated on the ballot.
- Fold and place the ballot in the ballot envelope and seal it. Do not mark this envelope in any way.
- Place the sealed ballot envelope in the postage paid return addressed envelope, seal it, and affix YOUR NAME and address on the upper left-hand corner of the return addressed envelope. Your ballot cannot be counted unless this is done. Your name on the return addressed envelope will identify you as an eligible voter. It will not reveal how you voted, because the ballot is removed and separated from this envelope before it is opened. Secrecy can be preserved only if you mark and mail your ballot personally. Do not allow someone else to mark and mail your ballot personally. Do not allow someone else to mark and handle your ballot or see your vote. Mail your ballot so that it will be returned to the post office box no later than _____.

_____ Chair, Election Committee

_____ Secretary, Election Committee

Note to Committee: Notice of election *MUST* be MAILED to each member at his or her last known address not less than fifteen days prior to the date when they must be mailed back in order to be counted.

c. POLLING PLACE ELECTION FORM

Notice of Election

The election of President, (Executive) Vice President, Secretary, Treasurer and Executive Board Members of Local _____ will be conducted and the ballots counted on:

Date: _____ Time: _____

Place of Meeting: _____

The polls will be open from 9:00 a.m. to 9:00 p.m. and the ballots counted immediately thereafter.

(Optional – Include only if the bylaws provide for this.) A vote cast for the candidate for the office of President (and other offices) shall also constitute a vote for such candidate to serve as a delegate to CWA conventions during the term of office for which the election is being conducted, in the event such candidate is elected President (or other office).

_____ Chair, Election Committee
_____ Secretary, Election Committee

Note to Committee: Notice of election *MUST* be MAILED to each member at his or her last known address not less than fifteen days prior to the election. Absentee ballot instructions must be included in this notice if they are used.

d. BALLOT FORM

Ballots (printed or copied) must be provided for all elections and referenda designated “Secret Ballot” by the bylaws, including the election in which there is only one nominee for an office. A blank line may be provided for possible write-in candidates. If the local bylaws or election rules prohibit write-ins, no election or blank line is necessary.

<p style="text-align: center;">CWA Local _____ Office Ballot</p> <p>Place an “X” in the box preceding the name of the candidate of your choice for each office.</p> <p>(Vote for one) President and Convention Delegate Candidate’s name Candidate’s name _____</p> <p>(Vote for one) (Executive) Vice President Candidate’s name Candidate’s name _____</p> <p>(Vote for one) Secretary-Treasurer Candidate’s name Candidate’s name _____</p> <p>(Vote for one) Executive Board Member Candidate’s name Candidate’s name _____</p>
--

e. TALLY SHEET FORM

CWA Local _____ Tally Sheet _____
 Sheet _____ of _____

Tally votes for each office on an individual tally sheet in five vote units for **||||** each candidate.

Tally for the office of _____

	5	10	15	20	25	30	35	40	45	50
Void Ballots										
Spoiled Ballots										
Challenged Ballots										
(Candidate's Name)										
(Candidate's Name)										
(Candidate's Name)										
(Candidate's Name)										

The above tally was completed by the undersigned.

_____ Signature _____ Date

Note to Committee: *Void ballots are ballots that cannot be counted because they are illegal. For example, voter is not eligible to vote or voted for too many candidates.*

Spoiled ballots are ballots the voter marked wrong and turned in for another ballot.

Challenged ballots are ballots that someone challenges, for example, because the individual is not a member eligible to vote.

f. TENTATIVE CERTIFICATE OF RESULTS FORM

CWA Local _____ Tentative Certificate of Results

The undersigned members of the local election committee certify that the results of the tabulation of ballots cast in the election concluded on _____ were as follows:

- a. Number of eligible voters _____
- b. Total number of ballots printed _____
- c. Number of votes ballots _____
- d. Number of void ballots _____
- e. Number of spoiled ballots _____
- f. Number of challenged ballots _____
- g. Number of unused ballots _____

Office or Title	Candidate's Name	Vote

The undersigned actually served on the election committee and counted the ballots.

This is the election committee's Tentative Certification of Results. Unless challenged, this certification will become final in ten days.

Copy To: Local President, Local Secretary,
District Office and one posted on each bulletin board

g. FINAL CERTIFICATE OF RESULTS FORM

CWA Local _____ Tentative Certificate of Results

The undersigned members of the local election committee certify that the results of the tabulation of ballots cast in the election concluded on _____ were as follows:

- a. Number of eligible voters _____
- b. Total number of ballots printed _____
- c. Number of votes ballots _____
- d. Number of void ballots _____
- e. Number of spoiled ballots _____
- f. Number of challenged ballots _____
- g. Number of unused ballots _____

Office or Title	Candidate's Name	Vote

The undersigned actually served on the election committee and counted the ballots.

This is a Final Certification of Results

Copy To: Local President, Local Secretary,
District Office and one posted on each bulletin board

PART XI: BOND COVERAGE

1. Labor Bond Coverage

According to the CWA Constitution Article XIII, Section 9(h), Locals shall provide for the bonding of Local Officers and other persons who handle Union funds and property. This bonding requirement also applies to city, state and regional Councils.

The Labor-Management Reporting and Disclosure Act requires that individuals handling union funds must be bonded in an amount not less than 10% of the funds handled. (Sec. 502(a) of the Act). When calculating your bond coverage requirements, the Department of Labor offers the following quick formula for computing the approximate amount of required bonding coverage:

$$\text{Liquid Assets} + \text{Total Receipts} \times 10\% = \text{Amount of Coverage Required}$$

For more information on bond coverage and bond calculations, please visit the DOL's site at <http://www.dol.gov/olms/regs/compliance/bonding.htm>

Both Locals and Councils may purchase Bond coverage through CWA's designated agent. Coverage is for a three-year period at a premium rate negotiated each renewal period. Locals/Councils securing coverage during the three-year Bond period will have their premium pro-rated for the remaining months of the Bond.

The Labor Organization Bond is a "blanket position Bond". Simply stated, this means the offices of President, Secretary-Treasurer, etc. are insured, rather than the individual. In addition, the Bond covers any member and full-time or part-time employee of the Local/Council who has occasion to handle Union funds.

The amounts available under the current Bond range from \$2,500 to \$500,000. Unless indicated otherwise by the Local or Council, the Blanket Bond amount of \$50,000 is automatically issued.

During the annual audit, each Local/Council should review their assets to determine whether their Bond coverage is sufficient. If the assets, per annum, exceed the amount of their current coverage, arrangements should be made through the CWA Compliance Department to secure additional coverage.

If the Local decides to secure their own Bond coverage, they must provide the International Secretary-Treasurer with a copy of their bonding certificate and the following information:

1. The name of the bonding company
2. Amount of coverage
3. Expiration date of the policy
4. Local/Council Officers covered

Attached is a copy of a form letter that may be used by a Local/Council should they determine to secure such coverage through CWA's designated agent. Please note that the letter requires two signatures -- that of the president and the finance officer. Copies of this form letter may also be secured online at <http://www.cwa-union.org/for-locals> and click on "Forms."

It should be noted that once a Local/Council is covered under the CWA Blanket Bond, such coverage is automatically renewed at the expiration of the policy period unless the International is notified to the contrary.

In the event a Local charter is recalled, any remaining residue will become the property of CWA. Should two Locals merge, any premium due will be credited to the Local assuming jurisdiction. At that time, a review should be made of the financial records of the merged Locals to determine whether the Blanket Bond coverage is sufficient.

If coverage is not found to be sufficient, the Local should advise the International or their independent carrier accordingly, with instructions as to how much additional coverage is required.

It is suggested that when a Local is newly chartered, or a Council newly formed, the CWA Representative working with the Local/Council should call to the attention of the officers the necessity for Bond coverage. If the Local/Council elects to secure such coverage through CWA's agent, the suggested form letter may be forwarded at the time the other charter information is transmitted.

LABOR BOND FORM LETTER

DATE

International Secretary-Treasurer
Communications Workers of America
501 Third Street, N.W.
Washington, DC 20001

This is to request that the Officers of Local/Council _____ be included under CWA's Blanket Labor Organization bond coverage in the amount of \$ _____.

This is to request a change in the amount of CWA Local/Council _____'s existing bond coverage from \$ _____ to \$ _____.

President

Secretary-Treasurer or Treasurer

CWA Local / Council _____

2. Labor Bond Claim – How to File?

Upon discovery of a potential claim, notify the Compliance Department at the CWA Headquarters in writing or by email to cwamail@cwa-union.org. Include the following information:

1. Who is being charged. Give the current and/or last known address and telephone number.
2. Who is making the charges. Be sure to also indicate the name, address and telephone number of the local official to be contacted for further information.
3. Information available to date supporting the charge.
4. What steps remain to be taken to complete substantiation of the claim.

After this notice is received, a claim file will be set up, a claim number assigned and proof of loss forms will be provided to the Local Union for their use in filing the claim.

Upon receipt of the proof of loss, the Local has 120 days from the date the information concerning the potential loss was uncovered to file the completed proof of loss with the insurance company.

If You Need More Time

Under some circumstances you may not be able to file the completed proof of loss form within the four months allowed. Should you require an extension of time to file the proof of loss, the request should be made, in writing or email, to the Compliance Department at CWA Headquarters who will forward the request to the bonding company. This request should state the reason for the extension request (ie. “Department of Labor has all the records....”) and how much additional time is needed.

How to File the Proof of Loss

The proof of loss form should be completed with as much detail as possible. Documentation supporting the claim should be attached to the form. This documentation might include copies of cancelled checks, bank account records, statements of persons with knowledge concerning the loss, copies of audits, etc. Additionally, a statement of the manner in which the loss was sustained should be placed on the back of the form. Please advise as to whether or not the Labor Department or any other authorities are presently involved or will be involved in the matter.

Note: If more than one person is being charged, a separate proof of loss should be submitted for each individual.

Upon completion of the forms, they should be signed by an authorized representative of the Local, notarized, and then forwarded to the bonding company. A set should be kept in the Local. Please note that each form should have a full set of documentation attached to it.

PART XII: LOCAL CHARTERS/JURISDICTION

1. Local Charter Application

In order to apply for a charter for a new CWA Local, there are certain forms and necessary information that must accompany the request.

New Local Checklist:

1. MLO-112, Application for Charter signed by 5 officers and/or members of the Local
2. District/Sector Approved Local Bylaws
3. MLO-111, Request for Certification to Employers for Dues Deductions (if applicable)
4. Request of Labor Bond coverage
5. IRS Employer Identification Number (obtained through www.irs.gov using the SS-4 form)
6. Local Officer Contact Information

For these, and all other forms, visit the CWA website, www.cwa-union.org under “For Locals” and click on “Forms.” Contact the CWA Headquarters Compliance Department for questions or additional information.

APPLICATION FOR LOCAL CHARTER (MLO-112)

Form MLO-112 is used when applying for a charter for a new CWA Local. It is also used when a charter is revised to reflect a change in employer name only. (See below for MLO-112 Instructions)

If the application for charter is to cover a group not presently part of an existing Local, no additional forms are required.

However, if the group to be chartered is part of an existing Local, a Form MLO-113, Waiver of Local Jurisdiction, must accompany a Form MLO-114, Expansion of Local Jurisdiction.

APPLICATION FOR LOCAL CHARTER – INSTRUCTIONS MLO-112

Article XIII, Section 2 of the CWA Constitution states:

“Application for Charter or change of jurisdiction shall be in writing upon forms provided by the Secretary-Treasurer of the Union and shall be signed by at least five individuals who are eligible for membership in the Local.”

The language setting forth the Local’s jurisdiction should be spelled out on the form as it should appear on the face of the charter. Below the signatures is a space to insert the date the form is signed.

Form MLO-112 is also used when a charter must be amended **to reflect a change in company name**. If the new Local is to include jurisdiction of an existing CWA Local, Form MLO-112 must be accompanied by Form MLO-113 "Waiver of Local Jurisdiction."

The District/Sector VP must complete the portion of the form applicable to their office.

New charters will be made effective on the first day of the month. If there is a preference in this respect, it should be so noted on the application form.

The original Form MLO-112 should be forwarded to the Vice President of the District or Sector. A copy should be retained for the Local’s files. The District/Sector office completes that portion of the form applicable to them and forwards the original, with the Vice President's recommendation, to the CWA Secretary-Treasurer. A copy of the MLO should be returned to the Local showing the District's approval.

Accompanying the charter application form should be the following:

1. A copy of the Local's District/Sector approved bylaws (be certain that they include the date of adoption).

2. Local Officer Information listing the names, addresses, phone numbers and email addresses of the Local officers. Every Local must have a minimum of President, (Executive) Vice President, Secretary, Treasurer or Secretary-Treasurer, as stated in the CWA Constitution. (The number of officers should conform to the number called for in the bylaws.)
3. Request for Labor Organization Bond coverage. (See Part XI of the UOPM.)

If the unit to be chartered requires a dues certification notice be sent to the employer by the Secretary-Treasurer, the dues certification request form, MLO-111, should accompany the charter application form.

It is requested the aforementioned items accompany the charter application. This will preclude repeated follow-ups by the International to secure the information.

In order for a set of bylaws to be drafted and to execute the group exemption form letter, a Local number must be assigned. This number may be secured by contacting the International Secretary-Treasurer's office.

If there is a preference as to the Local number, it should be kept in mind that Local numbers must be kept in their proper state sequence.

The charter application form and its accompanying material must be forwarded to the International Secretary-Treasurer from the District/Sector VP. Do not forward the form directly to the International. This will only delay the issuance of the Local charter.

If you have any questions, contact either your Vice President or the CWA Secretary-Treasurer.

For these, and all other forms, visit the CWA website, www.cwa-union.org under "For Locals" and click on "Forms."

2. Waiver of Local Jurisdiction

WAIVER OF LOCAL JURISDICTION (MLO-113)

Form MLO-113 is to be used when a Local waives all or part of its jurisdiction (either in favor of establishing a new Local or to waive jurisdiction to another Local) or if the Local is being recalled.

This form accompanies the MLO-112 when the waiver of jurisdiction is for the purpose of chartering a new Local.

Charters which are recalled, or where jurisdiction is waived, will have an effective date of the last day of the month.

If the jurisdiction to be waived is to become part of an existing Local, Form MLO-114, described below, must accompany Form MLO-113.

WAIVER OF LOCAL JURISDICTION – INSTRUCTIONS MLO-113

The CWA Constitution provides, in Article XIII, Section 3(b):

"Locals may combine or waive jurisdiction by an affirmative vote of a majority of those voting by referendum in each Local affected."

Form MLO-113 is to be used when a Local is waiving jurisdiction for any of the following reasons:

1. Waiving jurisdiction over a group because of decertification, the employer going out of business, inability to secure a contract, etc.
2. Waiving a portion of its jurisdiction to another CWA Local; or
3. Waiving its entire jurisdiction in order to merge with another CWA Local.

If the Waiver of Jurisdiction is requested under the conditions outlined in Number 1 above, no other forms are required.

If the waiver is requested under Numbers 2 or 3 above, Form MLO-114, Expansion of Local Jurisdiction, must accompany Form MLO-113, since both forms must be acted on together.

If two Locals merge for the purpose of forming a new Local, both Locals must submit the waiver form MLO-113 together with a charter application form MLO-112 for the new Local.

The original Form MLO-113 should be forwarded to the Vice President of the District or Sector. A copy should be retained for the Local's files. The District/Sector office completes that portion of the form applicable to them and forwards the original, with the Vice President's recommendation, to the CWA Secretary-Treasurer. A copy of the MLO should be returned to the Local showing the District/Sector's approval.

On the form, complete the Local number for which jurisdiction is to be waived and reason(s) for the waiver. Five signatures are required, two of which must be Local officers. Below the signatures is a space to insert the date the form is signed.

The Vice President's office fills in the date the waiver form is approved. Local waiving jurisdiction normally will have an effective charter date of the last day of the month indicated on the form.

If the waiver is for the purpose of recalling a Local charter, a terminal financial report must be filed with the Labor Department with a copy forwarded to the International for their records. The terminal financial report is OLMS Form LM-2 or LM-3, as appropriate. (See Part V for Federal Reporting requirements)

If you have any questions, your CWA Representative, Vice President or the International Secretary-Treasurer can be of assistance.

All forms are available on the CWA website, www.cwa-union.org under "For Locals" and click on "Forms."

3. Expansion of Local Jurisdiction

EXPANSION OF LOCAL JURISDICTION (MLO-114)

Form MLO-114 is to be used in the following instances:

When an existing Local wishes to expand its jurisdiction to encompass a group not previously assigned to a Local or to include a group over which jurisdiction is waived by an existing Local.

When the Local wishes to expand jurisdiction to include a unit waived by another Local, Form MLO-114 must accompany Form MLO-113.

All jurisdiction language on charters will begin with the words: "Over the work performed by employees eligible for Union membership who are employed by:" It will end with: "...and such other jurisdiction as may be assigned by the Executive Board of the Union."

The MLO-114 must have the complete, up-to-date jurisdiction typed on the form as it should appear on the expanding Local's new charter.

Unless there are extenuating circumstances, all new and revised charters will have an effective date of the first of the month.

All forms are available on the CWA website, www.cwa-union.org under "For Locals" and click on "Forms."

EXPANSION OF LOCAL JURISDICTION – INSTRUCTIONS

MLO-114

The CWA Constitution provides, in Article XIII, Section 3(b):

"Locals may combine or waive jurisdiction by an affirmative vote of a majority of those voting by referendum in each Local affected."

Form MLO-114 is for use when an existing CWA Local wishes to expand its assigned jurisdiction, such as:

1. To take in a group not presently assigned to another Local or a newly organized unit;
2. To take in a portion of the jurisdiction waived by another Local; or
3. To merge with another Local which is waiving their entire jurisdiction.

If the Local making application to expand its jurisdiction is doing so to include a group not previously assigned to a Local (Number 1 above), only Form MLO-114 is required.

If the Local is expanding its jurisdiction under the conditions set forth in Numbers 2 or 3 above, Form MLO-114 must be accompanied by Form MLO-113, Waiver of Local Jurisdiction.

The MLO-114 must have the complete, up-to-date jurisdiction language typed on the form as it should appear on the expanding Local's new charter.

Complete the information called for, citing the jurisdiction as it should appear on the charter. Five signatures are required, two of which must be Local officers. Below the signatures is a space to insert the date the form is signed.

The original Form MLO-114 should be forwarded to the Vice President of the District or Sector. A copy should be retained for the Local's files. The Vice President's office completes that portion of MLO-114 applicable to his/her office (i.e., date approved, by whom and effective date of the expanded charter which should be the first day of the month). If an effective date is not indicated, it will be assigned by the Secretary-Treasurer's office. The District/Sector office forwards the original, with the Vice President's recommendation, to the CWA Secretary-Treasurer. A copy of the MLO should be returned to the Local showing the District/Sector's approval.

If a Local is expanding its jurisdiction as a result of merger, a determination must be made by the Local officers as to whether they have sufficient Labor Organization Bond coverage to insure the combined assets of both Locals. See Part XI of the UOPM for further details.

If you have any questions concerning Form MLO-114, you may obtain assistance from your CWA Representative, the Vice President of your District or the CWA Secretary-Treasurer.

For these, and all other forms, visit the CWA website, www.cwa-union.org under “For Locals” and click on “Forms.”

4. Executive Board Policy on Jurisdictional Changes

Article XIII of the Constitution states that jurisdiction of a Local is assigned by the CWA Executive Board, Article XII, Section 3 - Jurisdictional Change states:

- (a) The Convention or the Executive Board by an affirmative vote of three-fourths (3/4) may change the jurisdiction of any Local.
- (b) Locals may combine or waive jurisdiction by an affirmative vote of a majority of those voting by referendum in each Local affected.

This, of course, was and is the mechanism by which Locals seeking to effectuate a jurisdictional change, i.e., a merger, must proceed. In order for such changes in Local jurisdiction to be effectuated, a vote must be taken in both Locals, the appropriate forms must be submitted to the International Union and the Executive Board of the Union or its agent must act to approve the change. This Part of the UOPM specifically sets forth instructions and contains the appropriate forms that must be completed and submitted to the International Union before any change in Local jurisdiction can be effectuated.

In 1958, the CWA Executive Board was asked to review and interpret these provisions of the Constitution in answering several questions placed before it. The questions addressed by the Executive Board were:

1. Whether a Local could waive (and another Local expand) jurisdiction over a portion of the Local such as a particular location or workplace;
2. Whether a Local could waive (and another Local expand) jurisdiction over an individual; and
3. Whether a Local could waive (and another Local expand) jurisdiction on a permanent or temporary basis.

The Executive Board interpreted the Constitution to permit waivers and expansions of a portion of the Local or of an individual. The Executive Board also interpreted the Constitution to permit waivers and expansions to be made on either a permanent or temporary basis. In answering all three of these questions in the affirmative, however,

the Board emphasized that such jurisdictional changes must be approved by the Union Executive Board or its agent.

Since at least 1958, any Local which then sought to effectuate a change in Local jurisdiction through the process of waiver/expansion was required to obtain a majority vote of those members voting by referendum as to whether the Local should waive (or expand) jurisdiction. This was and is true regardless of whether the waiver or expansion was over one member or over the entire Local. Moreover, any attempt to “rescind” a waiver or expansion which had been previously granted must also be supported by a majority vote of the membership of both Locals since such action is also a change in Local jurisdiction. Finally, it is clear that both Locals involved in a waiver/expansion of jurisdiction must take action in order for the change to be effectuated and that the change must be approved by the Executive Board or its agent.

As a result of consolidations, reassignments and transfers affecting members within our Union, questions concerning Local jurisdiction have arisen. Given that the original Executive Board interpretation on this subject was issued in 1958, the Executive Board has considered the entire matter once again. Based upon our review and consideration of these questions, we hereby reaffirm the policy and interpretation issued by the Executive Board in 1958.

Nonetheless, we recognize that some Locals have waived and expanded jurisdiction over portions of their Locals, and particularly over individuals, without the required majority vote of the membership. In that these actions were taken in complete good faith and that disruption and uncertainty would result if such actions were nullified, the Executive Board has decided to deem any waiver/expansion which was in effect as of August 1, 1993 as approved. Any waivers or expansions subsequent to August 1, 1993, however, must comply with the Constitution as interpreted in 1958 and reaffirmed in 1993.

Move that the Executive Board adopt the foregoing Policy on Jurisdictional Changes.

Adopted (9/13/93)

Article XIII, Section 3 of the Constitution states:

Locals may combine or waive jurisdiction by an affirmative vote of a majority of those voting by referendum in each Local affected.

The term “referendum vote” does not necessarily mean that a mail ballot must be conducted. However, if a vote is to be taken at a membership meeting, adequate notice that a vote is to be taken on a matter of Local jurisdiction should be given and every effort to encourage and allow the widest possible participation of the membership must be made. For example, extending the polling hours.

Both the “waiving” Local and the “expanding” Local must vote and any limitation as to the duration of the change must be stated. For example, if a waiver/expansion of a particular individual is sought in order to allow that individual to complete a term of office, that fact, as well as the expiration date of the waiver/expansion, should be specifically stated.

