

BYLAWS

PREAMBLE

We, the members of Local 1104, Communication Workers of America, AFL-CIO, establish bylaws, as amended July 12, 2020, for the just government of our merged local union so that we may provide for the economic well-being of our members, for secure and satisfying work, and for the respect to which we together aspire as the educators, service workers and providers of telecommunications services, through our efforts and those of other local unions of the Communications Workers of America, AFL-CIO.

ARTICLE 1-- NAME

This organization shall be known as Local 1104, Communications Workers of America, AFL-CIO and shall hereinafter be referred to in these bylaws as the Local Union.

ARTICLE 2 -- OBJECTIVES AND PURPOSES

The objectives and purposes of the Local Union shall be:

- a. To unite within the Local Union all persons eligible for membership and to provide a Local Union through which the members may advance their best interests as employees and to promote better working conditions, better wages and protections and for the purpose of mutually providing for their general welfare.
- b. To engage in collective bargaining on behalf of the employees within the jurisdiction of the Local Union.
- c. To provide for the processing and administration of grievances and arbitrations as provided for in collective bargaining agreements.
- d. To inform the membership of all issues and concerns which may affect them.
- e. To encourage and foster legislation and regulations on federal, state and local levels advantageous to labor in general and telecommunications, education and service workers in particular, and to protect against and help to defeat and prevent legislation and regulations on the federal, state or local levels detrimental to labor in general and telecommunications, education and service workers in particular.
- f. To encourage and assist Local Union members to take part in all of the various forms and levels of democratic government.
- g. To encourage and assist Local Union members in improving the lives of their fellow citizens through active participation in community and charitable services.

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- h. To cooperate with other labor organizations in common efforts to promote the aims and purposes of labor.
- i. To organize telecommunications, education, service and all other workers.
- j. To promote actively the general welfare of the Local Union and the employees so represented.

ARTICLE 3 -- ELIGIBILITY TO HOLD OFFICE

To be eligible for nomination, election and/or appointment as an Officer, Business Agent or Steward, a member must have paid dues to this Local Union for one year immediately preceding the date of the election or appointment.

ARTICLE 4 -- MEMBERSHIP

Section 1-- Eligibility

All non-supervisory employees of any telecommunications, education and service field or other fields of endeavor, who are not otherwise excluded by law, are eligible for membership in this Local Union regardless of age, sex, race, nationality, creed, color or religion.

Section 2 -- Application

Membership in this Local Union shall be obtained after filing with the Local Union an official application of membership card, and upon the approval of a membership committee authorized to accept or reject membership in behalf of the Local Union, subject to Article V, Section 2 of the CWA Constitution. Once admitted to membership, the applicant shall be entitled to all rights, powers, benefits and privileges which are provided the membership pursuant to the Local Union bylaws and the CWA Constitution. The applicants shall likewise assume all of the obligations and restrictions upon membership as provided in the CWA Constitution and Local Union bylaws.

Section 3 -- Transfers

The transfer of membership from this Local Union to the jurisdiction of another local and from another local to the jurisdiction of this Local Union shall be made in accordance with Article V, Section 3 of the CWA Constitution.

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Section 4 -- Termination

Membership in the Local Union shall be terminated by:

- a. Resignation submitted in writing to the Secretary-Treasurer.
- b. Transfer out of the jurisdiction of the Local Union.
- c. Transfer or promotion to a type of employment under which an employee is ineligible for membership, except that a member who temporarily assumes such position may retain membership for a period not to exceed thirty (30) days, provided during such period member shall not hold any office within the Local Union.
- d. Failure to pay or be in arrears of Local Union dues, in accordance with Article VI, Section 5 of the CWA Constitution.
- e. Expulsion or misconduct as provided for in Article 19, Section 1 of the CWA Constitution.

ARTICLE 5 -- STRUCTURE AND GOVERNMENT OF LOCAL UNION

Section 1 -- Local Union Structure

The Structure of the Local Union shall be as follows:

- a. Voting Sections, Chief Stewards and Stewards
- b. Divisions and Business Agents
- c. Officers and Executive Board
- d. Convention Delegates

Section 2 -- Voting Sections

- a. Voting Sections shall consist of offices, plants, campuses or other work locations as from time to time may be determined or changed by the Executive Board.
- b. The number of Stewards allocated to each Voting Section: Offices, plants, campuses or locations having one to fifty (1-50) employees shall have two (2) Stewards. Offices, plants, campuses or locations having fifty-one (51) to one

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hundred twenty five (125) employees shall have three (3) Stewards. Offices, plants, campuses or locations having one hundred twenty six (126) employees or more shall have four (4) Stewards. In such offices, plants, campuses or locations that are merged or integrated, the Stewards in office at the time of merger or integration shall continue as Stewards until the next General Stewards election or set of appointments, or until changed or modified by the Executive Board.

- c. When an office, plant, campus or location will be closed within a short period of time after a Steward's term of office ends, such Steward will continue to serve until the office, plant, campus or location terminates, but no longer than one year.

Section 3 -- Divisions

The Local Union shall be made up of the Telecommunications Division consisting of members of Local 1104, the Operator Services Division consisting of members of Local 1112, and Local 1100 and the Research Assistants Union, and the Education Division consisting of members of Local 1188. New bargaining units shall be placed in one of the Divisions by vote of the Executive Board. Members of a single bargaining unit shall always remain in one Division and shall not be divided among two or more Divisions.

Section 4 -- Business Agents

Business Agents shall be selected from each Division. The Education Division shall have five Business Agents, the Operator Services Division shall have two Business Agents At -Large, until December 1, 2020, when one Business Agent position will be eliminated, leaving only one Business Agent At-Large remaining, and the Telecommunications Division shall have four Business Agents. Business Agents shall be selected by vote of the members of the Division which they serve.

Section 5 -- Officers and Executive Board

The Officers shall consist of the President, three Executive Vice Presidents and the Secretary-Treasurer, and shall constitute the Executive Board. The Officers shall be elected by the membership as a whole.

Section 6 -- CWA Delegates

The President, three Executive Vice Presidents and the Secretary-Treasurer shall be delegates to the conventions of the Communications Workers of America, and all nominating petitions and ballots shall so state. In the event the local is entitled to additional delegates under

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Article VIII, Section 4 of the CWA Constitution, nominations and elections for those additional delegates will be held at the same time as the officer elections. Convention Delegates will serve terms of three years. A minimum number of 100 signatures with at least 25 signatures or 5 percent from each Division's membership (whichever is less) will be required for a candidate to appear on the ballot as a Convention Delegate. Additional delegates shall be elected by a plurality of the votes cast.

ARTICLE 6 – LOCAL COMMITTEES

Section 1 – The Local shall have the following regular committees:

- a. Community Services
- b. Education
- c. Election
- d. Finance
- e. Legislative-Political
- f. Membership
- g. Occupational, Safety and Health
- h. Organizing
- i. Women's
- j. Equity

Section 2 – Committee Procedures.

- a. The Local shall establish such other committees as may be necessary to effectuate the policies of the Local and the Union. The President shall be an ex officio member of all Local Union committees.
- b. Members of all committees shall be appointed by the Local President. Vacancies on committees shall be filled in the same manner as the original appointments.
- c. Removal of Committee Members

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1. A member of any committee of the Local may be removed by the Local President, subject to the right of the Local Officers to overrule such removal.
2. A member of any committee of the Local may be removed by a majority vote of the Local Officers.

ARTICLE 7 -- FINANCIAL STATEMENTS

The Local Union's financial statements (LM-2s) shall be available to members upon request.

The Executive Board shall have full authority to retain a Certified Public Accountant to review all financial records, matters and audit the books of the Local Union, and to establish and maintain records for the Local Union, including State and Federal Reports.

ARTICLE 8 -- SITE OF UNION HEADQUARTERS

There shall be established a Local Union Headquarters and Local Union offices for the purposes of conducting any and all business that shall at any time come before the Local Union. The sites of the Local Union Headquarters and the Local Union offices shall be determined by the Executive Board.

ARTICLE 9 -- OFFICERS AND THEIR DUTIES

Section 1 -- The Officers of the Local Union

The Officers of the Local Union shall be:

- a. President
- b. Three Executive Vice Presidents – one from each Division of the Local.
- c. Secretary-Treasurer

The officers of the Local Union shall by virtue of their election as such be members of the Executive Board and shall have a right to vote at all Executive Board meetings.

Section 2 -- Duties of the President

The Duties of the President shall be:

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- a. The President shall be the Chief Executive Officer of the Local Union and is charged with the obligation of carrying out the provisions of the Constitution and bylaws and the mandates of the Executive Board.
- b. The President shall preside at all meetings of the Executive Board and shall have the power to call special meetings of the Executive Board on his/her own motion or if requested to do so in writing signed by a quorum of the Executive Board.
- c. The President shall appoint the members of committees established for specific purposes from time to time as established by the Executive Board. The President shall be an ex officio member of all Local Union Committees.
- d. The President shall appoint Stewards in the Education and Telecommunications Divisions with the concurrence of the Executive Vice President of those Divisions.
- e. The President shall be available for the processing of grievances whenever they are unable to be settled or whenever at the President's discretion it is desirable or necessary for the President to participate.
- f. The President shall have the authority to employ professional help and legal counsel with the approval of the Executive Board.
- g. The President shall approve all vouchers.
- h. The President shall perform all other duties required by these bylaws and the CWA Constitution, and incident to the office.