Any effort to “rescind” or “undo” the original waiver/expansion must also be voted on by the membership of both Locals since such action is itself a jurisdictional change.

The appropriate waiver and expansion forms must be completed and submitted to the National Union.

In a situation where one Local seeks to waive jurisdiction over a portion of the Local or over an individual, a vote by that Local is not sufficient to effectuate the change. The expanding Local must also vote to approve the change before it can become effective.

As always, any change in Local Jurisdiction is subject to the approval of the CWA Executive Board, or its agent.

5. Organizing Committees

Article IX, Section 5, of the CWA Constitution, as quoted below, authorizes the establishment of Organizing Committees:

"The Executive Board shall have authority to establish and dissolve organizing committees upon such terms and conditions as may be deemed for the best interest of the Union. Such organizing committees may be granted all of the rights and privileges of Locals under this Constitution. No organizing committee shall be granted jurisdiction which conflicts with that of any chartered Local of the Union."

This is a method whereby scattered units in a specified area are brought into CWA and eventually assigned to a regularly chartered Local or become chartered Locals in their own right.

If a determination is made that an Organizing Committee would serve a useful purpose in a given area, the Vice President in the District/Sector should set in motion the following procedure:

In a memorandum to the International President, outline:

1. The purpose of the Organizing Committee.
2. The exact jurisdiction language as it is to appear on the face of the charter.
3. The Organizing Committee number requested to be assigned.
4. The name and address of the Chair of the Organizing Committee (generally a staff person).

A copy of the memorandum should be sent to the Secretary-Treasurer so his/her office will be alerted to the fact that a new Local is pending.

The International President will make the decision regarding the Vice President's request. Once appropriate action has been taken by the President's office, all concerned parties will be advised, in writing, of the final disposition.

If approved, the Secretary-Treasurer's office will then issue a charter and associated paperwork and add the Chair to the Local President's mailing list.

The Chair of the Organizing Committee will be responsible for requesting an Employer Identification Number from the IRS. www.irs.gov.

The Organizing Committee Chair may or may not be required to file annual LM reports (Public Employee Locals do not need to file with the DOL). The Chair will be required to file, annually, IRS Form 990, or E-card 990N, due by the fifteenth day of the fifth month after the fiscal year ends.

The Chair of the Organizing Committee is responsible for performing all Local officer functions, as if the Organizing Committee were a regularly chartered Local.

While the foregoing briefly summarizes the subject of Organizing Committees, other assistance or answers to specific questions may be obtained from appropriate International officers or departments.

PART XIII: LOCAL BYLAWS

1. Local Bylaws Guide

These suggested bylaws may be used as a guide for newly organized Locals who are required to draft a set of bylaws, as well as existing Locals, who find it necessary to amend their current bylaws.

The following Articles require your particular attention:

ARTICLES I AND III

Be certain to include your Local number.

ARTICLE V, SECTION 2

The bylaws stipulate the amount of the initiation fee to be paid. According to Article V, Section 2(b) of the CWA Constitution, the initiation fee shall be not less than \$2.00 nor more than \$5.00.

If a Local, by appropriate membership vote, changes the initiation fee as was originally stipulated, it is required to furnish the International, through the lines of organization, the appropriate bylaw amendment. Initiation fees less than \$2.00 or more than \$5.00 require Executive Board approval.

ARTICLE VI, SECTION 1

The 1990 Convention established a minimum dues of 2¼ hours pay per month based on a forty-hour week. The ¼ hour amount goes directly into the Member Assistance Fund which was established at that convention. The extra ¼ hour for the Member Assistance Fund applies only to those Locals and/or units that have the right, under law, to strike. A

number of public employee units are prohibited from striking by various state laws; thus the minimum dues for those units is 2 hours pay per month based on a forty-hour week.

This Section is written so as to eliminate any dollars and cents reference to dues. Any Local having this suggested language is not obligated to amend their bylaws should the actual dues amount be changed.

A Local may increase its dues structure above the minimum dues, however, the International Secretary-Treasurer, as well as appropriate District officers, must be advised of any change in the Local's dues structure. This must be done in accordance with the District's procedures.

ARTICLE XII

The Labor-Management Reporting and Disclosure Act and the CWA Constitution require that all Local officers who handle union funds be bonded in an amount equal to ten percent of the Local's assets.

It is the Local's obligation to secure proper bond coverage either through CWA or their own insurance broker. In this connection, see UOPM Section 5.1 and 5.2.

ARTICLE XIII, SECTION B

If due notice of membership meeting is given at least seven days prior to the meeting, the language in Section B of the Article may read: "The number constituting a quorum for Local meetings shall be those present."

ARTICLE XIV, SECTION 1

The second paragraph of this Section is worded so that members have the right to make nominations from the floor.

ARTICLE XIV, SECTION 4(B)

Insert the date the newly elected officers are to assume office.

ARTICLE XVIII

If a Local at any time amends its bylaws, it is incumbent upon that Local to provide a copy of the amendment to the following:

1. Your District office and any other CWA representatives affected;
2. The International Headquarters office, through the lines of organization established in your District;
3. The Department of Labor, Office of Labor Management Standards, at the time you submit your annual financial filing;
4. The Internal Revenue Service at the time you file your IRS 990;
5. Any state agencies requiring a copy of such amendments.

You are to follow the lines of procedure established within each District. See UOPM Section 8.2 for the form to be used when submitting amendments. It is strongly recommended that a proposed bylaw provision be submitted to the appropriate CWA Staff person to review for consistency with the CWA Constitution prior to the vote on the proposal.

ARTICLE XXI

Many Locals show confusion between the difference in adopting a new set of bylaws as opposed to adopting a revised set of bylaws. When a CWA Local adopts its first set of bylaws, an initial adoption date is shown. When bylaws are subsequently revised, the initial adoption date is shown, as well as the adoption date of the revised bylaws.

Example:

These Bylaws Adopted February 1, 1977
Revised Bylaws Adopted April 2, 1981
Revised Bylaws Adopted May 1, 1989

If additional copies of these sample bylaws are required, they may be obtained by directing your request to the International Secretary-Treasurer.

According to the CWA Constitution Article XIII, Section 9(h), Locals shall provide for the

2. Sample Local Bylaws

These suggested bylaws may be used as a guide for newly organized Locals who are required to draft a set of bylaws, as well as existing Locals, who find it necessary to amend their current bylaws.

ARTICLE I - NAME

This Local shall be known as Local (number), Communications Workers of America.

ARTICLE II - JURISDICTION

Jurisdiction of this Local shall be the jurisdiction assigned by the Union and appearing on the face of the Local Charter.

ARTICLE III - OBJECTS

The objects of Local (number) shall be to represent and serve the workers within its jurisdiction in accordance with the Bylaws and Rules of the Local and the Constitution and policies of the Union.

ARTICLE IV - LOCAL STRUCTURE

The structure of the Local shall consist of the following:

1. Membership
2. Executive Board
3. Officers
4. Committees

(Note: Locals are not required to have an Executive Board, but may find it desirable. Members of such Executive Board or other governing body are deemed to be "officers" under the Reporting and Disclosure Act of 1959.)

ARTICLE V - MEMBERSHIP

Section 1 - Eligibility

Any person eligible for membership in the Communications Workers of America, as defined in Article V of its 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 initiation fee of (amount) and upon the approval of any membership committee authorized to accept or reject membership on behalf of the Local, subject to the right of the Local to overrule the decision of a membership committee.

(Note: Article V, Section 2(b) of the CWA Constitution provides that a Local may not establish an initiation fee of less than \$2.00 or more than \$5.00 without approval of the CWA Executive Board.)

Section 3 - Transfers

The transfer of membership from this Local to the jurisdiction of another Local or from another Local to the jurisdiction of this Local shall be made in accordance with Article V of the Union Constitution.

ARTICLE VI - LOCAL DUES AND ASSESSMENTS

Section 1 - Local Dues

- A. Each member of the Local shall pay minimum membership dues of two and one-quarter hours pay per month, in accordance with convention action.
- B. Membership dues which exceed in amount the minimum membership dues may be authorized by a majority of those voting on the question, in accordance with the Local bylaws.
- C. Membership dues may be changed only by a majority of those voting on the question by secret ballot referendum, or by a majority secret ballot vote in a meeting where a quorum is present, if the question has been advertised on bulletin boards at least seven (7) days in advance of the meeting or by notice

mailed postage prepaid to each member at least seven (7) days in advance of the meeting.

(Note: The Reporting and Disclosure Act of 1959 requires reasonable notice be given of the intention to vote on the question of a dues increase. Seven (7) days is suggested as being the minimum time to meet this requirement.)

Section 2 - Local Special Assessments

The membership of this Local may levy a special assessment only in the same manner as provided for changing Local dues. However, any special assessments levied shall be in compliance with Article VI, Section 3 of the Union Constitution.

ARTICLE VII - GOVERNING AUTHORITY

Section 1 - Membership

The affairs of this Local 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 (or other governing body of the Local) between membership meetings.

(Note: If the Local does not desire to have an Executive Board or other governing body, other than or in addition to the officers of the Local, then this paragraph (b) should be omitted.)

- C. Through actions and decisions of the Local Officers between meetings of the Executive Board (or other governing body).

(Note: List here the composition of the Executive Board or other governing body, such as President, Vice President, Secretary-Treasurer, Executive Board members, Stewards, etc.)

ARTICLE VIII - LOCAL MEETINGS

Regular meetings of this Local shall be held at such time and place as the members may determine by vote. Special meetings may be called by a majority vote of the Local Executive Board, or by a petition signed by (number of) members. Upon receipt of a proper petition, the Local officers shall call a special meeting for the purpose set forth in the petition to be held within ten (10) days.

ARTICLE IX - LOCAL DELEGATES TO THE UNION CONVENTION

- A. Delegates and alternate delegates to the Union Convention shall be elected by the membership voting by secret ballot conducted not less than thirty (30) days in advance of the Union Convention.

(Note: This provision may be omitted if the Local has already elected all of its Convention delegates at the time of regular Local elections.)

The secret ballot may be by referendum or at a membership meeting, whichever method may be desired by the Local. The same notice requirements (15 days) must be met in connection with the nomination and election of delegates as in the case of nominations and elections of Local officers. Locals may provide in their bylaws for the election of certain officers as delegates simultaneously. In such case the notices of nominations and elections, and the ballot, should specify that the nomination and the vote cast is for the specific office and for the same person to be delegate to any convention held during his term of office -- See Addendum No. 1 for suggested language to be used in connection herewith. See UOPM Section 14 for further information concerning the election of convention delegates.)

- B. In the event the Local elects more than one delegate to the Union Convention, the Local shall determine the convention votes assigned to each delegate in accordance with Article VIII of the Union Constitution.
- C. It shall be the duty of the Secretary-Treasurer (or Secretary) of the Local to certify the Local delegates to the Union Convention to the Secretary-Treasurer of the Union within the time limits specified in Article VIII of the Union Constitution.

ARTICLE X - LOCAL COMMITTEES

- A. The Local shall have the following regular committees:
1. Education Committee
 2. Election Committee
 3. Organizing Committee
 4. Legislative-Political Committee
 5. Membership Committee or Committees
 6. Community Services Committee
 7. Committee on Equity
 8. Other Committees
- B. Members of all committees shall be appointed by a majority vote of the Local Executive Board, subject to the right of the Local membership to overrule such appointments.
- C. Vacancies on committees shall be filled in the same manner as the original appointments.
- D. Any member of any Local committee may be removed by majority vote of the Local Executive Board, subject to the right of the Local to overrule the action of the Executive Board. A committee member may be removed by action of the Local in a membership meeting.

(Note: The Local may, if it wishes, provide for the appointment of Committee members by the President with the approval of the Local Executive Board. Where the Local does not have an Executive Board or other governing body, it may desire to have committee members appointed or removed by the Local officers.)

E. Duties of Committees:

(Note: These are minimum duties. Your Local may wish to go into more detail.)

1. 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.
2. Legislative-Political Committee -- The Legislative-Political Committee shall assist in developing and pursuing the program of the Union and the Local in the Legislative-Political field. It shall be responsible for the Local's program to register each qualified voter.
3. 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.
4. Election Committee - The Election Committee shall conduct all nominations and elections and referenda of this Local.
5. 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.
6. Community Services - The Community Services Committee shall assist in developing all Community Services programs.
7. 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.
8. Other Committees - (add duties)

ARTICLE XI - ORDER OF BUSINESS

- A. The order of business at a Local meeting shall be as follows:
1. Call to order
 2. Roll Call (optional)
 3. Reading and action on minutes of previous meeting
 4. Report of officers and Executive Board
 5. Report of committees
 6. Unfinished business
 7. New business
 8. Adjournment
- B. The order of business may be suspended by a two-thirds (2/3) vote of the members present.

ARTICLE XII - LOCAL OFFICERS, EXECUTIVE BOARD, STEWARDS AND THEIR DUTIES

Section 1 - Local Officers

- A. The officers of the Local shall be:
1. Local President
 2. Local Vice President
 3. Local Secretary
 4. Local Treasurer

(Note: The Local may wish to have an Executive Vice President in addition to the regular Vice President(s). They may also desire to combine the offices of Secretary and Treasurer. Persons performing any of the executive functions of these offices cannot be appointed; they must be elected by secret ballot majority vote of the membership.)

- B. The duties of Local officers shall be as follows:
1. The Local President shall:
 - i. Be responsible for the conduct of all Local business;
 - ii. Preside at Local Membership, Local Executive Board and Local Officers meetings;

- iii. Prosecute grievances and appeal them to higher levels of the Union when not satisfactorily settled;
- iv. Supervise and be ex-officio member of all Local committees;
- v. Approve all bills to be paid, and countersign all checks drawn on the Local treasury; and
- vi. Perform such other additional duties as may be assigned by the Local, the Local Executive Board or required by the policies or Constitution of the Union.

2. The Local Vice President shall:

- i. Work under the direction of the Local President; and
- ii. Perform such other additional duties as may be assigned by the Local, the Local Executive Board or the Local President.

3. The Local Secretary shall:

- i. Maintain a record of the Local membership;
- ii. Record and maintain the minutes of all meetings of the Local, the Local Executive Board or Local officers;
- iii. Furnish the District Vice President and the International Secretary-Treasurer with copies of any changes in these bylaws within ten (10) days after such changes are adopted;
- iv. Certify the Local delegates to the Union Convention to the International Secretary-Treasurer within the time limits specified in Article VIII of the Union Constitution; and
- v. Perform such other additional duties as may be assigned by the Local, the Local Executive Board or the Local President.

4. The Local Treasurer shall:

- i. Be custodian of all assets of the Local;
- ii. Report to each membership meeting on the financial status of the Local;
- iii. Be bonded, as must any other person who handles Local funds or other property in accordance with the Union Constitution or any state or federal law;
- iv. Cause the payment of all bills approved by the Local President;
- v. Cause the proper filing of all reports or filings required by federal, state or local law; and

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

(Note: If the Local has an Executive Vice President, duties should be outlined in this section. If the Local combines the offices of Secretary and Treasurer, it should also combine the duties of each office. If separate offices are maintained, the Local may want the Treasurer to maintain the membership records, rather than the Secretary.)

Section 2 - Local Stewards

- A. The Local shall have as many Stewards as may be appointed by the Local President.

(Note: If the Local so desires, it may provide for the election of Stewards. If Stewards are members of the Local Executive Board or other governing body, then they cannot be appointed -- they must then be elected by secret ballot in the same manner as Local officers.)

- B. The duties of Local Stewards shall be as follows:

(Note: The Local Steward structure and the duties of Stewards may vary between Locals. A Local should, however, set forth the general duties of Stewards in this section. For example, a Local could provide as follows:

- 1. *The Stewards shall:*

- a. Work under the direction of the Local President; and*
- b. Perform such other additional duties as may be assigned by the Local, the Local Executive Board or the Local President.)*

Section 3 - Local Executive Board

- A. The duties of the Local Executive Board shall be as follows:

- 1. The Local Executive Board shall:

- i. 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;

- ii. Meet 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.
- iii. Cause an annual budget to be prepared and presented to the membership; and
- iv. Be responsible for the operation of strike action procedures as outlined in the Union Constitution.
- v. Actions and decisions of the Executive Board shall be subject to approval by the membership.
- vi. A majority of the Executive Board shall constitute a quorum.

ARTICLE XIII - CONDUCT OF MEETINGS, OTHER LOCAL BUSINESS AND QUORUM

- A. Membership meetings and any other business of this Local shall be conducted under these bylaws and rules of the Local and in conformity with the Union Constitution. On questions where the Local bylaws, the Local rules or the Union Constitution do not clearly apply, Robert's Rules of Order shall govern.
- B. The number constituting a quorum for Local meetings shall be (number or percentage of membership or "those present") .

(Note: The 1959 Convention adopted Resolution No. 29, thereby interpreting Article XXIII, Section 5, and Article XIII, Section 8(1) of the CWA Constitution to mean that any number of members present at a local membership meeting shall constitute a quorum, provided due notice of the meeting has been given the membership of the Local. "Due notice" shall mean notice given at least seven (7) days prior to the meeting. Where "due notice" is not provided for in the Local bylaws, a specific number of members, or a specific percentage of its membership, must be provided for in the Local bylaws as a quorum.)

- C. A majority of the officers or of the Executive Board or a majority of the members of a committee shall constitute a quorum for those bodies.

ARTICLE XIV - NOMINATION AND ELECTION OF LOCAL OFFICERS AND MEMBERS OF THE LOCAL EXECUTIVE BOARD

Section 1 - Nominations

Local officers and members of the Executive Board shall be nominated in the month of _____ each election year.

(Note: The Reporting and Disclosure Act of 1959 requires, in connection with nominations, reasonable notice of the office to be filled, and the time, place and proper form of submitting nominations. Such notice must be given in a manner reasonably calculated to inform all members in good standing and in sufficient time to permit such members in good standing to nominate the candidates of their choice. It is recommended that fifteen (15) days be used to meet the time requirements for such notice.

Nominations may be made: (1) at a membership meeting, (2) by a nominating committee, with the right of members to also nominate from the floor or (3) by petition.

Article XV of the Union Constitution requires Local nominations be conducted during the months of September, October, November and December of each election year.

For more detailed information concerning Local elections, please refer to the Local Elections Manual in Part X of the UOPM)

Section 2 - Elections

Elections of Local officers and Executive Board members shall be by secret ballot of the membership in the month of _____ of each election year.

(Note: The Reporting and Disclosure Act of 1959 requires, in connection with elections, notice of the election be mailed to each member's last known 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. Elections may be conducted by either of the following methods: (a) ballot conducted by U.S. Mail or (b) balloting by use of established polling places and ballot boxes.

If Local elections are conducted by mail ballot referendum, the election notice may be mailed along with the ballot so long as they are mailed not less than fifteen (15) days prior to the date and time set for the return of the ballots.

Article XV of the Union Constitution requires Local elections be conducted during the months of September, October, November and December of each election year.)

Section 3 - Local Election Committee

- A. The nomination and election of Local officers, members of the Executive Board and delegates to the CWA Convention 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 Union Constitution and these bylaws, with reasonable opportunity for each member to nominate and vote for the candidate of his/her choice.
- B. The Election Committee shall also conduct any referenda submitted to the membership.
- C. A member shall not be permitted to serve on the Election Committee if he/she is a candidate for any office of the Local or delegate to the CWA Convention.
- D. 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 Article XV of the CWA Constitution.

Section 4 - General Provisions

- A. Only members of the Local in good standing shall be eligible to vote.
- B. The nominee in any election receiving the majority of the votes cast shall be declared elected. If no one nominee has a majority on the first ballot, the vote shall be taken again and the two nominees having the greatest number of votes on the first ballot shall be nominees on the second ballot.

(Note: Article XV, Section 4(d) of the CWA Constitution requires a Local President, Executive Vice President, Vice President, Secretary, Treasurer and Secretary-Treasurer to be elected by majority vote. Locals may provide in their bylaws for the election of other positions by plurality vote.)

(Note: See Addendum No. 2 for explanation of manner of counting ballots and arriving at the number necessary to constitute a majority.)

- C. The term of office shall be for three (3) years.
- D. The officers shall take office on (date) .

(Note: For further information on the election of Local officers, see the Local Elections Manual in UOPM Part X)

Section 5 - Vacancies

A vacancy in the office of Local President shall be filled by the Local (Executive) Vice President. Vacancies in other offices shall be filled by appointment of the governing body of the Local, subject to approval of the appointment by the Local membership within sixty (60) days.

(Note: The above provision is one way a Local may fill vacancies. Article XV, Section 3(d) of the CWA Constitution also allows a vacancy in the office of President to be filled by election and vacancies in other offices to be filled by election within sixty (60) days.)

ARTICLE XV - STRIKES

The calling, conduct and termination of strikes affecting this Local shall at all times be carried out in compliance with the rules prescribed by the Union and Article XVIII of its Constitution.

ARTICLE XVI - CHARGES, TRIAL AND APPEALS

Section 1 - Charges

Members of this Local may be fined, suspended and/or expelled, in the manner provided in these bylaws, for any of the acts enumerated in Article XIX of the Union Constitution.

Section 2 - Trials

Any accused member, including officers, of this Local shall be tried under the provisions of Article XX of the Union Constitution.

Section 3 - Appeals

A member or officer of this Local, upon being found guilty by a Local Trial Court, may appeal as provided in Article XX of the Union Constitution.

Section 4 - Local Trial Court

A Trial Court of this Local shall be composed of (number of) persons, who are members of this Local and not parties to the proceedings, and who shall be selected by the governing body of the Local.

(Note: If the Local does not have an Executive Board or other governing body, then the members of a Trial Court must be selected by the membership. There should be not less than three nor more than seven persons on the Trial Court.)

ARTICLE XVII - RECALL OF LOCAL OFFICERS

Any elected officer or executive board member of this Local may be recalled in accordance with the provisions of Articles XXI, Section 2, and XXII, Section 8, of the Union Constitution.

ARTICLE XVIII - AMENDMENTS TO LOCAL BYLAWS

After adoption, these bylaws may be amended by either of the following methods:

- A. Majority vote of the members present in the Local meeting, if the proposed amendment has been introduced at a previous membership meeting or has been advertised to the membership by use of the Local newsletter, Bulletin Boards or U.S. Mail, postage prepaid, at least seven (7) days in advance of the meeting; or
- B. Referendum of the membership.

(Note: If it is necessary to amend the bylaws in order to increase dues or initiation fees, the amendment must be by secret ballot either at a membership meeting or by referendum.)

ARTICLE XIX - REFERENDUM OF THE LOCAL

- A. The Local Election Committee shall submit any question(s) to a referendum of the membership when directed to do so by the governing body of the Local or by action of a regular or special membership meeting.
- B. Questions submitted to referendum shall be determined by a majority vote of those voting on the question.

ARTICLE XX - FISCAL YEAR AND AUDIT

- A. The fiscal year of this Local shall be from October 1st of each year to and including September 30th of the succeeding year.
- B. 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 XXI - OATH OF OFFICE

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

"I, _____ (name) _____, hereby accept the office of _____ (name of office) _____ of Local _____ (number) _____, 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."

ARTICLE XXIII - 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 _____.

Revised Bylaws Adopted _____.

Revised Bylaws Adopted _____.

(Note: Be certain to include date of adoption on all copies of your bylaws. As the bylaws are revised and reprinted to include revisions, the original adoption date should be shown, as well as all revision dates.)

ADDENDUM NO. 1

REQUIREMENTS FOR THE LOCAL ELECTION COMMITTEE WHEN A LOCAL PROVIDES IN ITS BYLAWS THAT THE LOCAL PRESIDENT AND OTHER LOCAL OFFICERS SHALL BE A DELEGATE(S) TO CWA CONVENTIONS HELD DURING THEIR TERM OF OFFICE.

* * * * *

NOTICE OF NOMINATIONS

It is required that this language be included in the notice of nominations:

"The nomination of a person for the office of President shall also constitute the nomination of the same person as a delegate to CWA Conventions held during the term of office for which the election is being conducted."

NOTICE OF ELECTION AND THE BALLOT

It is required that this language be included in the notice of election and on the ballot:

"A vote cast for a candidate for the office of President shall also constitute a vote for such candidate to serve as a delegate to CWA Conventions during the term of office for which the election is being conducted, in the event such candidate is elected to office."

(Note: If the Local wishes to include other officers as Convention delegates, these titles are to be listed after the President.)

ADDENDUM NO. 2

A GUIDE FOR THE LOCAL ELECTION COMMITTEE IN COUNTING AND REPORTING BALLOTS CAST

* * * * *

All ballots cast, except blanks, must be counted. Blank ballots are simply ignored and are neither counted nor reported. Ballots which are not cast for actual persons (for example, a ballot cast for Mickey Mouse) are considered as blanks. If two or more filled-out ballots are folded together they are both rejected and reported as one (1) fraudulent vote; however, they are counted as one (1) vote cast. Votes for ineligible persons are rejected and so reported; however, they are counted as votes cast.

EXAMPLE: One hundred (100) ballot papers are found in the ballot box. Three (3) of them are blank; two (2) are filled out but folded together; one (1) is cast for a person who is ineligible to hold office; and ten (10) are cast for a "write-in" candidate. The ballots cast should be counted and reported as follows:

Number of votes cast.....	96(a)
Number necessary for election.....	49
Candidate A received.....	49(b)
Candidate B received.....	35
Candidate C ("write-in") received.....	10

-- Illegal Votes --

Two (2) ballot papers cast for Candidate A (or 1 for A and 1 for B) but folded together.....	1
One (1) ballot for Candidate D (ineligible).....	1

The three (3) blank papers are ignored, and two (2) papers folded together are counted as a single vote cast, thus 96 votes were cast.

Since Candidate A received a majority of the votes cast, he/she is elected.

(Note: For more detailed information concerning the counting and reporting of ballots cast, see *Robert's Rules of Order*.)

3. Bylaws for Purchase of Real Estate by Locals

The following procedure and proposed bylaws section has been prepared as a guide for Locals desiring to purchase real estate for use as a Local Headquarters or for other legitimate purposes.

It should be recognized that the laws of the various states differ as to requirements for an unincorporated association holding title to real estate. It is, therefore, important and necessary that a Local, at the very beginning, consult with an attorney who is familiar with the local real estate laws or with a title company before executing any contract to purchase any real estate.

Any questions or problems regarding the ownership of real estate by a Local can be directed to the CWA Legal Department through the office of the Secretary-Treasurer. Requests for legal assistance may be made in accordance with the procedures established by the District office.

SUGGESTED OUTLINE OF PROCEDURE TO BE FOLLOWED BY ANY LOCAL DESIRING TO PURCHASE REAL ESTATE FOR USE AS A LOCAL UNION HEADQUARTERS OR FOR OTHER LEGITIMATE PURPOSES:

1. The attached suggested amendments to the Bylaws of the Local Union should be adopted at a regular or special meeting of the membership of the Local. The proposed amendments to the Bylaws should be advertised and the meeting held in strict compliance with the present provisions of the Local Bylaws as to amendments.
2. The Local may have a Building Committee consisting of any number of members; however, three members should in most cases be sufficient and a small committee can transact business more conveniently with a lending institution than can a large committee. Three to five members will, in most cases, be adequate.
3. A Building Committee should be appointed or elected as provided by the amendment to the Bylaws.

4. The Building Committee, with the governing body of the Local, should investigate thoroughly property available for use and report to the membership at a regular or specially called meeting. This meeting should be held in accordance with the provisions of the Bylaws as to advertisement of the purpose of the meeting.
5. The majority of the Local membership present at the meeting, at which a quorum must be in attendance, should authorize the Building Committee to enter into such loans and security trust transactions as are necessary to acquire title to the property.
6. The title to the property should, in every case, be approved by an attorney; and title insurance is recommended.
7. Title to the real estate should be taken in the name of each of the members of the Building Committee and their successors in office, as Trustees for the Local, as follows:

"John Doe, Joe Blow and Mary Roe (who comprise the Building Committee of Local 00000, Communications Workers of America), as Trustees for Local 00000, Communications Workers of America, and their successors in office."

8. In every case, a local attorney should be employed to ascertain that all provisions of local law, with reference to the acquiring of title to real estate, are complied with and to ascertain that good title to the property can be transferred to the Building Committee.
9. Funds in respect to the building should be handled exclusively by the treasurer and other officers of the Local regularly handling the funds of the Local so that no additional bonds are required. The treasurer should keep separate records on funds with respect to the Building.
10. The Constitution of the Communications Workers of America prohibits the incorporation of a Local, but where state laws make it inadvisable for a Building Committee to hold title to real estate owned by the Local membership, corporations may be formed with the permission of the International Union.
11. All loans procured, sales and other transactions with reference to the title of the real estate, should be approved by a properly held meeting of the membership prior to their execution by the Building Committee.

4. Building Committee Amendment to Bylaws

The Building Committee shall be appointed by the President and confirmed by the (fill in name of governing body of the Local) . It shall be composed of (number of) members. The Building Committee shall manage and control, under the direction of the (fill in name of governing body of the Local) , and subject to the functions of the Treasurer with respect to the making of disbursements connected therewith, any and all real estate which the Local may acquire for use as a Local headquarters or for the furtherance of any legitimate object of the Local. The members of the Building Committee, for the time being, shall serve as trustees for the Local, under the direction of (fill in name of governing body of the Local) for the purpose of acquiring and holding title to, managing, controlling, borrowing money upon, pledging by way of mortgage or deed of trust any loan secured thereon, leasing, letting, subletting and conveying in fee simple or in any lesser estate any and all real estate which may be acquired or otherwise dealt with for or on behalf of the Local. The foregoing powers shall be exercised only at such times and in such manner as the Local membership may, from time to time, direct by resolution of a majority of the members of the Local present in a regular or special membership meeting of the Local at which a quorum is in attendance.

The (fill in name of governing body of Local) shall have the full and irrevocable power to appoint a substitute trustee or trustees to be exercised at any time, from time to time, without notice and without specifying any reason therefore, the trustee or trustees so appointed to become fully vested with identically the same title and estate in and to the land, premises and property forming the subject matter of the trust, with all the rights, powers, trusts and duties of his or their predecessor in the trust, with like effect as if originally named as one of the trustees

PART XIV: CWA LOCAL FORMS

	Form	Form Number	Mail To:
1.	Deduction of per capita and defense fund for make-up dues paid directly to Local	MLO-80	International Union c/o CWA Membership & Finance
2.	Request deduction of per capita dues for workers who pay dues directly to Local on ongoing basis	MLO-81	International Union c/o CWA Membership & Finance
3.	NABET-CWA Outgoing Members	MLO-91	International Union c/o CWA Membership & Finance
4.	NABET-CWA Transfer Request Form	MLO-99	International Union c/o CWA Membership & Finance
5.	Report changes to Local Bylaws	MLO-110	International Union District Office Bureau of Labor Management Reports IRS with LM Report
6.	Request new or change in dues or initiation fee to employer.	MLO-111	District Office <i>(form must be approved by CWA Staff)</i>
7.	Apply for a new or revised Local Charter	MLO-112	District Office <i>(form must be approved by District Vice President)</i>

	Form	Form Number	Mail To:
8.	Waive Local jurisdiction over a group because: Decertification, employer went out of business, inability to secure contract. Turning over group to another Local. Local is going to merge with another Local.	MLO-113	District Office (<i>form must be approved by District Vice President</i>)
9.	Expand its assigned jurisdiction in order to: Take in a group not presently assigned to another Local or newly organized unit. Take portion of the jurisdiction waived by another Local. Merge with another Local that is waiving their entire jurisdiction.	MLO-114	District Office (<i>form must be approved by District Vice President</i>)
10.	NABET-CWA Incoming Members	MLO-118	International Union c/o CWA Membership & Finance
11.	Member Status Change Notification Member to Non-Member/Agency Fee Payer	MLO-120	International Union c/o CWA Membership & Finance
12.	Report Local discrepancies in Membership Dues Report involving jurisdiction only.	MLO-121	District Dues Coordinator
13.	Request or cancel specific deductions from monthly dues remittance check for CWA projects/programs. For example, State political councils, etc.	MLO-124	International Union c/o CWA Membership & Finance

	Form	Form Number	Mail To:
14.	Set up a Direct Deposit Authorization for Local Dues Remittance	MLO-125	International Union c/o CWA Membership & Finance
15.	Request a Dues Split Change	MLO-126	District Office <i>(form must be approved by District Vice President)</i>
16.	IUE-CWA Administrative Option for Flat Rate Dues Structure	MLO-127	IUE Sector Office <i>(form must be approved by Sector office)</i>
17.	Supply a small employer with a standard reporting form.	MLO-504	Employer
18.	Organizing New Project Notice	Form 2	Local/District Organizer
19.	Organizing Project Dropped Notice	Form 3	Local/District Organizer
20.	Organizing Progress Report	Form 4	Local/District Organizer
21.	Request for Organizing Funds	Form 8	Local/District Organizer
22.	Project Completion Notice	Form 9	International Union c/o CWA Membership & Finance
23.	Organizing Change/Deletion Notice	Form 9A	International Union c/o CWA Membership & Finance
24.	Organizing Decertification Quarterly Report	Form 10	Local/District Organizer

	Form	Form Number	Mail To:
25.	Organizing Representation Authorization Card	Form 0-100	Local/District Organizer
26.	CWA Members' Relief Fund Striker Certification Form	DFR-1	District Fund Agent
27.	CWA Members' Relief Fund Reimbursement and Reporting Form	DFR-2	District Fund Agent
28.	Striker's Assistance Record	DRF-4	Local internal use.
29.	Strikers' Application for Assistance	DFR-5-1	Local internal use.
30.	CWA Strike Counsellors' Data and Recommendations	DFR-5-2	Local internal use.
31.	Local Expense Voucher	H-100	Local internal use.
32.	Monthly Credit Card Expense Report	H-101	Local internal use.
33.	Retired Members' Council Lifetime Membership Application	RMC-01	International Union c/o Retired Members Council
34.	Retired Members' Council RMC Lifetime Membership Gifted & Retiree Chapter Membership Application	RMC-02	International Union c/o Retired Members Council
35.	Retired Members' Council Chapter Membership Updates	RMC-03	International Union c/o Retired Members Council

	Form	Form Number	Mail To:
36.	Labor Organization Bond Coverage Request for Retired Members' Chapters	RMC-04	International Union c/o Compliance Department
37.	Retired Members' Chapter Request for Information	RMC-05	International Union c/o Retired Members Council
38.	Retired Membership Card Program	RMC-06	International Union c/o CWA Office of Special Programs
39.	Application for Charter CWA Retired Members' Council	RMC-07	International Union c/o Retired Members Council
40.	CWA Retired Members' Chapter Officer Update	RMC-08	International Union c/o Retired Members Council

For these, and all other forms, visit the CWA website, www.cwa-union.org under “For Locals” and click on “Forms”.

PART XV: Local Trials and Appeals; Internal Appeals Procedures; Reinstatement Procedure; and Member Discipline

1. Local Trial Procedures

ARTICLE XX CWA CONSTITUTION

I. CHARGES, DUTIES AND RIGHTS

A. Charges Against Members

1. Charges must be:
 - a. In writing;
 - b. Signed and sworn to by the accuser (Notary Public not required).
 - c. Filed with the recording officer of the Local of which the accused is a member (if accused is recording officer, file charges with President of Local); and
 - d. Submitted within sixty (60) days of the time the accuser becomes aware of the alleged offense.

2. Charges must also:
 - a. Contain an allegation of the facts constituting the offense, and
 - b. State the approximate date or dates on which the offense is alleged to have occurred.
 - c. Contain a specification of the offense set forth in Article XIX, Section 1, that is alleged to have occurred.
 - d. Contain the date on which the charges are filed.
 - e. Contain the date on which the accuser became aware of the offense, particularly in a case where the accuser files the charges within sixty (60) days of the date he/she became aware of the alleged offense, but

more than sixty (60) days after the date on which it is alleged to have happened.

B. Duties of recording officer (or President where recording officer is the party accused)

1. Make record of date and time charges received and acknowledge receipt of the charges with a notation of the date received. Such acknowledgement should be sent to the accused.
2. Notify governing body (Local Executive Board of the Local of the receipt of the charges).

C. Duties of the Governing Body (Local Executive Board) of the Local

Upon receipt of notice that charges against a member have been filed with the recording officer or President, as is appropriate, the governing body should take the following steps:

1. Determine whether the charges filed conform to the requirements of Article XX, Section 2 of the CWA Constitution as outlined in A above.
 - a. If the charges do not meet the requirements of the Constitution, the charges should be returned to the accuser together with a memorandum stating the defects.
 - b. If the charges meet the requirements of the Constitution, the following steps should be taken:
 - 1) Have a copy of the charges served upon the accused.
 - By registered mail, return receipt requested, or
 - By personal service on the accused; in which case, the person serving the charges should file with the recording officer a signed written statement of the date and time the charges were served on the accused.

- 2) A sufficient number of copies of the charges should be made available for use of the following persons:
 - Recording officer of the Local,
 - Accused member and his/her counsel,
 - Prosecutor and accuser,
 - Each member of the court.
- 3) Randomly select a court, composed of not less than three (3) or more than seven (7) members of the Local, who are not parties to the proceeding. Designate one member of the court to be chairperson. The random selection may be by choosing every 5th member on the membership list, putting all stewards names in a hat and selecting names or basically any method where the chances of being selected are the same for all.
- 4) Appoint a member of the Local to serve as a prosecutor.
- 5) The governing body (Local Executive Board) of the Local may also appoint or select members of the Local, who are not parties to the proceeding, to serve at the trial as a recorder and a clerk.
- 6) The recorder is responsible for making an accurate record of the trial proceedings. When it is considered desirable by the governing body, the recorder may engage a stenographer, recording machine or a video to faithfully report the proceedings.
- 7) Designate the clerk to make the necessary physical arrangements for the trial, such as place, equipment, etc.

D. Duties of the Prosecutor

1. The prosecutor is responsible to assist the accuser in the trial and presentation of evidence and must conduct an investigation before the Trial Court is convened.
2. If, after the investigation, the prosecutor is of the opinion that there is no probable cause to believe that a violation punishable under Article XX has been committed, the prosecutor shall report the findings in writing to the governing body of the Local with a recommendation that the charge not

be prosecuted. Copies of the findings and recommendation shall be delivered to the accuser and the accused. The prosecutor's recommendation shall become final unless appealed by the accuser within thirty (30) days after receipt. The accuser should file such an appeal with the Local in accordance with the CWA Internal Appeals Procedures.

E. Rights of the Accused

1. Select a member of the Local as counsel.
 - a. The accused shall be allowed a reasonable period of time in which to select counsel.
 - b. Counsel should be allowed a reasonable period of time in which to assist the accused in the preparation of his/her case.

2. Trial held speedily
 - a. The accused must be tried without undue delay.
 - b. A reasonable period of time should be allowed for all parties to prepare for trial.

3. Due notice of the trial
 - a. The accused must be notified within a reasonable period of time in advance as to the time and place of trial. (The chairperson of the trial court or the prosecutor should cause this notice to be issued.)
 - b. Notice of trial may be given by one of the methods suggested by registered mail, return receipt requested or by personal service. (See I.C.1.b. above.)
 - c. The accused should also be notified of his/her rights under the Constitution and Bylaws. (See E.3.d.below)
 - d. A suggested form of notice of the trial and the rights of the accused is as follows:

Dear _____:

On date , you were served with copies of charges brought against you by _____ .

You are hereby notified that your trial on these charges will be held on date , place and time.

Under the CWA Constitution, Article XX, Section 3, paragraph 4, you have the right to select a member of the Local as counsel, the right to produce witnesses, present documentary evidence and to be heard on your own behalf. You will have the opportunity to cross-examine witnesses.

All witnesses shall testify under oath.

If you require more time to prepare your defense, please contact _____, the chairperson of the Trial Court in your case and arrange for a reasonable delay of the trial.

Very truly yours,
Chairperson Trial Court

4. During trial
 - a. To be represented and assisted by a member of the Local as counsel.
 - b. To produce witnesses, present documentary evidence and to be heard on his/her own behalf.
 - c. To have the opportunity to cross-examine witnesses.

II. PRE-TRIAL PREPARATION, ACCUSER, PROSECUTOR, ACCUSED, COUNSEL FOR ACCUSED

A. Investigation of an Alleged Offense by Both Prosecution and Defense

1. All facts relating to an alleged offense should be investigated just as soon as possible after charges have been filed.
 - a. Witnesses should be interviewed.
 - b. Signed statements of witnesses should be obtained.
 - c. Pertinent documents, if any, should be copied or reproduced.

2. During the investigation it is necessary to keep in mind just what must be proved at a trial so as to develop proper facts.

Example: It is charged that a member willfully violated the Local Bylaws. At a trial it will be necessary to prove that the accused knew he/she violated the Bylaws.

Likewise, the accused will seek to prove that he/she did not know what he/she did was a violation. Therefore, the investigation must develop these facts.

3. Generally, there are two sides to every question. Therefore, possible arguments, etc. should be anticipated and investigated for the purpose of preparing against them.

B. Planning the Case for Trial

1. Any case should be completely prepared before the trial in order to eliminate any uncertainty as to just what should be done at any stage of the trial.

2. Some type of an outline of the case would be very helpful to the accuser and prosecutor and to the accused and his/her counsel.
 - a. Outline each step of the case as it is intended to be presented to the court.
 - b. Summarize the important facts.

- c. List each witness in the order they are to testify.
- d. Indicate along with each witness' name just what is to be proved by his/her testimony.
- e. Summarize each witness' story.
- f. Arrange the signed statements of witnesses in the order they are to testify.
- g. Arrange documents in the order they are intended to be used and indicate what is intended to be proved by each document.
- h. Summarize the allegations contained in the charges.
- i. Summarize the defense.
- j. Indicate the provisions in the Constitution or Bylaws which are relied on in any manner.
- k. Extra copies of the constitutional provisions might be helpful to each member of the court.

III. PHYSICAL ARRANGEMENTS FOR TRIAL

- A. Arrangements for the trial should be made, and the trial room set up, in advance of the time set for trial so as to preclude unnecessary delay in getting underway with the proceedings.
- B. Every effort should be made to hold the trial in a large enough room to comfortably accommodate all parties and participants in the proceedings.
- C. An actual courtroom arrangement and atmosphere would aid in the orderly and serious conduct of the trial.
 1. The members of the court should be seated together behind one table at the head of the room.
 2. The accuser and prosecutor should be seated together facing the court at a table located at one side of the center of the room, and the accused and his/her counsel similarly situated on the other side, with adequate space separating the opposing parties.
 3. A table and chair should be placed in the middle of the two opposing sides for witnesses to testify

4. The recording device should be at a table near the members of the court.
 5. The clerk, if there is one, should be seated near the recorder.
- D. It would be good if there is an adjoining room wherein the witnesses may await their turn to testify, if it is necessary to separate the witnesses.
- E. Pencils and paper should be plentiful for those needing them, and pitchers of drinking water and glasses should be set up.

IV. TRIAL PROCEDURES

A. Duties and Responsibilities of the Participants

1. The court must render a decision without bias or prejudice, based on all the evidence presented, and if the accused be found guilty, impose a penalty.
 - a. In some cases it may be practically impossible to select a court consisting of members who do not know the facts or who have not formed an opinion. However, the members of the court are duty bound not to permit knowledge or opinions to enter into or interfere in any way with the decision they render or the penalty they impose.
 - b. The decision and penalty can only be based on all of the evidence presented at the trial.
 - c. A decision that the accused is guilty must be founded upon a moral conviction of the truth of the charges.
 - d. Each member of the court should be in attendance throughout the entire course of the trial.
 - e. The court should act conscientiously and fairly in all matters pertaining to the trial.

- f. The court should not attempt to limit or restrict the introduction of evidence as in a court of law where technical rules of evidence are followed.
- 2. The prosecutor must assist the accuser in the trial and present evidence.
 - a. He/she should be in attendance throughout the course of the trial in order to properly perform his/her duties.
 - b. He/she should conduct himself/herself in a fair and conscientious manner at all times.
 - c. He/she should see to it that the case is presented as expeditiously as possible.
 - d. He/she should not engage in argument with the accused or his/her counsel, but should direct himself/herself at all times to the court.
 - e. Nor should he/she argue with the witnesses for either side.
 - 3. A faithful record of the proceedings must be made; therefore, it has been suggested that the governing body of the Local appoint or select a recorder who will either make or cause to be made through a stenographer, a recording machine or video a record of the proceedings.
 - a. The recorder should be in attendance throughout the course of the trial.
 - b. He/she should not enter into the proceedings, except when necessary to request that something be repeated in order that he/she may accurately record it.
 - c. He/she should make a complete and accurate record, using the spoken word rather than his/her own interpretation whenever possible.
 - d. He/she must keep in mind that the record he/she makes will be reviewed in the event of an appeal, and the decision on appeal will be based in large part upon that record.

4. All witnesses must testify under oath. The trial panel chairperson can swear in the witnesses. The chair should also mark all exhibits, documents, etc., received in evidence. The Local can appoint a clerk of the court to perform these duties.

B. Presentation of the Accuser's Case

1. A brief opening statement may be made by the prosecutor for the purpose of informing the court just what the matter is all about. The case should not be argued in these opening remarks. They should briefly state:
 - a. Who the accused member is;
 - b. What happened and what the offense is;
 - c. When and where it happened; and
 - d. How he/she intends to prove his/her case by giving an idea as to the type of evidence that will be presented.
2. The counsel for the accused or the accused may also make an opening statement following the statement by the prosecutor or such statement may be postponed until the beginning of the accused member's case (See IV.C.1. hereafter.)
3. Direct examination of witnesses for the accuser and introduction of documents.
 - a. This is a step-by-step process by which the case is proved in a logical manner by the prosecutor.
 - b. If the case has been planned as suggested above, the trial should proceed in an expeditious and orderly manner.
 - c. The accused should be given an opportunity to inspect each document before it is received in evidence.
4. Cross-examination of accuser's witnesses by the accused.

- a. He/she may cross-examine a witness upon completion of the direct examination, or he/she may choose not to cross-examine a witness.
 - b. Cross-examination should generally be limited to those matters about which the witness testified on direct examination.
5. A witness for the accuser who has been cross-examined may again be questioned by the prosecutor, and so on until neither the prosecutor nor the accused has any further questions to ask the witness.
6. If necessary, the prosecutor or counsel for the accused may recall a witness for additional testimony.
7. The trial should not be prolonged by a lot of repetitious or unnecessary questions during either direct or cross-examination.
8. It is not necessarily important to rebut each and every statement or piece of evidence that differs from the facts developed by the accused.
9. When the accused is cross-examining a witness or presenting his/her side of the case, the prosecutor and accuser should make notes of the important statements which they wish to rebut.
10. The accuser's case should be completed before the accused presents his/her case.

C. Presentation of the Accused Member's Case

1. The counsel for the accused or the accused may make an opening statement at this time if it has been postponed. (See IV.B.2. above)
2. Direct examination of witnesses for the accused and introduction of documents.
 - a. The accused will attempt to disprove the accuser's case or offer mitigating facts or circumstances.
3. Cross-examination of the witnesses for the accused by the prosecutor.

- a. Attempt to elicit facts that will tend to prove the accuser's case or that will tend to discredit the direct testimony of the witness.

D. Summary

After the accused has completed his/her case, the prosecutor and the accused or the counsel for the accused should be given an opportunity to briefly summarize and argue their respective cases before the court adjourns to make its decision. The prosecutor should make the first summation, followed by the summation by the accused or his/her counsel, with the right of the prosecutor to close the argument in rebuttal.

E. Decision of the Court

1. If the accused member is found guilty of the charges against him/her, he/she may be fined, suspended and/or expelled.
2. Notice of the decision and penalty, if any, must be given in writing to the accused within five (5) days after the close of the trial. Such notice must be given by personal service or certified mail receipt.
3. The accused member should also be notified of his/her right to appeal and the method to appeal at the same time.
4. If the accused is found not guilty, the matter is closed. The accuser does not have the right of appeal.
5. A suggested form of notice and decision of the trial court is as follows:

Dear Member:

It is the decision of the Trial Court that you are guilty (or not guilty) of the charges brought against you by _____ .

* The Court, therefore, has determined the following penalty:

- A. You shall be fined the sum of \$_____.
- B. You shall be suspended from membership in the Union for a period of _____ days.

C. You shall be expelled from membership in the Union effective _____.

You have the right to appeal this decision of the Trial Court to a membership meeting of the Local within thirty (30) days of the date of this letter. The Local may affirm or reverse the decision or reduce the penalty. In the event you appeal to the membership of the Local, the penalties will be suspended pending the appeal.

Chairperson of the Trial Court

* Only use this paragraph when member is found guilty. Also only use applicable penalties.

V. APPEALS

- A. Upon being found guilty by a court, the member may appeal the decision of the court. If an appeal is filed as outlined below, the sentence of the trial court shall not be made effective pending final decision on all steps of appeal, (except that the Local, at the first appeal step, may suspend the accused pending the final decision on an appeal). Only the accused may appeal trial court decision or decisions resulting from appeals.
1. The accused has the right to refer the matter to a Local membership meeting 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 (Local Executive Board).
 - a. Appeals shall be filed with the recording officer of the Local (or President where recording officer is the accused).
 - b. The presiding officer at the membership meeting should read to the meeting the charges against the accused and the decision of the trial court.
 - c. The accused or his/her counsel should then be given an opportunity to state to the members assembled in the meeting why the decision of the trial court should be reversed or the penalty modified.
 - d. The prosecutor or the accuser should be given an opportunity to state why the decision of the trial court should be sustained.
 - e. The accused or his/her counsel should be given an opportunity to reply, if they so desire.
 - f. The meeting, thereafter, shall proceed by motion under Robert's Rules of Order to reach a decision with respect to the appeal.
 - g. If the accused appeals but is not present at the membership meeting, the appeal should still be heard and the accused notified of the decision using one of the notification methods set forth in Section I.C.1.b. above.
 2. The accused has the right to appeal from the final decision of the Local to the National Executive Board of the Union within thirty (30) days after the final decision of the Local, by directing his/her appeal in writing to the Secretary-Treasurer of the Union. The decision of the National Executive Board is based upon the record of the case.

3. The accused has the right to appeal from the decision of the National Executive Board of the Union to the next Convention or Presidents' Meeting by giving written notice of appeal to the Secretary-Treasurer of the Union within thirty (30) days after the decision of the Executive Board.
4. The accused may appeal directly to the Convention, or Presidents Meeting if the Executive Board has failed to render a decision within thirty (30) days preceding the Convention.

2. Common Problems Involving Local Trial Procedures

A. PROCEDURAL PROBLEMS

1. Time Limits

The most common problem concerning Local trial procedures is that time limits are missed. Article XX contains two time limits which the accuser or Local Trial Court must meet.

First, the charges must be submitted within sixty (60) days of the time the accuser becomes aware of the alleged violation. {Article XX, Section 2(b)} Charges submitted after that time should be rejected by the Executive Board of the Local and returned to the accuser with an explanation of the defects. {See UOPM Part XV, Paragraph I.C.1.a.}

The second time limit which the Local must meet is set forth in Article XX, Section 3(b)(6) of the Constitution. The accused must be informed of the Trial Court's decision and penalty, if any, within five (5) days after the close of the trial. Failure to meet this time limit may result in a reversal on appeal. The requirement of notice must be satisfied by personal service or certified mail receipt. {See Article XX, Section 3(a)(6).}

In addition to the time limits which the accuser and Trial Court must meet, there are time limits which the accused must meet in order to appeal an adverse trial decision. The accused has thirty (30) days after being found guilty to appeal to the membership. {See Article XX, Section 4(a)(1).} For this reason it is useful to note the date that the accused received notice of the decision because it starts the thirty (30) day period. The Local is not required to accept any appeal to the membership if it is submitted after the thirty (30) day period. It may, however, extend the time limit for an additional period not to exceed thirty (30) days. {Article XX, Section 4(c)}

2. Requirements for Charges

Another common problem is the failure to comply with the requirements for charges. Article XX, Section 2(a) requires charges to be in writing, signed and sworn. Section 2(c) requires that they contain an allegation of facts, including approximate dates, which constitute the alleged offense. In many cases, the charges are not sworn. While the lack of sworn charges may be overcome in cases where there is sworn testimony against the accused at trial, every effort should be made to see that the charges are sworn. The "swearing" that is required need not include "so help me God." A single statement to the effect of "I swear that the foregoing is true and correct to the best of my knowledge" at the end of the charge is sufficient.

Charges also often fail to contain an allegation of facts. The CWA Constitution requires that a charge 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." Thus, the charges should contain an allegation of facts which is detailed enough to inform the Local and the accused of the alleged offense.

In addition, Article XX, Section 3(a)(2) requires the prosecutor to conduct an investigation after charges are filed and to determine whether there is probable cause to believe that a violation punishable under Article XX has been committed. If the prosecutor determines that there is no probable cause, he is required to report his findings to the Local Executive Board with a recommendation that the charge not be prosecuted. If the facts alleged do not constitute a violation of the Constitution or Local Bylaws, they are not punishable under Article XX and the prosecutor should find no probable cause.

3. Notification of Charges, Trials and Trial Court Decisions

A common basis for appeals of Trial Court decisions is that the accused did not receive adequate and timely notice of the charges, the trial and/or the Trial Court decision. As noted above, the Constitution requires notice of the Trial Court's decision within five (5) days by certified mail or personal service. While not required, it is recommended that notice of the charge and notification of the trial date be made in the same manner.

B. PROOF PROBLEMS – CONDUCT OF TRIAL

1. Sworn Testimony

Article XX, Section 3(a)(5) requires all witnesses to be sworn. The accused also has the right to cross-examine witnesses against him. Therefore, signed affidavits alone are insufficient because the use of such evidence denies the accused the right to cross-examination. Thus, in most cases, it will be necessary for the prosecutor to present direct testimony of witnesses.

2. The No-Show Accused

In the event the accused does not appear at the trial, the prosecutor must still present his or her case and provide the Trial Court with evidence upon which it may make a decision.

3. Proof

In order to find a violation of the CWA Constitution or Local Bylaws, the Trial Court must find actual proof of the charges based on the evidence submitted at the trial.

For example, if the charge is working during a duly authorized strike, there must be some evidence that there was a duly authorized strike; that the charged member did work and that the establishment he or she worked for or in was being struck by the Union or a Local. {See Article XIX, Section 1(e).} It is not sufficient to merely prove that the individual was being paid. It is important that there be proof as to each day the member worked. There can be no assumptions that because he or she worked the first day that the member scabbed the entire time.

4. Remedies

The CWA Constitution provides that members may be fined, suspended and/or expelled by a duly constituted Local Trial Court. While it is the responsibility of the Trial Court after a fair trial to determine what discipline, if any, should be imposed, certain legal precedents have been established of which you should be aware.

Should the Local expel a member for strike-breaking, the National Labor Relations Act prohibits any attempt to seek his or her discharge for nonpayment of dues (or dues equivalent in agency fee situations). Similarly, the Local could not seek the discharge of a member because he or she had not paid dues or dues equivalent during a period of suspension from membership.

It is clear that a union which meets the fair trial requirements of the CWA Constitution may fine a member for violating a lawful union rule. A fine may be levied in addition to a period of suspension.

Should the member refuse to pay such fine, the Local may enforce the payment of the fine by an action in state court. Many of our Locals have been successful in such actions. In deliberating as to the amount of any fine to be imposed, you should bear in mind that the courts will consider the reasonableness of the fine in deciding whether a particular fine will be enforced. The fine should bear some relationship to the wrong committed. One consideration might be the ill-gotten wages earned by a member during the strike. Nevertheless, it will be the good judgment of the Trial Court which will determine what discipline should be imposed in the first instance.

3. Internal Appeals Procedures

The purpose of these appeal procedures is to provide reasonable regulations for the consideration and review of complaints of members regarding actions of the Union or Local, or Union or Local Officers or governing bodies, which are alleged to be in violation of the Union Constitution, Local Bylaws, rights and privileges of members. These procedures are not available to challenge a Local's decision on membership eligibility.

The appeal procedures set forth herein are in addition to those provided in the Union Constitution which govern (1) appeals from decisions of the Executive Board—Article VII, Section 1, Paragraph (b); (2) appeals from revocations of Local charters—Article XIII, Section 6; and (3) appeals from decisions of trial courts—Article XX, Section 4; and are also in addition to any other appeal procedures provided in Local Bylaws or rules.

The authority for these appeal procedures is set forth in the Union Constitution, Article IX, Section 7:

"The Executive Board of the Union shall establish reasonable appeal procedures within the structure of the Union to review complaints of members which allege violation of the Constitution, Local Bylaws or the rights and privileges of members."

Appeals from the decision of a Local with reference to the conduct and challenge of Local elections under Article XV, Section 4 of the Union Constitution shall be governed by Section 1 (c) of these appeal procedures.

A Local, with Executive Board approval, that negotiates contracts, handles all grievances, arbitration cases, legal expenses and dues collection in those bargaining units that do not exceed 150 potential members may be rebated 70% of the dues collected for that bargaining unit. These Locals are known as '70/30 split Locals.' Where a "70/30" split Local makes a decision not to arbitrate a grievance, the grievant shall have no internal appeal rights under these procedures and the Local shall so advise the grievant.

I. COMPLAINTS AGAINST THE LOCAL, ITS OFFICERS OR GOVERNING BODY

A. The Complaint

1. All complaints shall be:

- a. In writing;
- b. Signed by the complainant;
- c. Filed with the Secretary or Secretary-Treasurer of the Local of which the complainant is a member; however, if the complaint is about the action of such officer, then it shall be filed with the Local President; and
- d. Submitted within sixty (60) days of the time the complainant became aware of the alleged violation.

2. The complaint shall also:

- a. Contain an allegation of the facts on which the complaint is based, including applicable dates;
- b. Specify the nature of relief sought; and
- c. Shall state that it is filed in good faith.

B. Consideration of the Complaint

1. The complaint shall be placed on the agenda of the next regular Local general membership meeting after the date the complaint is filed, provided, however, that where such a meeting is not scheduled, or otherwise will not be held, within thirty (30) days after the filing date, or where Local membership meetings are held by areas, sections or units, the complaint shall be placed on the agenda of the next regular meeting of the governing body of the Local. In the event the complaint is not considered by either the Local membership or the Local governing body within ninety (90) days, the complaint may be filed directly with the President of the Union within one hundred twenty (120) days from the date of original filing.

In the event the complainant demonstrates that there is a willful refusal by the Local officers, the Local membership or the Local governing body to consider the complaint, a copy of the complaint may be filed with the President of the Union by the complainant. Complaints filed directly with the President may be referred by the President to the appropriate geographical Vice President for

handling under the provisions of Section I (C)(2) of these Appeals Procedures or in the discretion of the President retained for handling under Section II(B)(1) and II(C)(1) of these Appeals Procedures.

2. Upon consideration of the complaint, either at a general membership meeting or meeting of the governing body, it shall be determined what action, if any, is to be taken with reference to the complaint, and the complainant shall be so notified in writing within five (5) days of the date of decision.
3. Regardless of which body considers the complaint, the decision reached shall be recognized as being the decision of the Local.

C. Appeal

1. The decision of the Local may be appealed in writing to the appropriate geographical Vice President within thirty (30) days following the date of the notice of the Local's decision.
2. The Vice President shall take whatever steps are deemed necessary to secure the facts of the matter complained about, which may include investigation and the obtaining of all records of the matter in possession of the Local, its officers or governing body.
3. The Vice President shall review the complaint and within thirty (30) days affirm, reverse or modify the decision of the Local, or return the complaint to the Local with such direction or order as may be determined to be appropriate. He or she shall notify interested parties of his or her action.
4. The decision of the Vice President may be appealed in writing by the complainant or the Local to the President of the Union within thirty (30) days following the date of the notice of the Vice President's action.
5. The President shall take whatever steps are deemed necessary to secure the facts of the matter complained about, which may include an investigation and the obtaining of all records of the matter in the possession of the Vice President, the Local, its officers or governing body.
6. The President shall review the complaint and within thirty (30) days affirm, reverse or modify the decision of the Vice President, or return the complaint

to the Vice President with such direction or order as may be determined to be appropriate. He or she shall notify interested parties of his or her action.

7. The decision of the President may be appealed in writing by the complainant, the Vice President or the Local to the Executive Board of the Union within thirty (30) days following the date of the notice of the President's decision. The appeal shall be filed with the Secretary-Treasurer of the Union.
8. The Executive Board shall review the complaint and affirm, reverse or modify the decision of the President.
9. The Executive Board shall base its decision upon the record of the matter, including such statements as may be filed by the complainant, the Local, the Vice President or the President, and any other facts that may be developed.
10. There shall be no right to appear personally before the Union Executive Board, except at the invitation of the Executive Board.
11. Interested parties shall be notified in writing of the decision and action of the Executive Board.
12. The decision of the Executive Board may be appealed to the next Convention **or Presidents' Meeting by giving notice of appeal in writing to the Secretary-Treasurer of the Union within 30 days after the decision.** As provided more fully in Article IX, Section 7 **of the CWA Constitution**, commencing immediately after the 2011 CWA Convention, all appeals **of Executive Board decisions** pending in non-Convention years may be heard and resolved by delegates to a Local Presidents' meeting to be called by CWA Secretary-Treasurer. **If the Executive Board's decision is issued less than 30 days before the Convention or Presidents' Meeting, the appellant shall have the option of filing an appeal prior to that Presidents' Meeting or Convention or exercising the full 30 day appeal period and waiting until the next scheduled Convention or Presidents' Meeting for a decision.**

II. COMPLAINTS AGAINST THE UNION, ITS OFFICERS OR EXECUTIVE BOARD

A. The Complaint

1. All complaints shall be:

- a. In writing;
- b. Signed by the complainant;
- c. Filed with the President of the Union, however, if the complaint is about the action of such officer, then it shall be filed with the Union Secretary-Treasurer and considered by the Executive Committee subject to appeal to the Executive Board and to the CWA Convention and/or, in non-Convention years, subject to appeal to the delegates to a Local President's meeting called by the CWA Secretary-Treasurer, as provided more fully in Article IX, Section 7, and
- d. Submitted within sixty (60) days of the time the complainant became aware of the alleged violation.

2. The complaint shall also:

- a. Contain an allegation of the facts on which the complaint is based, including applicable dates;
- b. Specify the nature of relief sought; and
- c. Shall state that it is filed in good faith.

B. Consideration of the complaint

1. The President shall determine what action, if any, is to be taken within thirty (30) days and notify interested parties.
2. In the event such complaint is against the President, the Executive Committee shall determine what action, if any, is to be taken within thirty (30) days and cause interested parties to be notified.

C. Appeal

1. The decision of the President may be appealed to the Executive Committee of the Union in writing within thirty (30) days of the notice of the President's decision, and shall be filed with the Union Secretary-Treasurer.
2. The complaint shall be placed on the agenda of the next Executive Committee meeting after the date the appeal is filed.
3. The Executive Committee shall review the appeal and affirm, reverse or modify the decision of the President within thirty (30) days and cause interested parties to be notified.
4. The decision of the Executive Committee may be appealed in writing to the Executive Board within thirty (30) days of notice of the Executive Committee decision, and shall be filed with the Union Secretary-Treasurer.
5. The complaint shall be placed on the agenda of the next Executive Board meeting after the date the appeal is filed.
6. Upon consideration of the appeal, the Executive Board shall determine what action, if any, is to be taken with reference to the complaint, and interested parties shall be so notified in writing.
7. There shall be no right to appear personally before the Union Executive Board, except at the invitation of the Executive Board.
8. The decision of the Executive Board may be appealed to the next Convention or **Presidents' Meeting by giving notice of appeal in writing to the Secretary-Treasurer of the Union within 30 days after the decision.** As provided more fully in Article IX, Section 7 **of the CWA Constitution,** commencing immediately after the 2011 CWA Convention, all appeals of **Executive Board decisions** pending in non-Convention years may be heard and resolved by delegates to a Local President's meeting to be called by CWA Secretary-Treasurer. **If the Executive Board's decision is issued less than 30 days before the Convention or Presidents' Meeting, the appellant shall have the option of filing an appeal prior to that Presidents' Meeting or Convention or exercising the full 30 day appeal period and waiting until the next scheduled Convention or President's Meeting for a decision.**

III. ARBITRATION COMPLAINTS

In the event a Vice President determines not to arbitrate a grievance, either the Local or the grievant(s) may file a complaint.

In the event the Local does not file the initial arbitration complaint of a Vice President's decision not to arbitrate a grievance, the Local's right to file a complaint or to appeal at any level of the Internal Appeals Procedures shall be extinguished.

In cases where either the Local or the National Union settles a grievance, the grievant will have no further right to appeal pursuant to these appeals procedures.

A. The Complaint

1. A complaint of a Vice President's decision not to arbitrate a grievance shall be:
 - a. In writing;
 - b. Signed by the complainant;
 - c. Filed with the President of the Union; and
 - d. Submitted within thirty (30) days of the notice of the Vice President's decision.

B. Consideration by the President of the complaint

1. The President shall take whatever steps are deemed necessary to secure the facts of the matter complained about which may include an investigation and the obtaining of all records of the matter in the possession of the Vice President, the Local, its officers or governing body.
2. The President shall review the complaint and within thirty (30) days affirm, reverse or modify the decision of the Vice President, or return the case to the Vice President with such direction or order as may be determined to be appropriate. He or she shall notify interested parties of his or her action.

C. Appeal of President's decision

1. The decision of the President may be appealed in writing by the grievant(s), the Vice President or the Local, if otherwise appropriate, to the Executive Board of the Union within thirty (30) days following the date of the notice of the President's decision. The appeal shall be filed with the Secretary-Treasurer of the Union.
2. The Executive Board shall review the appeal and affirm, reverse or modify the decision of the President.
3. The Executive Board shall base its decision upon the record of the matter, including such statements as may be filed by the grievant(s), the Local, the Vice President or the President, and any other facts that may be developed.
4. There shall be no right to appear personally before the Union Executive Board, except at the invitation of the Executive Board.
5. Interested parties shall be notified in writing of the decision and action of the Executive Board.
6. The decision of the Executive Board on an appeal by a grievant shall be final and the grievant shall have no further right of appeal.
7. The decision of the Executive Board may be appealed by a Local or the Vice President, if otherwise appropriate to the next Convention or President's Meeting by giving notice of appeal in writing to the Secretary-Treasurer of the Union within 30 days after the decision. As provided more fully in Article IX, Section 7 of the CWA Constitution commencing immediately after the 2011 CWA Convention, all appeals of Executive Board decisions pending in non-Convention years may be heard and resolved by delegates to a Local President's meeting to be called by CWA Secretary-Treasurer. If the Executive Board's decision is issued less than 30 days before the Convention or President's Meeting, the appellant shall have the option of filing an appeal prior to that President's Meeting or Convention or exercising the full 30 day appeal period and waiting until the next scheduled Convention or President's Meeting for a decision.

Motion: Move that the appeals procedures as amended be adopted. Adopted: By the CWA Executive Board, April 19, 2012.

4. Reinstatement Procedure

PERSONS EXPELLED OR SUSPENDED BY UNION TRIAL COURT FOR DUAL UNIONISM

The purpose of this procedure is to provide reasonable regulations for consideration and review of requests for reinstatement to membership in good standing in the Union by persons expelled or suspended by Union Trial Courts for dual unionism.

This procedure shall be applicable upon exhaustion of the procedures for appeal provided in Article XX, Section 4 of the Constitution. In the event a person expelled or suspended has not exercised the right of appeal under the Constitution, this procedure may be invoked by the Executive Board.

1. Application for reinstatement to membership in good standing in the Union shall be:
 - a. in writing;
 - b. signed by the person expelled or suspended, properly notarized and filed with the Secretary-Treasurer of the Union.
2. The application shall:
 - a. contain a statement of justification of the request for reinstatement;
 - b. specify the Local in which reinstatement of membership is sought, and
 - c. assert that the application is filed in good faith.
3. The Secretary-Treasurer, upon receipt of such application for reinstatement to membership in good standing, shall so notify the appropriate Local, and each member of the Executive Board of the Union.
4. The Executive Board or other governing body of the Local shall within thirty (30) days vote on the question of reinstatement to membership, and certify to the Union Secretary-Treasurer the result of said vote in writing. The Local may submit whatever recommendations it deems appropriate in connection with reinstatement.

5. The Secretary-Treasurer shall then refer the entire matter to the Executive Board of the Union at least thirty (30) days before the next scheduled meeting of the Board.
6. The Executive Board of the Union shall consider and review the application for reinstatement to membership. A 2/3 majority vote of the Executive Board shall be required for reinstatement, and then, only after the applicant for reinstatement has executed a notarized "Oath of Obligation" as follows: "I, _____, do freely and voluntarily swear that I will truly and faithfully execute the responsibilities of membership in the Communications Workers of America. I further swear that I will support and defend the Union, its Constitution and its jurisdiction against all enemies and will, to the best of my ability, abide by all its duly constituted policies and rules, both local and national. I take this oath and assume this obligation without any reservation whatsoever." The Executive Board may impose whatever terms and conditions, not inconsistent with the Constitution, that it deems appropriate in connection with this reinstatement.
7. The Secretary-Treasurer shall notify the applicant and the appropriate Local of the decision of the Executive Board.

5. Member Discipline

Local Unions often fine or otherwise discipline members who violate Local bylaws or rules, such as crossing a duly authorized picket line.

While it is entirely permissible for a Local to take such action and, in the appropriate case, seek enforcement and collection of fines in state courts, there are some limitations on the Local's right to fine or otherwise discipline a member of which Locals should be aware.

RIGHT TO DISCIPLINE

A Local union may properly fine or otherwise discipline a member in accordance with the Local's Bylaws and the CWA Constitution.

Under the Labor Management Reporting and Disclosure Act, such action may, however, only be taken after a "full and fair hearing" on the matter.

A hearing conducted in accordance with Articles XIX and XX of the CWA Constitution will be sufficient to comply with the mandate of the LMRDA.

A Local Union may only fine or otherwise discipline a member for actions taken while the individual was a member.

Thus, if an individual resigns his or her union membership before, for example, crossing a picket line, he may not be fined or otherwise disciplined for actions taken after the resignation.

If an individual crosses a picket line prior to resigning from membership and later resigns, he or she may be tried and fined for the activity prior to the resignation but not the activity after the resignation.

In this regard, it is important to note that the National Labor Relations Board and the United States Supreme Court have taken the position that a Union may not impose restrictions on the individual's right to resign from membership.

Thus, provisions that purport to limit resignations during a strike, to delay the effective date of a resignation, or to limit resignations to a particular time of year have been ruled invalid as a restriction on the individual's right to resign.

While there is currently still some question as to whether a union may require a resignation to be submitted in a particular fashion, for example by certified mail, at least one court has held that a requirement that a resignation be in writing is a valid union rule.

ENFORCEMENT OF FINES

A local that has tried a member and imposed a fine may seek to enforce that fine in state court in the event that the member does not pay voluntarily.

The National Labor Relations Board and the United States Supreme Court have held that the NLRB does not have the authority to examine the reasonableness of any fine imposed by a union upon a member.

The issue of the reasonableness of the fine is one for a state court in an action to enforce the fine.

Many CWA Locals have been successful in enforcing locally imposed fines upon members who crossed a picket line.

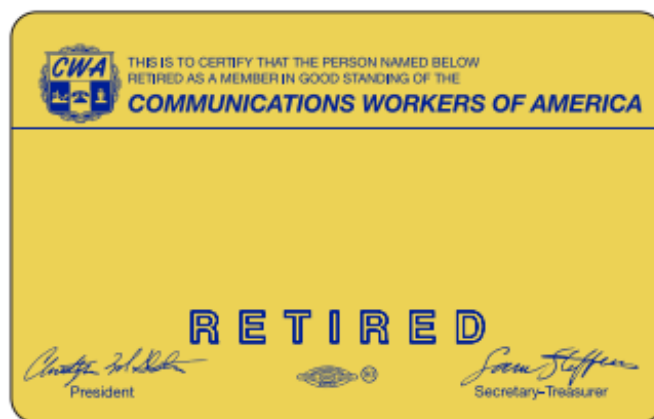
The Local should bear in mind, however, that a court will review the fine to determine whether it is reasonable.

Most of those Locals which have been successful in their efforts to enforce strike fines have fined the individuals the amount of the wages earned during the strike.

PART XVI: RETIREES

1. Retiree Recognition

As members consider retirement, Locals can contact its local retiree council chapter for introduction into the CWA's Retiree Membership Council (RMC). Once CWA is notified that a member in good standing is retired, a letter of appreciation from the President, with a retirement card certifying that the person retired as a member in good standing with CWA will be automatically sent to the retiree's home.



Locals may wish to present an engraved brass Retired Membership Card (Gold Card) to the retiring member.

2. Retiree Activism

Locals can be made stronger by tapping the power of their retired members and sponsoring a Local Chapter of the CWA Retired Members' Council (RMC).

The CWA Retired Members' Council, RMC, plays an important role in the Union, by maintaining contact with retired members and giving them a voice in their Union. Having the support of retirees is important for achieving the Union's goals, whether strategizing around action, developing relationships to move our collective agenda forward, bargaining a contract, supporting a strike or building a strong and effective community, organizing and political action program.

RMC Chapter members are part of a force that are motivated, want to stay active and connected with CWA. They bring the resources of a lifetime of work and membership experience. Retirees already know what it takes to mobilize, negotiate a good contract, preserve hard fought rights, mentor less-experienced workers, bring workplace justice or win passage of important legislation. Together, a strong diverse and active RMC enables us to increase our power and clout as workers to safeguard not only pension and health care, but also vital programs and issues important to our Union.

For more information, visit the Council's web site at www.cwaretirees.org.

Retiree Activism Goals

- Join likeminded retired CWA members in the ever-present ongoing fight for retirement security, economic justice and democracy
- Grow and support the number of Council lifetime members and retiree chapters
- Engage more retirees in strategic actions/ mobilization
- Grow retirees' participation in the CWA PAF/Political Action Fund
- Raise awareness of the Council among pre-retirees

3. Retired Members Council

The CWA Retired Members' Council is made up of lifetime members who pay a one-time \$25 fee to join. Those who retired as members in good standing of the union are eligible to enroll. Locals are encouraged to give the gift of membership to their retirees.

Each District and Sector has elected representatives on the Council Executive Board. These representatives serve as delegates to the CWA Convention/CWA Presidents' Meeting.

4. Starting A Retiree Chapter

CWA local unions can build the union by tapping the activism of retired members by sponsoring a chapter of the CWA Retired Members' Council. More than 250 local unions representing over 55,000 active retirees in every district and sector have retiree chapters and they are stronger for it.

Retiree chapters provide a tremendous level of support to locals because they are made up of retirees who are motivated to stay connected with the union. They are committed because they know what it takes to negotiate a good contract or win passage of important legislation. They are invaluable in helping build public support for our union's goals because they are active and visible in their community, belonging to a wide range of locally- based organizations. Go to the RMC website at www.cwaretirees.org.

SPONSOR

The Local executive board first votes to sponsor a CWA Retiree Chapter. Next, a committee is formed to coordinate and lay the groundwork for creating a chapter. The committee should be made up of several local retirees and a local officer or union member. The committee then plans an event such as a formal meeting at a lunch or dinner for the retired members of the local.

Invite a member of the board on the CWA Retired Members' Council to be the featured speaker at the event. The board member can talk about the importance of establishing a chapter and the important role that retirees play in supporting CWA locals.

Once the decision is made to have a chapter, the local applies for a charter from the International, and temporary chapter president is appointed. Forms are available from the CWA RMC coordinator in Washington, DC or on the RMC website www.cwaretirees.org.

LAUNCH

The CWA RMC coordinator will send out to the newly formed chapter the RMC administrative guidelines and other helpful information to launch the local Chapter. Once the charter is received the committee should appoint a temporary chapter president and hold an inaugural meeting to take the following actions:

- Establish an election committee to conduct officer elections.
- Chart the course of the chapter.
- Establish a by-laws committee.
- Apply for an EIN Employer Identification Number for the chapter by going to <https://www.irs.gov/pub/irs-pdf/fss4.pdf>. This establishes the chapter as an official entity.
- Establish a bank account and request bond coverage.
- Distribute and collect membership cards.
- Set the next meeting date to write by-laws, establish annual dues, and coordinate activities with the local union

RECRUIT

After the chapter's formal launch and election of officers, the chapter should begin the process of building the chapter's membership. Chapter membership is open to Lifetime members of the Retired Members' Council. The Council will provide guidance on proven methods of recruiting new members. You can order list of Council members and other retirees of the local by contacting the CWA RMC Coordinator. Updates to the Chapters existing membership can be made by completing and sending the Update RMC form.

While the chapter is sponsored by the local, it is autonomous and operates separately from your local. Each local CWA Retiree Chapter elects its own officers, sets its own by-laws, dues, and conducts its own membership meetings.

ENGAGE

The Local should coordinate with the chapter's officers so the chapter can be included in strategizing around action, and developing relationships to move our programs and collective agenda.

For more information, contact your RMC District/Sector President or visit the Council's web site: www.cwaretirees.org.

5. Retiree Forms

CWA Retired Membership Card Program
CWA Retired Members Council Lifetime Membership
CWA Retiree Chapter Membership Application
CWA Retired Members Council
Application for Employer Identification Number
Labor Organization Bond Coverage Request
Request for Information
Chapter Officer/Membership Updates

For these, and all other forms, visit the CWA website, www.cwa-union.org under "For Locals" and click on "Forms".

PART XVII: UNION SECURITY AGREEMENTS AND AGENCY FEE OBJECTIONS

1. Introduction

The Communications Workers of America policy on agency fee objections is the Union's means of meeting its legal obligations to employees covered by Union security clauses and of effectuating those employees' legal rights as stated in the applicable decisions of the United States Supreme Court (including *Beck v. CWA*) and the companion lower court and labor agency decisions. Under the CWA policy, employees who are not members of the Union, but who pay agency fees pursuant to a Union security clause, may request a reduction in that fee based on their objection to certain kinds of Union expenditures.

CWA contracts generally include “Union Security” or “Agency Shop” language that requires all employees to pay dues – if they are members – or agency fees – if they are not members – in order to maintain their employment. The biggest exception to this rule occurs in “Right to Work (for less)” states where such a requirement is prohibited. In a so-called right-to-work state, the union must represent every employee in the bargaining unit, but cannot require everyone to pay for that representation.

Contracts under the Railway Labor Act (for CWA, these are primarily in the airline industry) can apply agency shop language to all employees even if they are located in a right-to-work state.

The Supreme Court’s *Beck vs. CWA* decision in 1988, set the requirements for private sector unions, like CWA, to allow agency fee payers to object to the payment of fees to support activities not directly related to core representational responsibilities – collective bargaining, contract administration and grievance adjustment. The union is required to prepare an accounting of its expenditures, dividing them into those chargeable and those that are not chargeable to all represented employees and to provide that accounting to any fee payer that objects to such non-chargeable expenditures. Then the union must reduce the fees it charges these agency fee

objectors to reflect the share of its expenditures that are not chargeable. Over time, the non-chargeable portion of CWA's expenses has hovered between 25 and 30% of the Union's total expenditures.

Other decisions apply the concepts behind the Beck decision to airline contracts under the Railway Labor Act (Ellis vs BRAC, 1984).

2. Definitions

AGENCY SHOP/UNION SECURITY AGREEMENTS

These agreements require workers, who are not union members, to pay an "agency fee" equal to normal union dues, as a condition of employment. Regardless of the wording of the particular contract, none can require the payment of more than this agency fee to retain employment. Workers cannot be required to become members of the union. Certain states have so-called "Right-to-Work" laws that prohibit unions and employers from negotiating such agreements. These laws do not apply to unions organized under the Railway Labor Act, which for CWA, means our members employed by airline companies.

MEMBER

A member is a worker who has signed a union membership card. This status remains in effect until the worker resigns in writing. Regardless of what local bylaws may say, membership is voluntary and the only legal requirement for resignation is that it be made in writing.

AGENCY FEE PAYER

An agency fee payer is a worker who has chosen not to join the union (or has resigned his membership) but who must, under the agency shop/union security language in the collective bargaining agreement, pay agency fees (equivalent to dues) as a condition of employment. Agency Fee Payer is the initial status of any employee under an agency shop agreement—all newly hired workers are agency fee payers. That status remains in effect until the worker signs a membership card.

Agency Fee Payers are represented by the union, but have no say in that representation. They may not attend union meetings, participate in the election of officers, vote for contract acceptance or have any other members-only rights or privileges.

NON-MEMBER

A non-member is a worker who has chosen not to join the union (or who has resigned his membership) who is not required to pay agency fees because there is no agency shop language in the contract.

Non-members are represented by the union, but have no say in that representation. They may not attend union meetings, participate in the election of officers, vote for contract acceptance or have any other members-only rights or privileges.

AGENCY FEE OBJECTOR

An Objector is an agency fee payer who objects to paying more than the costs of collective bargaining, contract administration and grievance adjustment. This status is in effect for one year and must be renewed each year unless the objector explicitly requests that his objection be considered continuous or permanent (applies to private sector only), in which case his objector status will continue to be recognized as long as he remains in the bargaining unit.

BECK OBJECTORS (PRIVATE SECTOR EXCEPT AIRLINES)

Beck objectors are objectors under the Supreme Court's Beck ruling affecting employees organized under the National Labor Relations Act (NLRA).

ELLIS OBJECTORS (AIRLINES)

Ellis objectors are objectors under the Supreme Court's Ellis ruling affecting employees organized under the Railway Labor Act.

CHARGEABLE EXPENSES

Expenses that are “germane to collective bargaining, contract administration and grievance adjustment” are called chargeable because the union can charge an agency fee objector for them.

NON-CHARGEABLE EXPENSES

Expenses that are NOT “germane to collective bargaining, contract administration and grievance adjustment” are called non-chargeable because the union MAY NOT charge an agency fee objector for them.

OBJECTOR YEAR

CWA’s ‘objector year’ runs from July through the following June.

STATEMENT OF CHARGEABLE AND NON-CHARGEABLE EXPENSES

Each year an audit of CWA’s finances is performed by an independent certified public accounting firm. Included in this audit is the development of a Statement of Chargeable and Non-Chargeable expenses which is used to determine the percentage of agency fees that will be reimbursed to agency fee objectors for the coming objector year.

FAIR SHARE/FAIR SHARE PAYER

These terms are sometimes used in New Jersey for agency shop agreements and agency fee payers.

3. CWA Objection Process

- A. The agency fees payable by objectors will be based on the Union's expenditures for those activities or projects "germane to collective bargaining, contract administration, and grievance adjustment" within the meaning of applicable United States Supreme Court decisions.

Among these "chargeable" expenditures are those going for negotiations with employers, enforcing collective bargaining agreements, informal meetings with employer representatives, discussion of work-related issues with employees, handling employees' work-related problems through the grievance procedure, administrative agencies, or informal meetings, and Union administration. In the past, approximately 70-75% of the International Union's expenditures have gone for

such activities. The percentages of Local Union expenditures on "chargeable" activities have generally been higher.

Among the expenditures treated as "non-chargeable," which objectors will not be required to support, are those going for community service (including participating in charitable events), legislative activity, cost of affiliation with non-CWA organizations, support of political candidates, participating in political events, recruitment of members to the Union, and members-only benefits (including members-only social events). In the past, approximately 25-30% of the International Union's expenditures have gone for such "non-chargeable" expenditures. The percentages of Local Union expenditures on "non-chargeable" activities have generally been lower.

- B. Objectors will be given a full explanation of the basis for the reduced fee charged to them. That explanation will include a more detailed list of the categories of expenditures deemed to be "chargeable" and those deemed to be "non-chargeable," and the independent certified public accountants' report showing the Union's expenditures on which the fee is based. In addition to any other avenue of relief available under the law, objectors will have the option of challenging the Union's calculation of the reduced fee before an impartial arbitrator appointed by the American Arbitration Association, and a portion of the objector's fee shall be held in escrow while he or she pursues that challenge. Details on the method of making such a challenge and the rights accorded to those who do so will be provided to objectors along with the explanation of the fee calculation.

- C. Objections for the period of July through June must be sent during May. Objections will be honored for one year unless the objection specifically states that it is continuing in nature. Continuing objections will be honored for as long as the agency fee payer remains in the bargaining unit. Agency fee payers who are new to the bargaining unit, or who are returning to the bargaining unit, may object within thirty days of receiving this notice. In addition, employees who resign Union membership may object within thirty days of becoming an agency fee payer. Employees filing these objections in either circumstance should state that circumstance in their letter of objection. New bargaining unit members are to receive this notice prior to any demand being made upon them for the payment of agency fees. If, however, for any reason a new unit member begins paying agency fees prior to the receipt of this notice, he or she may object retroactively to the commencement of such payments and for the duration of the current annual objection period.

The letter of objection should include name, address, CWA Local number, and employer. Objections must be sent to the S-T Office-Attn: Objectors Specialist, CWA, 501 Third Street, NW, Washington, DC 20001-2797.

4. Private Sector: Providing Notice of Employee Right to Object

Upon being notified that a new person has joined the employment rolls at a company or an agency with which CWA has a contract, in a state without a right-to-work law, the office of the CWA's Agency Fee Administrator sends a copy of the Union's "Your Rights With Respect to Union Representation, Union Security Agreements and Agency Fee Objections" statement to the new employee. From this information, an employee can determine whether he wants to become a union member or remain an agency fee payer. The statement is included in the next section.

Substantially the same statement is printed in the first edition of the CWA News published each calendar year. It is also posted on the CWA website at: http://www.cwa-union.org/pages/security_agreements_and_agency_fee_objections

STANDARD PROCEDURE TO OBJECT

Agency fee payers who wish to object for the coming objector year are expected to write to the Agency Fee Administrator during May. Assuming the fee payer is eligible for a fee reimbursement, he will receive an advance check for the non-chargeable portion of the fees that he is projected to pay during the coming objector year. To be eligible, a fee payer must be current on the payment of his fees and must not be a member of CWA.

An Agency Fee Payer may state in his objection letter that his objection is continuous and permanent in nature. In that case, his status will be changed to agency fee objector for all future years – until he leaves the bargaining unit. A continuing objector must stay current with the payment of his fees. If he takes a leave of absence and does not return and start again to pay fees within that objector year, his objector status may lapse and he may have to refile.

In addition to the check paying the non-chargeable portion of future fees in advance, an objector also receives a copy of the Statement of Chargeable and Non-Chargeable Expenses, on which the percentage attributable to non-chargeable expenses is based.

WHEN A NEW HIRE OR A RESIGNING MEMBER BECOMES AN OBJECTOR

A new employee who does not sign a membership card remains an agency fee payer. A member who resigns becomes an agency fee payer.

Once an agency fee payer has received the notice of his right to object, he has 30 days from his receipt of that notice to send a letter to the Agency Fee Administrator stating his objection. If this occurs in the middle of the objector year and the agency fee payer has begun to pay monthly fees, he will receive a check in the next several weeks for an amount equal to the non-chargeable portion of the fees he is projected to pay during the balance of the current objector year. He is expected to continue to pay the full amount of agency fees each month.

Locals are responsible for responding to the provisionally eligible list of all agency fee objector applicants for the objector year. This list will determine if the applicant is eligible for reimbursement.

5. Enforcing Union Security Language

CWA contracts generally include “Union Security” or “Agency Shop” language that requires that all employees pay dues – if they are members – or agency fees – if they are not members – in order to maintain their employment.

Under Agency Shop language in a collective bargaining agreement subject to or the National Labor Relations Act (in non-right to work states) or the Railway Labor Act or state laws governing public sector employees, the Union has the right to require all employees who are members to pay dues and all non-members to pay fees of an equivalent amount to support the activities of the Union. If a non-member – an agency fee payer - does not wish to support the Union’s activities not directly related to representation, he may declare himself an agency fee objector, as described in detail earlier in this section.

All agency fee payers are obligated to pay fees. Agency fee objectors may have the fees they pay reduced to exclude the cost of non-representational – non-chargeable – expenses. Objectors are still obligated to pay the chargeable portion of their fees.

If an agency fee payer does not pay the fees he is obligated to pay under the agency shop contract language, whether or not he has declared himself to be an objector, the Union may ultimately enforce that language by requiring the employer to terminate the worker's employment for non-compliance with the terms of the collective bargaining agreement.

CWA's process for enforcing agency shop language has three steps:

1. The Friendly Reminder Letter sent to the employee by the local
2. The Stern Warning Letter sent to the employee by the district
3. The Termination Letter sent to the employer by the district

Sample letters follow:

LETTER 1 - FRIENDLY REMINDER

To be sent 30 days after the obligation to pay fees has gone unmet

Dear **[Agency Fee Payer]**:

According to our records, you are not paying dues or agency fees. As you know, paying an amount equivalent to dues is a condition of employment pursuant to **[cite appropriate section of the contract.]**

To help you meet your obligation, I am sending you another payroll deduction card. Please fill it out and send it back to me in the self-addressed stamped envelope and I'll see to it that [employer] gets it right away. If you have already completed one of these cards, please fill out another one anyway because the first one is likely lost in the system.

You also have the option of paying cash dues each month. If this interests you, please call me and I will advise you the exact amount of your monthly payment and where to send it.

If you have any questions or concerns, please call me and I will be happy to talk to you.

Sincerely,
Local Officer

Enclosures: Your Rights With Respect to Union Representation, Union Security
Agreements and Agency Fee Objections brochure
Payroll deduction card
Return envelope

LETTER 2- STERN WARNING

To be sent 30 days after the Friendly Reminder letter has been sent and ignored. Usually sent by the District Vice President. NOTE: wording is important and should not be changed.

Dear **[Agency Fee Payer]**:

I am writing to you about a very serious matter that could affect your future employment. Please attend carefully to this letter. If you have any question about its meaning, you should contact me for clarification.

The collective bargaining agreement between CWA and [employer] contains a union security clause generally requiring, as a condition of employment, that all covered employees tender to the Union an amount equal to the periodic dues uniformly required as a condition of Union membership beginning on the thirtieth day following the beginning of employment. The legal significance of this clause is explained more fully in the enclosed brochure. If you have not already received a copy of the collective bargaining agreement, you may do so by requesting one from me.

The information from your employer indicates that you have been covered by the collective bargaining agreement and that for a period exceeding **X** months you have not been paying agency fees.

Periodic union dues, which serve as the basis for calculating your agency fee obligation, are ____% of your normal pay. Our records indicate that you owe \$_____ per month for the period X months **[maximum of three]** preceding this letter for a total due of \$_____. While CWA may be legally entitled to collect fees covering a longer period, in the interest of quickly settling this matter, the Union is willing to accept this amount as full payment of all back fees you may owe. You may pay the back fees in three equal installments over the next three months, or you may pay them in one lump sum. In addition to paying these back fees, you must begin paying agency fees as they come due, i.e., no later than the last day of each month.

To make arrangements for paying agency fees, contact me at the Local office on **[phone number]**. If you have not contacted the Local within 45 days of the date of this letter and made suitable arrangements to pay the back fees and begin paying fees each month, **CWA will contact your employer to request that you be discharged from employment.**

If you believe that our records are in any way incorrect or if you have any questions, please call me immediately.

Sincerely,
District Officer

Enclosure: Your Rights With Respect to Union Representation, Union Security Agreements and Agency Fee Objections brochure

cc: CWA Objector Specialist, Local Union Officer

LETTER 3 – TERMINATION REQUEST:

To be sent to the employer after the Stern Warning letter has gone unheeded. Usually sent by the District Vice President

Dear **[Employer Representative]**:

This is to request enforcement of the union security clause in your collective bargaining agreement with CWA.

[Name of worker], an employee covered by the agreement, after having been fully informed of the obligation to pay agency fees and given a reasonable opportunity to tender such payments, has refused to do so. Please take the necessary steps to discharge **[Name of worker]** for failure to meet this requirement of employment.

Sincerely,
District Officer

cc: **[Name of worker]**
CWA Objector Specialist, Washington DC
Local Union Officer

PART XVIII: STRIKE MANUAL

1. History and Purpose

The CWA Defense Fund was established by the 1952 CWA Convention. Its funding was maintained by a fifty-cent per capita per month allocation from member and agency fee payer dues. At the 2013 CWA Convention, delegates adopted the merging of the Defense Fund into the Members' Relief Fund. As a result, rules applicable for use of Defense Fund money were incorporated into the Members' Relief Fund Rules and Guidelines. The fifty-cents per capita per month also ceased to be required from those bargaining units paying into the Members' Relief Fund.

The CWA Members' Relief Fund was established by the 1990 CWA Convention. Its funding is maintained by an allocation of ¼ hour of basic wages (.15%) per month from members and agency fee payers who are eligible to strike.

CWA Members' Relief Fund money is used for maintaining picket lines, direct assistance to strikers and victims of collective bargaining strategies and other approved mobilization actions (as outlined in the Fund rules) .

The structure of our Members' Relief Fund is as follows:

- CWA Executive Board
- Defense Fund Oversight Committee
- CWA Fund Director
- Agents and Field Representatives (District Fund Directors)

Generally, the Local's primary contact for assistance from the Fund is the District Fund Director. Appeals to the decisions made by District Fund Directors shall be directed to the attention of:

Office of the Secretary-Treasurer
Communications Workers of America
501 Third Street, NW Washington, DC 20001-2797

2. Getting Started

It's always a good idea to proceed as if every Contract negotiation will end up in a strike. Prior to the expiration of the Contract Local Unions should:

- Determine the number of members and agency fee payers in the bargaining unit and notify your District Fund Director, who will then forward this information to the Secretary-Treasurer's Office. This number is used to make the initial deposit into the Local's Members' Relief Fund account. Thereafter, it is the Local's responsibility to provide a weekly Striker/Victim count to the District Fund Director.
- Establish a checking account, segregated from all other funds (resources) of the Local. The separate checking account should be designated as the "CWA Local _____ Members' Relief Fund." You must set up this account as a commercial banking account so that you may obtain cancelled checks for the monthly bank statements. We recommend that Locals set up direct deposit accounts so that we can wire transfer the necessary funds as quickly as possible.
- Appoint and train the Local Union Fund Director. The District Fund Director has the responsibility of providing the training. The Secretary-Treasurer's Office is always available to assist in such training.
- In accordance with the CWA Constitution, a Local Community Services Committee (CSC) must be appointed. Among their other duties, the CSC has the responsibility of assisting the Local in the overall administration of our Fund and assisting strikers with their healthcare needs (in cases where an employer ceases to provide healthcare coverage during a strike).
- Identify members and/or their dependents who have no other source of health insurance, and whose healthcare needs have historically exceeded or are expected to exceed the monthly premiums.
- Have each member/agency fee payer complete and sign a "Striker Certification Form (DFR-1)." For this, and all other forms, visit the CWA website, www.cwa-union.org under "For Locals" and click on "Forms".

- Select a Members’ Relief Fund Option as stated in the Rules. MRF Funds may be distributed to strikers as:
 1. Flat payout each week regardless of need;
 2. On an “as needed” basis;
 3. A combination of need basis and flat payout.
- Notify every member and agency fee payer of the strike benefits that will be provided by the Union. Members and agency fee payers must also be advised as to their obligation to perform strike duty in order to qualify for these benefits. (See sample letter to members following the frequently asked questions).

3. Application and Fund Rules

A. STRIKE RELATED

- Assistance from MRF does not begin prior to the strike; therefore, the Local Unions are responsible for all expenses related to strike preparation.
- The Fund can only reimburse the Local for “authorized expenditures” once a strike has started, provided such expenditures receive prior approval and are directly related to strike activity and picket line maintenance.
- The Fund will not reimburse for expenses related to the normal operation of the Local, including strike preparation expenses, as well as any costs incurred in connection with the administration of the Members’ Relief Fund (i.e., cost of printing checks, postage, supplies, and banking fees).
- The Fund will not reimburse a striker for expenses related to traveling to their primary picket line assignment. When travel expenses are authorized and necessary for picket line maintenance or strike activity, the Fund will reimburse the Local for the actual cost of gas and/or public transportation. The Fund does not pay a mileage allowance.

- In addition to the items listed in the “CWA Members’ Relief Fund Rules and Ground Rules”, the Fund may also be used to:
 1. Support the Union’s bargaining strategies where a strike is not in progress (i.e., public relations campaigns). A request for such assistance requires the support of two-thirds of the CWA Executive Board and the Defense Fund Oversight Committee.
 2. Pay for necessary medical/hospital expenses. In some extreme cases the Fund Director may authorize payment of healthcare premiums (COBRA) on behalf of strikers/victims, or their dependents, where chronic medical conditions have been identified and documented by the Local’s Community Services Committee.
- Locals must obtain permission from the District Fund Director prior to spending any money that they will want reimbursed by the Members’ Relief Fund. It is always a good idea to provide the District with a projected budget of Fund expenditures. The District will then advise the Local as to which items on the projected budget qualify for reimbursement to the Local. Failure to obtain prior approval will likely result in the Local being liable for the expense.

B. MEMBERS’ RELIEF

- The CWA Members’ Relief Fund (MRF) provides direct assistance to members, agency fee payers, Local Union Officers who are on the Local’s payroll and lose wages, and victims of collective bargaining strategies during sanctioned strikes and other approved mobilization actions. Currently, the weekly benefit to strikers and victims is \$300 beginning with the fifteenth day of the strike, \$400 per week beginning with the twenty-ninth day of the strike. The fourteen-day waiting period does not apply to victims of collective bargaining strategies. MRF payments end on the seventh day following the conclusion of the strike. MRF benefits are subject to availability of funds.
- Strikers are required to perform strike duty. It is the Local’s responsibility to advise every member/agency fee payer that strike duty is required in order to receive MRF benefits. The Local determines the amount of strike duty. As a result, a striker’s obligation may vary from Local to Local. Keep in mind that the

rules require some level of involvement by each and every striker who applies for MRF benefits.

- A uniform method for payout to strikers must be selected prior to the commencement of a strike. The payout options and selection procedure is outlined in Section III (B) of the Members' Relief Fund Rules and Ground Rules. Locals are responsible for notifying all members/agency fee payers of the benefits available under the selected payout option.
- Locals shall be held accountable for any money disbursed in violation of Fund Rules.
- In "right to work" states, non-members are not eligible for assistance from the Fund.
- If a strike ends mid-week, MRF payments shall be one-fifth of the weekly payout for each day on strike. MRF payments cannot be made for Saturday and/or Sunday unless these days were part of the normal five-day workweek.
- "Victims of Collective Bargaining Strategies" are:
 1. Members/Agency Fee payers who lose wages as a result of honoring a sanctioned CWA picket line.
 2. Strikers who are disciplined as a result of strike related activities.
 3. Members/Agency Fee payers who are disciplined as a result of their mobilization activities during "approved mobilization actions."
 4. Members/Agency Fee payers who lose wages as a result of a lockout.

NOTE: Personal loans cannot be made from the Fund!

4. Healthcare Benefits During Strikes

- In strike situations where an employer cuts off healthcare benefits, CWA will pay for necessary medical/hospital expenses. In some extreme cases the Fund Director may authorize payment of healthcare premiums (COBRA) on behalf of strikers and their dependents. The CWA Members' Relief Fund will only pay COBRA premiums for healthcare. CWA self insures for other medical needs such as "necessary" dental and vision care. The Members' Relief Fund does not pay life insurance premiums.
- The term "necessary" does not include any treatment not normally covered under the employer's health plan, nor does it include any care such as elective procedures or dental visits that can be postponed until the end of the strike.
- Whenever an employer stops healthcare coverage during a strike and the Local's Community Services Committee decides that it is prudent to pay COBRA on behalf of the striker, then the COBRA form and necessary justification (doctor's prognosis, medical bills etc...) must be attached to the disbursement voucher and available for inspection.
- Strikers must still pay healthcare premium contributions as well as any deductibles and co-pays that existed before the strike. The concept being that no one should have a better benefit during a strike than that which was in effect before the strike.
- It is the responsibility of the Local's Community Services Committee to attempt to get the healthcare provider (doctor, dentist, hospital, etc.) to accept as full payment an amount less than that which was billed. A notation of this attempt must be made in the striker's record.
- All bills submitted for payment must contain all the necessary information (name of patient, date of treatment and service rendered).
- Strikers who can obtain healthcare coverage through other sources, such as a spouse's health plan, should rely on those sources during the strike.
- Canadian Locals should refer to the letter below with the subject "CWA Defense Fund and Supplemental Health Benefits (Canada)".

5. Record Keeping

- Locals are responsible for IRS Form 1099 in any year where a striker receives \$600 or more in payouts from the MRF. Some Local Unions have established their own strike funds. In such cases, the \$600 limit must include any payout a striker receives from their Local's strike fund.
- Locals shall provide to the District Fund Agent a weekly report on the number of members/agency fee payers on strike.
- A "Striker Certification Form" (DFR-1) must be kept in the Locals' files for each and every member/agency fee payer on strike. MRF payments cannot be made to any member/agency fee payer that the Local does not have a DFR-1 on file for.
- Locals shall maintain up-to-date MRF "Reimbursement and Reporting Form" (DFR-2) which outlines all MRF disbursements. Computerized check writing programs or spreadsheet documentation is acceptable provided such programs or spreadsheets contain all the information that is requested in forms DFR-2.
- Locals that have selected a MRF "Combination Option" or "Needs Basis Option," the Local must maintain records that reasonably attest to the members' hardship. Locals that select these options must also maintain DFR-4 "Striker's Assistance Record" and DFR-5 "Striker's Application for Assistance" for each striker requesting assistance. (Refer to Section III (B) of the "Members Relief Fund Ground Rules" for detailed information).
- In strike where the employer has cut off healthcare benefits, the Local must have receipts as well as justification for any medical assistance given to strikers.
- Locals must have receipts and/or vouchers covering any MRF expenditure.
- A complete financial accounting and a final report must be submitted to the District's Fund Agent within ninety (90) days after the termination of the Strike.

For these, and all other forms, visit the CWA website, www.cwa-union.org under "For Locals" and click on "Forms".

NOTE: The Department of Labor (DOL) requires that financial records be kept for a minimum of five (5) years, while the Internal Revenue Service (IRS) requires that financial records be kept for a minimum of seven (7) years.

6. Frequently Asked Questions

- Q. Are CWA members who honor sanctioned CWA picket lines eligible for assistance from the MRF?**
- A. CWA members and agency fee payers who lose wages because they honor one of our picket lines are considered “victims of collective bargaining strategies.” As victims, they would be entitled to a prorated benefit from the MRF on the same basis as strikers for each day of wages lost.
- Q. Does the fourteen-day waiting period under MRF rules apply to “victims of Collective Bargaining Strategies” before they are eligible for MRF payments?**
- A. No - Victims become eligible on the first day they lose wages.
- Q. If a member or agency fee payer is disciplined upon returning to work after a strike and the discipline is related to his/her activity on the picket line, does the MRF help?**
- A. Yes - Such member/agency fee payer is considered a “victim” and MRF payments will resume and continue for the length of the discipline or in case of a dismissal until his/her case receives a final determination. In cases of dismissals for strike related activities, the Fund will pick up the cost of necessary medical care or, if appropriate, health insurance premiums (COBRA) as well as any legal costs associated with strike related legal proceedings.
- Q. Does a member or agency fee payer who is disciplined for strike related activities have to wait the 14 days before receiving MRF benefits?**
- A. No – He/she will resume MRF payments at the same level they were receiving at the conclusion of the strike. In addition, strike time is counted towards qualifying for the \$300 or \$400 MRF benefit (e.g. if the strike lasted twenty days, his first day of discipline would be the 21st day for purposes of meeting the 28 day period before benefits are increased to \$300).
- Q. During an “approved mobilization,” one of my members was disciplined for engaging in a sanctioned mobilization action. Is this member entitled to any help from the Defense Fund or Members’ Relief Fund?**
- A. Yes - These “victims” are treated the same as those victims disciplined for strike related activities.

- Q. Does the Local need to have victims of collective bargaining strategies fill out “Striker Certification Forms” (DFR-1)?**
- A. No - However, all Fund benefits given to victims must be documented in the other (DFR) forms that can be found by visiting the CWA website at www.cwa-union.org under “For Locals” and click on “Forms”.
- Q. Do strikers get prorated MRF payments if a strike ends mid-week?**
- A. Yes - The MRF will prorate the benefit amount that was being paid at the time the strike ended (\$300/\$400).
- Q. We returned to work from a lengthy strike on a Thursday; however, some of our strikers, due to their schedule, lost out on four days pay that week (Sunday–Wednesday). Are they entitled to prorated MRF benefits of three or four days?**
- A. These strikers should have received MRF benefits for four days. Remember, this only applies when a weekend day is part of the normal workweek (one of the five days scheduled).
- Q. Are Local Officers who lose their wages from the Local as a result of a strike, eligible for benefits at the same level as strikers?**
- A. Yes - The CWA 62nd Annual Convention authorized this benefit for Local Officers who are on a Local’s payroll and lose their wages during a strike.
- Q. Are strikers who are allowed by their employer to take vacation time with pay during any week of the strike entitled to MRF benefits?**
- A. No - Since a striker who receives vacation pay during any week of the strike is not suffering any loss of wages that week.
- Q. Will the CWA MRF Fund pay the cost of hiring clerical help to assist with the administration of the Members’ Relief Fund during a strike?**
- A. No - The costs of administration of the Fund is the responsibility of the Local.
- Q. Does the MRF Fund reimburse strikers for travel expenses in order for them to get to rallies or their picket line?**
- A. No - We do not reimburse for travel to the initial picket line assignments, strike rallies or ratification meetings. However, with prior approval from the District Fund Director, we do reimburse for actual gas expenses for picket captains, officers, stewards, and representatives where such travel is necessary for maintaining the picket lines. We also (with prior approval) reimburse actual gas costs incurred by members assigned to roving picket lines (“flying squadrons”).

- Q. Does the MRF Fund reimburse the Local for cell phones that are needed for communication and coordination with the picket lines?**
- A. Depending on the circumstances, we can reimburse for necessary communication costs such as cell phones; however, as with any other Members' Relief Fund request, prior approval from the District Fund Agent is a must.
- Q. Does a Local's MRF account remain open past the 90-day deadline if a Local still has "victims" entitled to benefits?**
- A. Yes – The Fund account can remain open only if the Local still has a victim(s) of collective bargaining. However, the account must be closed within the 90-day deadline once these benefits cease.

7. Frequently Asked Questions - Healthcare

- Q. I am on strike. What protections do I have that I will not go without needed healthcare?**
- A. A law called COBRA (USA Bargaining units only) requires group health plans to offer striking workers and their covered dependents the opportunity to continue health coverage for up to 18 months when they go on strike by paying for it out of their own pockets. This applies to medical, dental and vision benefits. Strikers do not have to continue any coverage, they can choose to pay for only the core medical benefits, or they can choose to pay for only themselves or only their dependents.

CWA has made a commitment to assist striking workers in paying for their healthcare needs out of the Members' Relief Fund during their participation in the strike. Working with Local Union's Community Services Committee, members can make decisions about the best way to cover their needs, and the Union will determine whether to pay for monthly premiums or to assist in paying for healthcare services on an "as needed" basis.

Q. How much will I have to pay if I elect to continue coverage?

A. Employers are allowed to charge striking workers up to 102% of the current health plan premium. For example, if the current premium is \$200, then the striking worker cannot be charged more than \$204.

Striking workers should check with the Local Union's Community Services Committee before electing to continue coverage. In those cases where there is an immediate, ongoing and serious health condition, CWA will provide immediate financial assistance toward paying the COBRA health plan premium. In other cases, CWA may ask strikers to delay the election and will assist in defraying any unforeseen or minor healthcare expenses as they arise. The goal is always to assure strikers' access to needed healthcare during the strike.

Q. How much time do I have to make a decision?

A. Strikers have 60 days to elect COBRA coverage. The 60-day period begins either on the day the strike begins or the date on the notice sent by the employer describing COBRA rights, whichever is later. However, coverage does not begin until the premium is paid. If necessary, your premium can be paid retroactively. Working with the Local Union's Community Services Committee, you can determine whether you should apply for continuation coverage immediately, or if you can delay electing coverage in order to delay making a premium payment.

Q. When do I have to begin paying the premium if I elect to continue coverage?

A. As mentioned above, COBRA allows you up to 60 days to decide whether you want to continue your coverage. If you make an election to continue, then you have another 45 days to pay the premium. However, before electing coverage or paying a premium, you should contact your Local Union's Community Services Committee. He or she will help you determine whether it might be a good idea to delay electing coverage in order to delay paying the premium, and to determine in what ways the CWA Members' Relief Fund can assist you in paying for your healthcare needs.

If you decide to apply for assistance from the Members' Relief Fund, the Local Union's Community Services Committee will ask you to complete a "Request for Members' Relief Fund Reimbursement" form. That form will be forwarded to the District Member's Relief Fund Coordinator who will determine whether to reimburse you for a premium payment or to reimburse your healthcare expenses on an "as needed" basis. If necessary, you can pay your premium retroactively and the Fund will reimburse the expense.

Q. What happens if I haven't elected coverage, but a serious emergency arises?

A. First of all, take care of your health needs. Here's an example: you are in a car accident and are taken to the hospital emergency room at 2:00 AM. If the hospital insists on proof of coverage or some form of payment, offer them a credit card. As soon as possible, contact your Local Union's Community Services Committee. The Committee will contact the necessary people to assure that your healthcare needs are met. The Members' Relief Fund Coordinator will authorize a check to assure coverage of any necessary medical expenses.

Q. I belong to an HMO. What happens if I need medical attention during the 60-day election period?

A. If you need medical attention before you have elected continuation coverage, but before the 60-day election period is over, the HMO may ask you to either elect continuation coverage at that time or to pay the reasonable and customary fee for the services required. If you can pay for the services at the time (by credit card if possible), do so. Then, immediately contact your Local Union's Community Services Committee to begin the process of applying for assistance from the Members' Relief Fund.

Q. What if the Member's Relief Fund decides to pay for my care on an "as needed" basis, but I think my family would be better off with continuation coverage?

A. You are always free to make your own decision about whether to continue coverage or not. The Members' Relief Fund Coordinator makes recommendations on the best way to use Fund monies so that CWA striking members' necessary healthcare needs are met. If you do not agree with his/her decision, you can still elect to continue coverage on your own.

Q. What is the limit on how long a striking worker can continue coverage?

A. COBRA limits continuation coverage during a strike situation to no longer than 18 months after the strike begins. Coverage is also discontinued if premiums are not paid during the time; if the employer discontinues the group health plan; if you qualify for Medicare benefits; or if you become covered under another plan. CWA has made a commitment to help striking workers with their healthcare needs as long as the strike continues.

- Q. We are Canadian members and COBRA does not apply to us, we have a national health plan but many basic benefits are covered under “supplemental” insurances. What is the Union’s policy about healthcare coverage for us during strike and lockouts?**
- A. CWA provides the same commitments to our Canadian members that are provided to those in the States. In considering the differences in national healthcare approaches of our two Nations, we have established some basic principles for healthcare benefits in strikes and lockouts that occur in Canada. These principles are highlighted in two letters on pages 15 and 16 of this Guide.

8. Sample Letter Regarding Strike Duty

Dear Fellow Member,

Negotiations will soon begin between CWA Local 1234 and (employer's name). In order for us to achieve our reasonable bargaining goals it is imperative that each and every one of you get involved.

This round of negotiations will be extremely crucial to all of us as a Union. We have numerous issues that must be addressed. Your support and enthusiasm will play a major role in the Bargaining Committees' ability to achieve success at the bargaining table.

(Employer's name) is a profitable company thanks to your hard work. In return, all we want a fair and equitable contract that provides improvements in wages, benefits and other conditions of employment.

The National Union's Strike Fund requires every striker to perform strike duty in order to be eligible for strike benefits. You will be advised as to your strike assignment in the near future.

Picket Captains have been working on getting everyone scheduled for picket duty. If you haven't been contacted or signed up, see a job steward or call the Local. If you are unable to walk a picket line because of a medical problem we can assign you other duties and need you desperately.

The CWA Members' Relief Fund provides a striker benefit of \$300.00 per week beginning with the 15th day of a strike, \$400.00 per week beginning with the 29th day of a strike. These monies are not retroactive; however you will get one additional strike fund check seven days after the conclusion of the strike to cover the final days of lost wages.

The CWA Members' Relief Fund is extremely healthy, it currently has more than \$400 million dollars and contributions by over 400,000 members will continue during the time we are on strike, should a strike become necessary.

As a point of information, the IRS requires us to send you a 1099 Form in any year where a striker receives \$600.00 or more in strike benefits. Strike benefits are taxed similar to the way your interest on a savings account is taxed.

In addition to the weekly striker benefit provided by the Members' Relief Fund, the Fund also insures that necessary medical and dental care will be provided to you and your dependents in cases where the employer stops medical coverage during a strike.

In some extreme cases the Union will pay your medical premiums rather than reimburse you for "necessary" medical/dental care.

If you or one of your dependents has some ongoing or serious medical need, you must contact the Local's COBRA Coordinator, (name of person) as soon as possible.

Enclosed is a Striker Certification Form. Please fill this out, sign it and get it back to the Local Union office. The Local Union must have this form on file before any disbursements can be made from the Defense Fund or the Members' Relief Fund.

It is every member's responsibility to actively support the bargaining committee during this time. Remember, divided we beg united we bargain.

Don't forget to attend the Union Meeting on (DATE, TIME AND LOCATION) In Unity:

President, CWA Local 1234

9. (Canada) Sample Defense Fund and Supplemental Health Benefits Letter

[Date]

[Member Name]

[Member Address Line 1]

[Member Address Line 2]

Subject: CWA Defense Fund and Supplemental Health Benefits (Canada)

Dear Brother Arnold:

It was a pleasure meeting with you and your colleagues last month to discuss the Canadian Health Care System and the possibility of CWA's Defense Fund picking up the cost of supplemental health care benefits for our strikers in Canada.

We have decided that it would be beneficial to both our strikers in Canada and the CWA Defense Fund that we, in fact, commit to cover the cost of supplemental benefits. Also, as we discussed, this commitment does not include life insurance, vision and/or dental benefits. The CWA Defense Fund will pay for any "necessary dental or vision care for strikers and/or their dependents.

Please understand that this commitment on supplemental health care benefits may need to be revisited should either the conditions in Canada's health care system change or the amount of premiums charged for supplemental benefits become prohibitive.

Based on current conditions, we believe our decision to cover such benefits to be prudent. We also believe it is the right thing to do on behalf of our sisters and brothers in Canada.

In Solidarity,

VIA FACSIMILE AND MAIL

[Date]

[Member Name]

[Member Address Line 1]

[Member Address Line 2]

Re: CWA Defense Fund — Healthcare Benefits during Strikes (British Columbia and Alberta)

Dear [Member Name]:

In November 2001, the CWA Defense Fund agreed to cover the cost of supplemental healthcare benefits as outlined in the attached letter dated November 16, 2001. This agreement was in anticipation of a strike at the Canadian Broadcasting Corporation. It has now become evident that the understandings outlined in that correspondence needed to be modified as it applies to strikers in British Columbia and Alberta.

Unlike other Canadian Provinces, the residents of British Columbia and Alberta do not pay for national health insurance from the general tax levies. The responsibility for payment of such premiums in these two Provinces rests on the individual. I have been advised by our research staff that payment by the CWA Defense Fund for the necessary medical care of its strikers and their dependents would not relieve their obligation to pay their share of the national health care premiums to the Province.

As a result of these findings, and after discussions with Secretary-Treasurer Barbara J. Easterling, we have decided to modify our earlier position. This modification to the November 16, 2001 memo applies to those CWA Canadian members who are on strike and who reside in British Columbia and Alberta.

Therefore, in addition to the benefits outlined in that letter, the CWA Defense Fund will cover the cost of national healthcare premiums in the same manner that the employer covered such premiums prior to the strike.

The amount of premiums CWA pays will need to be reviewed after three (3) months, should a strike last that long. Since premiums are based on income; therefore, the Province may lower the amounts during the time the strike is taking place.

Again, it is important to understand that these commitments do not necessarily establish precedent and may need to be revised as conditions change.

If you have any questions, please do not hesitate to call me.

Sincerely,

PART XIX: MEMBERS RELIEF FUND, THE STRATEGIC INDUSTRY FUND & GROWTH FUND

1. Members' Relief Fund: Rules

I. PURPOSE

The purpose of the CWA Robert Lilja Members' Relief Fund (the "Fund") shall be for the relief of strikers and victims of bargaining strategy and for the defense of the Union, its Locals, the workers they represent, officers and agents, when circumstances arising out of labor disputes make such defense necessary.

II. ALLOCATION AND MAINTENANCE OF THE FUND

- A. The Fund shall be funded by an allocation of 1/4 hour of basic wages (.15%) per month of members and fee payers who are eligible to strike.
- B. The Fund shall be invested. All investment income shall be placed in the fund.

III. INTERNATIONAL ADMINISTRATIVE RULES

A. ADMINISTRATIVE EXPENSE

1. Costs incurred by the International Union in connection with the administration of the Fund are to be paid from the regular administrative funds of the Union. These costs are expected to include such things as:
 - a. Bookkeeping and clerical costs.
 - b. Wages, salaries and travel expenses of International Union officers, representatives, employees and agents connected with receiving, investing, disbursing and accounting for Fund monies, and for other expenditures of a like nature associated with the administration of the Fund.
 - c. Wages and salaries of agents and field representatives appointed on a temporary or part time basis at the time of strikes.
 - d. Costs incurred by the Defense Fund Oversight Committee (DFOC) in connection with the administration of the fund are to be paid from the Fund.

B. FINANCIAL REPORTS

1. Matters related to the Fund at both the International and Local levels are to be included in all required financial reports of the respective levels.
2. A finance report of the Fund's income and expenses shall be made to each CWA Convention and a report shall be submitted to local officers in biennial years.

C. EXECUTIVE BOARD AUTHORITY AND RESPONSIBILITY

1. The Executive Board shall appoint one Director who will be responsible for the Fund.
2. The Executive Board may:
 - a. Appoint such necessary full time Fund agents as may be required to aid in the administration and operation of the Fund and to fix the salary payments thereof.

- b. Delegate authority to the Director to appoint, on a temporary or part time basis, such agents and field representatives as may be necessary at the time of a strike to assist in the administration and operation of the Fund.
 - c. By a two-thirds vote, establish conditions under which part-time or total wage loss advances from the Fund may be made where employer disciplinary action has resulted in suspension or discharge of contributing workers for alleged activities connected with a labor dispute or bargaining strategy.
 - d. Authorize expenditures from the Fund for items not connected with approved CWA strikes by a two thirds vote of the CWA Executive Board and a two thirds vote of the Defense Fund Oversight Committee.
 - e. Authorize expenditures from the Fund to increase established weekly payout for approved CWA strikes by a two thirds vote of the CWA Executive Board and a two thirds vote of the Defense Fund Oversight Committee.
3. The Executive Board shall:
- a. Supervise the activities of the CWA Fund Director.
 - b. Be responsible for the investment of suitable portions of the Fund.
 - c. Constantly review the operations of the Fund and the soundness of administrative rules governing the use of the Fund.
 - d. Make changes and improvements in the administrative rules governing use of the Fund as time and experience dictate the need for such changes.
 - e. Provide an educational program to inform CWA represented workers and Local officers as to the purposes and provisions of the Fund.
 - f. Report all actions relative to this Section to the Defense Fund Oversight Committee for review.
 - g. Cause an annual audit of the Fund.

D. DEFENSE FUND OVERSIGHT COMMITTEE COMPOSITION, AUTHORITY AND RESPONSIBILITY

The Committee:

1. Shall be comprised of one (1) elected representative from each district, one (1) elected Public Worker Sector representative, one (1) IUE Representative, one (1) Media Sector Representative and one (1) from the Airline Industry. The Fund Director will be a non voting member of the committee.
2. Chair is to be elected by and from the Committee.
3. Shall have terms of office of four (4) years with staggered terms.
4. The Committee is responsible to review receipts, disbursements, educational programs, administration and investment of the Fund.
5. Shall make reports to each regular CWA Convention and submit a report in biennial years.
6. Shall meet at least twice a year and at the Convention.
7. Shall establish rules and procedures for the Fund, subject to the approval of the Convention.
8. May recommend changes and improvements in the Fund's Rules and/or the Administrative Rules governing use of the Fund as time and experience dictate the need for such changes.
9. Shall authorize expenditures from the Fund for items not connected with approved CWA strikes by a two thirds vote of the Committee and a two thirds vote of the CWA Executive Board.
10. The Committee may authorize expenditures from the Fund to increase established weekly payout for approved CWA strikes by a two thirds vote of the Committee and a two thirds vote of the CWA Executive Board.
11. Shall participate in the approval and evaluation of active Strategic Industry Fund (SIF) and Growth Fund grants.

E. CWA FUND DIRECTOR AUTHORITY AND RESPONSIBILITY

Under the supervision of the Executive Board, the CWA Fund Director is to administer the Fund and shall:

1. Direct the activities of the agents and field representatives in connection with the operation of the Fund.
2. Devise methods and procedures for obtaining maximum use of the Fund.
3. Furnish to the Locals such forms and instructions as are necessary for the proper operation of the Fund.
4. Furnish information and assistance to the Locals, enabling them to develop an effective Community Services program within their Locals.
5. Assist the Executive Board and the Oversight Committee in their responsibilities to constantly review the operation of the Fund.
6. Approve, as required, expenditures which may be made at the Local and International levels.
7. Serve as a non-voting member of the Oversight Committee.

F. AGENTS AND FIELD REPRESENTATIVES AUTHORITY AND RESPONSIBILITY

Agents and field representatives of the Fund Director shall:

1. Work under the direction of the Fund Director.
2. Within the principles and administrative rules governing the Fund, make decisions related to Fund's expenditures in the area assigned. Such decisions may be appealed to the Fund Director, but shall remain in force pending a decision and thereafter unless modified or reversed.

G. AUTHORIZATIONS AND LIMITATIONS APPLYING TO SPECIFIC EXPENDITURES FROM THE FUND

1. Expenditures for communications and postage expense incurred by the International Union and directly related to defense activity may be paid from the Fund.
2. Expenditures for unusual additions to office supplies, printing, and things of that nature directly related to defense activity may be paid from the Fund. Such expenditures require advance approval by the Fund Director.
3. Travel expenses of officers, representatives, and employees of the International Union who are involved in operations directly related to defense activity may be paid from the Fund when approved by the Fund Director.
4. Expenditures of Fund money for publicity purposes related to a CWA strike is prohibited, except upon specific approval of the CWA Defense Fund Director.
5. Application for reimbursement of expenditures from Fund advances may be made when thirty percent or more of the working advances has been spent.

H. ADVANCES OF FUNDS TO LOCALS

1. The CWA Fund Director shall authorize the issuance of Local Fund advances for use in connection with an approved strike.
2. Such advances will be issued in a timely manner to allow Local accounts to be established.
3. The amount of advance to a particular Local shall be determined by the Fund Director based on recommendations of the agents, field representatives and the Vice President. Additional advances may be issued upon request from a Local. Fund advances not distributed to strikers or victims of bargaining strategies must be returned to the Fund.
4. Locals are prohibited from transferring to any other Local any portion of the advances they receive.

5. Local Fund advances are to be deposited and maintained in separate checking accounts designated "CWA Local _____ Robert Lilja Members' Relief Fund," and shall be kept separate from all other funds of the Local.
 - a. The account must be established and maintained in an accredited banking institution.
 - b. Checks drawn on the account must bear the signature of at least two officers as required for Locals under the provisions of the CWA Constitution.

I. CONTROL OF THE FUND AT THE INTERNATIONAL LEVEL

1. The Fund is to be used when circumstances arising out of labor disputes or bargaining strategies make such use necessary.
 - a. The International Union shall determine whether or not use of the Fund is necessary in given circumstances.
2. The Fund is to be administered by the Executive Board of the Union or its authorized agent in accordance with such rules as are adopted to govern use of the Fund.

IV. LOCAL ADMINISTRATIVE RULES

A. ADMINISTRATION EXPENSE

1. Any costs incurred by Locals in connection with the administration of the Fund are to be paid from the regular administrative funds of the Local.
2. Operating within the principles and administrative rules governing the Fund, Locals shall be responsible for strike preparation expenses, recognizing the limits of the funds available. No costs for strike preparation by the Locals shall be paid from the Fund. Strike assistance information published by the National AFL CIO Community Services Committee should be carefully studied and tied in with the administration of the Fund.

B. USE OF FUND ADVANCES BY LOCAL

When a strike has been authorized in accordance with the CWA Constitution and during the time a Local is actually on strike, or when workers represented by a Local are off the job because of an existing strike which makes defense and aid necessary, it may pay for authorized expenditures from its Fund advances for the items as provided in Part IV. In cases of emergency, Locals may extend payments beyond the official termination date of the strike if advance approval in writing is secured from the Fund Director.

C. AUTHORIZED STRIKE PROSECUTION EXPENDITURES FROM THE FUND

The following expenses may be paid from the Fund subject to proper authorization:

1. Necessary actual travel expense for strikers, stewards, representatives, officers and agents incurred in connection with strike activity.
2. Necessary common carrier fares or actual gasoline expenses where required for picket line maintenance.
3. Except for actual out of pocket expenses authorized under (1) and (2) above, no amount of money is to be paid to strikers as such, or as compensation for picket duty or any other strike duty.

4. Duly authorized bail bonds as a means of protecting our strikers who, despite their desire to avoid untoward incidents, are sometimes forced unwillingly into situations beyond their control.
5. Subject to prior approval of the Fund Director, agents or field representatives, fines imposed by the courts or other legally constituted authority and legal aid.
6. Necessary placards, armbands, handbills and picket line refreshments.
7. Necessary medical and hospital expense incurred as a result of injuries received due to strike activity, or that portion of the expense not covered by insurance.
8. Necessary rentals on meeting halls and strike headquarters, over and above any rentals, which normally would become due.
9. Necessary communications expense, postage and office supplies directly related to strike activity over and above that which would normally be required.
10. Any other item of strike expense that a Local may consider necessary for the prosecution of the strike will not be paid from the Fund without prior approval of the CWA Funds Director, agents or field representatives.

D. ASSISTANCE FROM THE FUND

Payout Plan:

1. Commencing on the fifteenth (15th) day of a strike, \$300.00 per striker per week will be provided (subject to availability of funds) for use by the Local for strikers' assistance. Commencing on the twenty-ninth day of a strike, \$400.00 per striker per week will be provided (subject to availability of funds) for use by the Local for strikers' assistance. Payments to Locals will end on the seventh day following the conclusion of the strike. In the event the last week of a strike is not a full week, the payments to the Locals shall be prorated.
2. Payments may also be made on a case by case basis for victims of collective bargaining strategies, this to be determined by the Fund Director.

3. The Defense Fund Oversight Committee will monitor the progress of the Fund and recommend changes in payouts when applicable.
4. A uniform method for payout to the strikers shall be determined by the Locals for each employer group, which may be struck within each District.
5. Striker relief and medical/hospital costs shall be paid from the Fund.

E. RESPONSIBILITY AND ACCOUNTABILITY OF LOCALS

1. A Local shall be responsible for all Fund monies received and expended and all expenditures shall be properly vouchered and reported to the CWA Fund Director, agents, or field representatives on forms furnished by the International.
2. A Local shall be responsible and held accountable for the Fund monies that may have been disbursed by the Local in violation of Funds rules.
3. Each Local shall make a complete financial accounting of all Fund monies received and shall submit a final report to the field representative within ninety (90) days after the termination of a strike. The Local shall retain all supporting documents for a period of five (5) years.
4. All expenditures from the CWA Fund shall be properly vouchered and reported to the Fund Director on forms furnished by the International

V. LOCAL MEMBERS' RELIEF FUND GROUND RULES

1. Local Robert Lilja Members' Relief Fund Ground Rules, issued by the CWA Fund Director in accordance with the principles and administrative rules governing the Funds, shall serve as specific instructions to Locals for their use of the monies from the Fund.
2. Such instructions may be amended, supplemented, or revised by the CWA Fund Director from time-to-time as conditions and circumstances warrant.

2. Members' Relief Fund: Ground Rules

I. GENERAL

The following Ground Rules are established for CWA Locals in accordance with the rules of the CWA Robert Lilja Members' Relief Fund (the "Fund"). They may be amended, supplemented, or reviewed by the CWA Fund Director from time to time as conditions and circumstances warrant.

A. STRIKE DUTY POLICY

1. All strikers for the Local shall be expected to do their fair share of strike duty, unless excused for just cause by the Local.

B. AUTHORITY AND RESPONSIBILITY OF AGENTS AND FIELD REPRESENTATIVE

1. Fund Agents and Field Representatives work under the direction of the CWA Fund Director. They assist the Director in the administration and operation of the Fund and shall have the authority to make decisions relating to Fund activities in their assigned responsibility. Such decisions shall be final and binding, subject to appeal to the CWA Fund Director.

C. LOCAL STRIKE PREPARATION

1. Use of Community Services

The successful conduct of any strike requires full usage of all facilities at hand. In recognition of this, the AFL CIO has established its Community Services Committee. The program of these Committees dealing with strike relief places special emphasis upon the use of the facilities and aid to be obtained from Community Welfare Organizations during strikes.

Organized labor, including CWA, is a mainstay in the support of such community agencies, contributing through its memberships millions of dollars annually. There should be no reluctance of any kind attached to the utilization of the relief facilities of these organizations during periods of economic stress, since we have

helped to make them possible. Good sense, therefore, dictates that we first utilize these means wherever possible to alleviate suffering during such periods.

The CWA Constitution requires all Locals to establish Community Services Committees. Such committees are designed to meet the immediate health and welfare needs of the CWA represented workers for medical care, hospitalization, family and child guidance, legal aid, recreation, and other services on the basis of need regardless of cause. Utilization of such assistance from community-supported groups is a part of our growing understanding of our place in our respective communities. Since workers contribute generously to all such campaigns in times of distress, workers are entitled to receive these benefits, and techniques have been developed to do so. Successful development of such a program within CWA should take a great burden off the Fund and in many cases supplement expenditures from the Fund.

It is apparent, however, that we must extend our activities in this field on a year round basis, in order to benefit properly in times of need.

2. In accordance with provisions of the CWA Constitution, a Community Services Committee must be appointed to function in at each headquarters town of a Local. There should be a chair of this committee appointed by the appropriate authoritative body of the Local and subject to the supervision and authority of the governing structure of the Local. The Committee should consist of not less than five (5) members at all times and should, during periods of emergencies, be expanded to the particular needs of the Local.
3. In multi Local locations, the committee should be composed of members from all Locals affected by the strike operating as a single unit under the supervision and governing authority of the CWA City Council to insure and carry out uniform assistance treatment for all strikers of the Locals on strike in the community. The committee should have a number of subcommittees to handle and take care of the overall Fund program for the Local or Locals affected by the strike, based on the size of the community operation.
4. Necessary subcommittees should handle specific assignments such as “counseling”, “investigating”, “records and files”, “finance”, and such other additional subcommittees as may be needed to assist the Community Services Committee in the overall operation of an efficient and well operated assistance program. The committee, during the strike, should meet daily to work on the overall assistance program. The committee should have joint meetings with all of

the subcommittees as the need arises to cover matters applicable on the overall assistance program. The committee should also hold separate meetings with each subcommittee as the need arises to cover specific problems as applies to each subcommittee function.

5. Locals shall be responsible for administering the fund and any strike preparation costs.
6. After a strike has commenced, Locals shall be responsible for establishing an account for the CWA Fund. The account must be kept separate from all other funds of the Local.
7. The amount advanced from the Fund to a particular Local shall be determined by the CWA Fund Director, based on recommendations of the Fund Agents, Field Representatives, and the Vice Presidents.
8. Allocations to the Locals from the Fund shall be set by the Fund Director consistent with the Fund Rules, and subject to the availability of funds. The amount of the allocation will be based on the Locals' current number of members and agency fee payers.
9. Fund advances issued to a Local are to be deposited and maintained in checking accounts designated "CWA Local Robert Lilja Members' Relief Fund."

D. ADMINISTRATION

1. The administration of the CWA Fund shall be consistent with the Ground Rules in Section II.
2. Regardless of the payout option selected, a Local shall not receive more than the amount designated per striker.

II. MEMBERS' RELIEF FUND GROUND RULES

A. STRIKE EXPENSE REIMBURSEMENT

1. At the time Locals go on strike, they shall have authority to pay for authorized strike expenditures chargeable to the Fund.
2. The following expenses may be paid from the Fund subject to proper authorization.

- a. Necessary actual travel expenses for strikers, stewards, representatives, officers, and agents incurred with strike activity.

Note: This does not include travel expenses for meetings such as ratification and bargaining unit meetings that would normally take place if there were no strike. In addition, no payments are authorized as compensation for picket duty or any other strike duty.

- b. Necessary common carrier fares or actual gasoline, tolls and parking expenses where required for picket line maintenance.
- c. Duly authorized bail bonds as a means of protecting our strikers, who, despite their desire to avoid untoward incidents, are sometimes forced unwillingly into situations beyond their control.
- d. Subject to prior approval of the Fund Director, fines imposed by the courts and other such legally constituted authorities. Legal aid may be authorized with prior approval of the Fund Director.
- e. Necessary placards, armbands, hand bills, picket line refreshments.

Note: This does not include meals or refreshments for Local activities that are not directly related to picket line maintenance.

- f. Necessary medical and hospital expenses incurred as a result of injuries received due to strike activity, or that portion of the expense not covered by insurance.
- g. Necessary rentals on meeting halls and strike headquarters, over and above any rentals which normally would become due.

Note: This does not include facilities for meetings such as ratification or unit meetings that would normally take place if there were no strike. Normal office operating expenses of Local facilities remain the responsibility of the Local.

- h. Necessary communications expense, postage, and office supplies directly related to strike activity over and above normal activities.
 - i. Any other items of strike expense that a Local may consider necessary for the prosecution of the strike will not be paid from the Fund without prior approval of the CWA Fund Director, Agents, or Field Representatives.
3. When the Local has spent 30 percent or more of the working advance, the Local may apply for additional funds. All applications are to be submitted on forms furnished by the International Union and must include receipts where applicable.
 4. A Local shall maintain records of all Fund expenditures. Such records shall be maintained on forms furnished by the International Union and shall include an itemized breakdown as required on the forms. The Local shall make a complete financial accounting of all Fund monies received and shall submit a final report with the supporting receipts, canceled checks, and Fund records to the Field Representative within ninety (90) days after the termination of the strike.

The Local shall also be responsible for any additional reports, such as Federal and State tax filing requirements. The Local shall be held responsible and accountable for Fund monies it may have spent in violation of the Fund Rules or these Ground Rules.

Locals will be notified of the name and address of the Fund Field representative assigned to a Local. Should a Local need additional information or have any questions in connection with the administration of the Fund, they should contact the Fund Representative.

Regardless of the payout option selected, a Local shall not receive more than the amount designated per striker.

B. PAYMENT TO ELIGIBLE STRIKERS

1. Fund Payments Eligibility: Strikers must perform strike duties as defined by the Local to be eligible for payments from the Fund. For eligibility purposes, a striker is defined as a member or agency fee payer.
2. Accounting: The Locals shall account for all monies that are advanced from the Fund. This accounting is necessary regardless of which option is utilized to distribute the Funds. (i.e., flat payout, needs basis or combination basis).

Locals are responsible for all administrative costs incurred in the administration of the Fund.

Note: The term "striker," when used hereafter, also includes victims of collective bargaining strategy.

C. OPTION SELECTION

1. A uniform method for payout to strikers shall be determined by the Locals for each employer group that may be struck within each District.

When determining the method of payout, fair representation must be assured for all segments of strikers in the employer group, which may be struck.

Selection of the payout method should be made at any of the following:

-) At the time of bargaining committee election during Convention.
-) At bargaining unit meetings.
-) At District meetings.
-) At specially called meetings of the employer group.

It is recommended the voting be on a per capita basis consistent with the Locals' membership in the affected bargaining unit(s). Any selection made should provide for flexibility to change the payout method as circumstances change during a strike.

Strikers of the same employer, in the same districts, are eligible for the same benefits.

The District Vice Presidents shall ensure these principles are adhered to and a method is selected in a timely manner. This is especially important when more than one Local has members in the same employer group.

When the employer group is within a single Local, the Local's governing body is responsible for notifying the District Vice President, in a timely manner, of the method of payout selected for the employer group.

Fund payments may be distributed to strikers in one of the following methods:

- a. Flat payout each week regardless of need;
- b. A need basis;
- c. A uniform combination of need basis and flat payout.

Regardless of the payout option selected, a Local shall not receive funds greater than the amount designated per striker, multiplied by the number of strikers in the Local.

The rules regarding the distribution of funds under these options are explained in sub sections D, E, and F.

2. Locals are to inform all Local represented workers of the benefits that are available under the Fund option that was selected by the employer unit.

D. FLAT PAYOUT OPTION

Bargaining units within a District who select the "Flat Payment" option shall use the following Local ground rules when administering flat payouts from the Fund. All payments to strikers or victims of collective bargaining strategies must be in accord with the CWA Constitution and properly authorized under these rules.

In no event will a striker receive flat payout payments and unemployment insurance which in total are greater than their regular weekly gross earnings. Locals are to calculate flat payout payments of strikers who are eligible to apply for and receive unemployment insurance benefits as if they were receiving them to determine the amount of the flat payout Fund Payment.

Who is eligible for a flat payout?

A striker or victim who is a member or agency-fee payer performing strike or mobilization duties as defined by the Local.

Locals are responsible for the following:

-) To certify and document the eligibility of each striker through use of the Robert Lilja Members' Relief (formerly Defense Fund) Certification Form. The Robert Lilja Members' Relief Fund Certification Form must be completed fully for each striker before distribution of benefits occurs, (i.e., striker ID, address information, strike duty, etc.).
-) To prepare and distribute checks to strikers (as defined above) on a weekly basis. No retroactive or advance payments are authorized.

Note: Any funds advanced to Locals and not paid out to eligible strikers as flat payments must be returned to the Fund on a timely basis.

Reminder: The Local will not receive funds greater than the amount designated per striker times the number of strikers in the Local.

-) To maintain accurate records of canceled checks, bank statements, and certification forms for reconciliation and audit of funds advanced to the Local. (Audits will be conducted by the Union).

E. NEEDS BASIS OPTION

The policy of the Community Services Committee Counselors for recommending assistance is within the framework of the established purpose of the Fund.

All questions regarding eligibility for assistance must be based on actual hardship needs of the individuals and that all other means for assistance have been exhausted.

1. Food Assistance Policy

- a. Necessary food assistance may be granted by the Local to eligible strikers. The Local shall establish the guidelines for payment of such assistance in each strike situation in accordance with the uniform plan established by the unit.

Note: All payments are contingent upon the availability of funds in the Local's account at the time of the strikers' request.

- b. No food assistance shall be granted from the Fund until after the first fifteen (15) calendar days of a strike.

2. Utility Policy

The Local Community Services Committee shall assist strikers in attempts to defer payment of all utility bills such as water, fuel, and electricity. After the first thirty (30) calendar days of a strike, Counselors may recommend, where necessary, payment of such bills which cannot be deferred, in order to prevent termination of service.

Note: All payments are contingent upon the availability of funds in the Local's account at the time of the strikers' request.

3. Rent, Lodging, and Mortgage Payment Policy

The Local Community Services Committee shall assist strikers in attempts to defer payment of rent and mortgage payments. After the first thirty (30) calendar days of a strike, Counselors may recommend, where necessary, payment of such items in those cases where all else has failed and foreclosure is about to be enforced.

Note: All payments are contingent upon the availability of funds in the Local's account at the time of the strikers' request.

4. Automobile / Mortgage Policy

The Local Community Service Committee shall assist strikers in attempts to defer payment of automobile or mortgage payments. After the first sixty (60) calendar days of a strike, Counselors may recommend, where necessary, payment of extension costs, interest, or full payment for one month, where all else has failed and in order to prevent repossession.

Note: All payments are contingent upon the availability of funds in the Local's account at the time of the strikers' request.

5. Insurance Policy

An attempt shall be made by the Local with the employer or the insurance companies, as appropriate, carrying hospitalization, accident, and life insurance coverage on our strikers to keep such coverage in force without premium payments during the period of the strike. A Local may seek international assistance where contacts with top company negotiating personnel may be needed.

6. Medical Assistance Policy

With prior approval from the Fund Director the Community Services Committee shall determine the necessity for granting assistance for Medical/Hospital and prescriptions not otherwise obtainable for strikers or their immediate family. Payment for such assistance may be reimbursed to the Local from the Fund.

7. Striker Assistance Records

The Community Services Committee shall maintain a striker assistance record card (DFR 4 form) or equivalent record for each striker who is requesting assistance. This form is located at <http://www.cwa-union.org/for-locals/forms>. The record card is confidential and combined assistance recorded on one form is invaluable to the CSC Counselors during the period of the strike. The card includes a sample code for posting to the record card the various items the striker may receive during the period of the strike.

Reminder: Local shall not receive funds greater than the amount designated per striker times the number of strikers in the Local.

8. Procedure to Process Applicants for Assistance

Every Local shall develop a method of processing applicants, in accordance with the directions given by the District Defense Fund coordinator. Copies of the procedure developed by the Local or Locals should be furnished to all CSC members. Copies of these Rules should be reproduced and furnished to CSC members before strikers apply for assistance.

9. Necessity

- a. The most difficult part of a Counselor's job is the determination of the existence of "necessity" associated with a striker's application for assistance. Each application for assistance must be recorded on an "Application for Assistance" form (DFR-5). This form is located at <http://www.cwa-union.org/for-locals/forms>. Based on the answers obtained from the striker, plus information stemming from later investigations, a Counselor shall make recommendations as to whether or not there is a need for assistance. Points to be considered are included on the front of the form, which must be dated and signed by the striker to qualify for assistance. The mere fact that a bill is due does not by itself make it "necessary" that it be paid from the RLMRF.

Because of limited availability of funds, the following criteria should be taken into account when establishing need:

1. Is there other family income?
 2. Does a striker have readily accessible assets?
 3. Can a loan be obtained?
 4. Is the striker currently employed?
 5. Can the striker defer payments or extend credit?
- b. Counselors shall use the back of the form to record their recommendations. Counselors should take into consideration the time limits and allowable items set forth in these Rules and the existence or degree of "necessity" when making their recommendations. Counselors may recommend payments, or partial payments for those items covered under Section F, Items 1 thru 6. Counselors also may reject all or any part of a striker's application for assistance based on the absence or degree of

“necessity.” In the case of such rejections, a striker should be referred to the other CSC subcommittees as appropriate.

- c. Counselors should keep in mind that Fund money cannot be spent unless and until all other means and methods for assistance have been exhausted and a real and actual case of hardship or “necessity” has been developed.

10. Assistance Program Notification to Represented Workers

It is important that Fund assistance be discussed at Local membership meetings before a strike gets underway. In preparation for a strike, a notice should be sent to all strikers and agency-fee payers explaining what assistance is available. The notice should advise where the striker can apply for assistance, the procedure for applying, and the requirements to qualify for assistance. To prevent strikers from all showing up on one day, the notice should contain instructions that assign strikers by groups on separate days based on the alphabet listing of their last names. For example: A through C on Monday, D through J on Tuesday, K through M on Wednesday, N Through R on Thursday, and S through Z on Friday. Each Local membership roster should be averaged out to cover a five (5) day period. The CSC and Strike Counselors have one of the hardest and longest assignments. So, it is recommended that Locals adopt a procedure that reduces the chance of all strikers showing up at the same time.

F. COMBINATION OPTION

If the Combination Option is selected by the unit, the rules described in Section D and Section E must be followed. Flat payouts, as determined by the unit, will be distributed to strikers on a weekly basis as described in Section III D. Assistance on a needs basis will be distributed to strikers on a needs basis as described in Section III-E.

All uncollected and/or undistributed funds may be distributed on a needs basis as described in Section III E.

Reminder: A Local shall not receive funds greater than the amount designated per striker times the number of strikers in the Local.

3. Strategic Industry Fund

The purpose of the Strategic Industry Fund (SIF) is to finance campaigns to increase our bargaining power. This fund is focused on initiating campaigns which aim to change employers' anti-union, anti-worker behavior and contribute to our bargaining power. The SIF is intended to put CWA on the offensive, 12 months a year, not just during bargaining.

A. ESTABLISHMENT OF THE SIF

-) The SIF was established by resolution at the 2006 Convention.
-) The SIF was established and is maintained by an allocation of quarter (1/4) hour of basic wages (.15 percent) per month of members and fee payers who are eligible to strike.
-) Units not paying the quarter (1/4) hour dues shall pay fifty-cents (.50c) per capita per month allocation from CWA membership dues into their designated SIF silo.
-) Contributions into the Strategic Industry Fund became effective with dues refund checks issued during the month of September 2006.
-) A MRF floor balance equaling \$377,494,108 was established by the 2006 Convention. If the MRF falls below this floor, the quarter (1/4) hour contributions will revert back to the MRF until it reaches the floor once again. When the balance reaches \$500,000,000 the floor shall be raised to \$400,000,000.
-) The SIF shall be invested. All interest or appreciation earned shall be placed in the SIF fund.
-) There is one Strategic Industry Fund. However, monies in the fund are earmarked for different industries based on a percentage of member contribution.

B. FINANCIAL REPORTS

A Finance report of the SIF income and expenses shall be made as required under Article XVI, Section 10 of the CWA Constitution.

C. EXECUTIVE BOARD AUTHORITY AND RESPONSIBILITY

- J Strategic Industry Fund (SIF) proposals will be developed by local unions along with the appropriate Vice President(s) and then approved by the Executive Board. If they are approved, they will be sent to the Defense Fund Oversight Committee (DFOC) for review and approval.
- J Each SIF proposal must include specific goals, benchmarks and a detailed budget; and prior to implementation, a process for review with Local unions.
- J All approved SIF plans must be evaluated at least every six (6) months and at the conclusion of the campaign. All evaluations will be shared with the DFOC.
- J SIF budgets shall not include reimbursement for any salaries in the CWA budget or payment of debts.
- J SIF budgets may include financial support for CWA Local members who are working on a SIF campaign or delivering strategic education.
- J The Executive Board shall be responsible for the investment of SIF funds and review the operations of the Fund and the soundness of administrative rules governing the use of the fund.
- J The Executive Board shall make changes and improvements in the administrative rules governing use of the Fund as time and experience dictates the need for such changes.
- J The Executive Board shall report all actions relative to this Section to the Defense Fund Oversight Committee (DFOC).
- J The Executive Board shall cause an annual audit of the Fund.

D. DEFENSE FUND OVERSIGHT COMMITTEE AUTHORITY AND RESPONSIBILITY - SIF

- J The Defense Fund Oversight Committee (DFOC) will have oversight and approval responsibilities for the Strategic Industry Fund and will report to each convention on the activity of the SIF. The responsibilities shall include a review and approval of all grant requests approved by the Executive Board, review of all authorizations, receipts, expenditures, evaluations and the administrative and investments of the funds.
- J The DFOC will recommend changes and improvements in the Funds' Rules as time and experience dictate the need for such changes.

E. CWA FUND DIRECTOR AUTHORITY AND RESPONSIBILITY

Under the supervision of the Executive Board, the CWA Fund Director is to administer the funds and shall:

-) Assist the Executive Board and the Oversight Committee in their responsibilities to constantly review the operation of the Fund.
-) Serve as a non-voting member of the Oversight Committee.
-) Deposit SIF monies in separate titled Strategic Industry Fund.
-) Supervises the work of the SIF Coordinator.

F. AUTHORIZATION AND LIMITATIONS APPLYING TO SPECIFIC EXPENDITURES FROM THE SIF

-) Salaries and expenses in the CWA budget, or payment of debt, shall not be paid from the SIF funds.
-) Financial support for CWA Local members who are working on a SIF campaign may be paid from the SIF.
-) Travel expenses of officers, representatives and employees of the International Union who are involved in activities directly related to the SIF activity shall not be paid from the SIF.
-) Expenditures for production of education materials related to SIF activity may be paid from the SIF.
-) Expenditures for publicity purposes related to a SIF campaign may be paid from the SIF.
-) Expenditures for the development of supportive reports and/or documents related to a SIF campaign may be paid from the SIF.

-) In the event that more than two candidates meet the qualifications for a position funded from a SIF grant preference will be given in the following order:
 1. First to a CWA member, not on staff who is paying into the SIF.
 2. Second, to a CWA member, not on staff and not paying into the SIF.
 3. Third, to a candidate from outside the CWA who meets the qualifications.

G. AUTHORIZED LOCAL EXPENDITURE FROM THE SIF

The following expenses may be paid from SIF, subject to proper authorization:

-) Necessary actual travel expenses for members, stewards, officers, representatives and agents incurred in connection with SIF activity.
-) Necessary common carrier fares or actual IRS mileage allowance where required for SIF activity.
-) Lost wages for work on SIF activities, including but not limited to delivering education, attending education or training, meeting with elected officials, developing materials or mobilization plans, delivering presentations to allied groups, participating in allied group meetings, organizing SIF events, attending SIF events/meetings and developing strategic electronic communications.
-) Necessary brochures, placards, training materials, handbill and stickers will be union printed and where practical, display the CWA name.
-) Necessary rental of meeting/training room.

H. RESPONSIBILITY AND ACCOUNTABILITY OF LOCAL

-) A Local shall be responsible for all SIF monies received and expended and all expenditures shall be properly vouchered and reported to CWA Fund Director, agent or field representative on forms furnished by the International.
-) A Local shall be responsible and held accountable for SIF monies that may have been disbursed by the Local in violation of SIF rules.
-) All expenditure from the SIF shall be properly vouchered and reported to the Fund Director, agent or field representative on forms furnished by the International.

4. Growth Fund

The Growth Fund is used to support building a movement for economic justice and democracy and enhance the union's organizing, leadership development, research, industry analysis including the hiring of staff needed to provide resources for launching new and existing efforts.

A. ESTABLISHMENT OF THE GROWTH FUND

-) The Growth Fund was established by resolution at the 2013 Convention.
-) The Growth Fund will be funded from annual investment earnings from the MRF. Beginning with the Annual Investment Earnings from the 2012 calendar year, and going forward, one half of annual investment earnings from the MRF will be deposited into the Growth Fund.
-) Should the MRF reserve fall below the current floor of \$377,494,108 all investment returns shall go to the MRF until it is above the floor.
-) When the MRF reserves reach \$500 million, the floor shall be raised to \$400 million.

B. CRITERIA FOR GRANTS FROM THE GROWTH FUND

A campaign or program will be considered for grants from the CWA Growth Fund provided the work builds the union and/or promotes innovative approached in building a movement for economic justice and democracy. However, this is not a place to fund what previously would have been a Defense Fund request. These appropriately now belong in the SIF silos.

In addition, Economic Justice & Growth Programs/Campaigns, and/or the hiring of staff or support resources must fall under one of the following broad categories to be eligible for funding while understanding that the limitations of funding must support long term growth and sustainability.

1. Organizing

The Growth Fund may consider organizing proposals with factors such as strong growth potential, large scale targets, organizing unorganized workers, developing innovative approaches and offering new or non-traditional targets. The Growth Fund is not meant to replace the normal organizing budget (029). The union will sustain the current commitment of 10% of the budget for organizing. Organizing grants from the Growth

Fund would not necessarily meet the normal criteria under the organizing fund (029) and SIF silos.

2. National Movement Building Campaigns

The fund may be used for union-wide campaigns such as Health Care for All, Legislative and Political Action Teams and EFCA which have historically been solely funded through the SIF whose implementation would be enhanced through the additional support of the Growth Fund. The Growth Fund may work with organizations that support our goals and values for our mutual benefit.

3. Coordinated Legislation & Electoral Politics

The Growth Fund may be used for campaigns that build state and local political and legislative power which also support Growth Fund Campaigns.

The Growth Fund may authorize funds to support the type of campaigns listed above for the following purposes:

1. Social Media/Communications

Develop social media communications for resources that support and enhance campaigns.

2. Industry Research

Develop industry research for growth proposals for campaigns and provide research that can enhance campaigns.

3. Educations & Leadership Development

Develop education and leadership skills programs for the members and staff at every level of the union so they may better achieve the goals of the Growth Fund. Enhance current programs of the union and link them to economic justice and growth campaigns with measurable goals.

C. EXECUTIVE BOARD AUTHORITY AND RESPONSIBILITY – GROWTH FUND

- J Growth Fund proposal will be submitted through the appropriate Vice President(s) for approval by the Executive Board and the DFOC.
- J Each Growth Fund proposal must include specific goals, benchmarks, and a detailed budget and after approval but prior to implementation, a process for review with Locals.
- J The request must be reviewed and approved by a majority vote of the Executive Board and the DFOC.
- J All approved Growth Fund plans must be evaluated at least every six (6) months and at the conclusion of the campaign. All evaluations will be shared with the DFOC.
- J Growth Fund budget may include financial support for CWA Local members who are working on a Growth Fund campaign or delivering strategic education.
- J The Executive Board shall be responsible for the investment of Growth Fund funds and review the operations of the Fund and the soundness of administrative rules governing the use of the Fund.
- J The Executive Board shall report all actions relative to the Sections to the Defense Fund Oversight Committee.
- J The Executive Board shall cause an annual audit of the Fund.

D. DEFENSE FUND OVERSIGHT COMMITTEE AUTHORITY AND RESPONSIBILITY– GROWTH FUND

- J The Defense Fund Oversight (DFOC) will have oversight responsibilities for the Growth Fund and will report to each convention on the activity of the Growth Fund. The oversight responsibilities shall include a review of all authorizations, receipts, expenditures, evaluations and the administration and investments of the funds.
- J The DFOC shall establish rules and procedures for the Growth Fund, subject to the approval of the 2015 Convention.
- J The DFOC will recommend changes and improvements in the Funds' rules as time and experience dictate the need for such changes.

E. CWA FUND DIRECTOR AUTHORITY AND RESPONSIBILITY – GROWTH FUND

Under the supervision of the Executive Board, the CWA Fund Director is to administer the funds and shall:

-) Assist the Executive Board and the Oversight Committee in their responsibilities to constantly review the operation of the Fund.
-) Serve as a non-voting member of the Oversight Committee.
-) Deposit Growth Fund monies in a separate account titled Growth Fund.

F. AUTHORIZATION AND LIMITATIONS APPLYING TO SPECIFIC EXPENDITURES FROM THE GROWTH FUND

-) Salaries and expenses in the CWA budget, or payment of debt, shall not be paid from the Growth fund.
-) Financial support for CWA Local members who are working on a Growth Fund campaign may be paid from the Growth Fund.
-) Travel expenses of officers, representatives and employees of the International Union who are involved in activities directly related to Growth Fund activity, shall not be paid from the Growth Fund unless they are hired under the Growth Fund.
-) Expenditures for production of education materials related to Growth Fund activity may be paid from the Growth Fund.
-) Expenditures for publicity purposes related to a Growth Fund campaign may be paid from the Growth Fund.
-) Expenditures for the development of supportive reports and documents related to a Growth Fund campaign may be paid from the Growth Fund.

STAFF HIRES

Types of hiring:

1. Temporary or limited duration.
2. Full Time Permanent Staff covered by an appropriate union contract, where applicable.

G. AUTHORIZED LOCAL EXPENDITURES FROM THE GROWTH FUND

The following expenses may be paid from the Growth Fund subject to proper authorization:

-) Necessary actual travel expenses for members, stewards, officers, representatives and agents of the local incurred in connection with Growth Fund activity.
-) Necessary common carries fares or IRS mileage allowance where required for Growth Fund activity.
-) Lost wages for work on Growth Fund activities, including but not limited to attending public hearings, delivering educations, attending education or training, meeting with elected officials, developing materials or mobilization plans, delivering presentations to allied group meetings, organizing Growth Fund events, attending Growth Fund events/meetings and developing electronic communications.
-) Necessary brochures, placards, training materials, handbills and stickers will be union printed and where practical, display the CWA name.
-) Necessary rental of meeting/training room.

H. RESPONSIBILITY AND ACCOUNTABILITY OF LOCALS – GROWTH FUND

-) A local shall be responsible for all Growth Fund monies received and expended and all expenditures shall be properly vouchered and reported to CWA fund director, agent or filed representative on forms furnished by the international.
-) A Local shall be responsible and held accountable for Growth Fund monies that may have been disbursed by the Local in violation of Growth Fund rules.
-) All expenditures from the Growth Fund shall be properly vouchered and reported to the Fund Director, agent or field representative on forms furnished by the International.

PART XX: CWA MATERIALS WEBSITE

The CWA Materials website is CWA's one-stop source for ordering the most popular CWA resources. Visit www.cwamaterials.org.

The following CWA Departments have material on the site:

- Education
- Organizing
- Secretary/Treasurer
- CWA/NETT Academy
- Human Rights
- Occupational Health and Safety
- Political Action

Please note that all orders must be authorized and placed by elected officers, district officers, district staff, or their respective designee. All other orders will be disregarded.

Most materials are available at the cost CWA acquired them for. Other materials, for example CWA/NETT Academy materials are at no cost.

Shipping costs will be the responsibility of those placing the order.

All billing is processed through the CWA accounting office.

PART XXI: CWA LOGO & UNION LABEL

1. CWA® Logo

The Union's logo, whether the original CWA logo featuring a telephone, teletype key and microphone, or the type-only logo (whether it is inscribed as “Communications Workers of America or “CWA”) is the copyrighted property of the Union.

These service marks were originally copyrighted in 1951 and have been renewed over the years. The initials "CWA" were separately registered in 1988 as a service mark of the Union.

The copyrighting of these various service marks can be rendered meaningless if the Union does not control and protect their use. CWA also must protect against outside organizations misusing the CWA logo to give a false impression of CWA support for a program or product. A registered service mark of the Union can be used only upon permission by the Executive Board after proper application for such use has been filed with the office of the Secretary-Treasurer. All organizations must obtain prior approval to use the CWA logos.

CWA locals wishing to use the CWA logo for public communications or a union publication should contact the CWA Communications Department. All requests will be reviewed and finalized by the Secretary-Treasurer's office.

The statutory symbol of federal registration® should be displayed with the registered mark by placing it to the immediate right and slightly above the mark wherever it appears.

2. CWA Label and Allied Printing Trades Label

CWA UNION LABEL

The CWA PPMWS Label is a variation of the familiar printing “bug.” The CWA PPMWS Label is licensed to establishments that adhere to CWA/PPMWS strict contractual standards of working conditions, safety, and work quality. Materials bearing this label are produced by CWA Sector members in good standing. The label affirms that the work has been done by CWA union labor. The CWA PPMWS Label exists in tandem with the Union Label of the Allied Printing Trades, jointly maintained by CWA/PPMWS and GCC IBT. For CWA members, the CWA/PPMWS is the preferred designation.



To find a printer that has the CWA bug go to www.cwa-ppmws.org and click on Labels and Shops, or contact the PPMWS directly. If you have any questions on the proper use and requirements, or to obtain the CWA Union Label, please contact the PPMWS office.

ALLIED LABEL

CWA is also co-owner of the oldest union label in the world, the Allied Union Label. Formally, it is called the Allied Printing Trades Union Label. Informally, it's called the "bug." CWA became co-owner of the bug through a merger in 1987 with the International Typographical Union (ITU), now the Printing, Publishing and Media Workers Sector (PPMWS) of CWA.

Similar to the CWA label, the Allied Printing Trades Label guarantees that the work was performed one hundred percent by union labor, either by CWA members, GCC/IBT members, or both. Both Labels are registered and have copyright protections.



HOW TO READ THE LABEL

A legitimate Label, when properly read, will reveal what printer did the job, and must be legible by the naked eye.

The city where the printing was done always appears in the bottom half loop, and also must be legible by the naked eye.

All union printers are assigned a number which only they can use on the label. The number can be printed on the right or the left of the label but is always centered between the top and bottom. If the city or number is smudged or illegible it may be a signal of an illegal label and an unscrupulous printer.

With the city and number information, CWA and the Allied Printing Trades Council can identify the printer.

If you have any questions on the proper use and requirements, or to obtain the Allied Union Label, please contact CWA.

TRADEMARK AND COPYRIGHT VIOLATIONS

Both labels are protected by trademark and copyright laws, and cannot be reproduced or copied; this includes the scanning of the material and putting the printed material on the web. Each year violators of trademark and copyright laws are fined when reproducing and/or copying the labels.

If you suspect an illegal label or know of someone using the label illegally, please contact CWA immediately.

NOTE: All Locals should make sure that all original printing carries the CWA Label or the Allied Printing Trades Union Label.