Section 3 -- Duties of the Executive Vice Presidents

The duties of the Executive Vice Presidents shall be:

- a. Assist the President in carrying out the decisions of the Executive Board.
- b. The President shall appoint an Executive Vice President who shall preside at all meetings in the absence of the President.
- c. The President shall appoint an Executive Vice President to assume the duties of the President in the latter's absence or inability to act due to illness. In the event of resignation or permanent incapacity of the President to serve, one of the Executive Vice Presidents shall be chosen by majority vote of the Executive Board as President until a successor President is elected and shall perform all

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duties required by these bylaws and the CWA Constitution.

Section 4 -- Duties of the Secretary-Treasurer

The Duties of the Secretary-Treasurer shall be:

- a. The Secretary-Treasurer shall maintain or be responsible for the records and communications of the Local Union.
- b. The Secretary-Treasurer shall keep minutes of all meetings of the Executive Board.
- c. The Secretary-Treasurer shall answer correspondence as directed by the Executive Board.
- d. The Secretary-Treasurer shall receive all funds of whatever nature payable to the Local Union and shall issue receipts for the same and deposit all such funds in a depository or depositories approved by the Executive Board.
- e. The Secretary-Treasurer shall have custody of all certificates and other evidences of deposit, including bank pass books.
- f. The Secretary-Treasurer shall keep true and correct books of account containing a complete record of all funds received and expended. The Secretary-Treasurer and all persons handling funds of the Local Union at the direction of the Secretary-Treasurer, or the direction of the Executive Board, shall be bonded in accordance with the law. All bonding expenses shall be paid by the Local Union.
- g. The Secretary-Treasurer shall pay, or cause to be paid, approved bills and vouchers of the Local Union and shall have authority to sign checks of the Local Union. Two signatures must appear on all vouchers and checks, and shall be signed by the President and Secretary-Treasurer or other Executive Board Member duly authorized by the Executive Board to sign checks.
- h. The Secretary-Treasurer shall prepare, or cause to be prepared, a financial statement which shall contain specific items setting forth the expenses of the Local Union, the expenses of the committees, the salaries paid to Officers and such other material as is usual and incident to such statements. Copies of such reports shall be forwarded to each member of the Executive Board quarterly.

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- i. The Secretary-Treasurer shall perform all other duties required by these bylaws and the CWA Constitution.

Section 5 -- Compensation

The President, the Executive Vice Presidents and the Secretary-Treasurer, as employees of the Union, shall be compensated for time spent in performance of their duties. Officer salaries shall be established by the Executive Board. Other employees or special assistance and legal counsel shall be compensated in amounts established by the President and approved by the Executive Board.

To maintain continuity of leadership from past Executive Boards to the newly elected Executive Board, the past Executive Boards will remain available for consultation for a minimum of two weeks with appropriate compensation where necessary.

ARTICLE 10 -- THE DUTIES OF THE EXECUTIVE BOARD

The duties of the Executive Board shall be:

- a. The Executive Board shall be the policy making body of the Local Union.
- b. The Executive Board shall meet at least four times a year on dates designated by the Executive Board. The President may call special meetings when it is deemed necessary or advisable. Special meetings may be requested in writing by a quorum of the Executive Board. Upon such a request the President shall designate the time and place of the meeting.
- c. The Executive Board shall be the final authority to interpret the provisions of the bylaws.
- d. The Executive Board shall determine which unsettled grievances shall be processed to arbitration and determine how to handle or resolve other disputes.
- e. The Executive Board shall have the authority to add or merge voting sections.
- f. The Executive Board shall have the authority to place new bargaining units into one of the Divisions. Members of a single bargaining unit must remain in a single Division and shall not be divided among two or more Divisions.
- g. The Executive Board shall have the authority to prosecute or defend on behalf of the Local Union any action at law or in equity before any court, tribunal or

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administrative body as it may deem necessary for the protection or the advancement of the Local Union.

- h. The Executive Board shall have authority, consistent with the CWA Constitution and Article 20, Section 3 of these bylaws, to call a strike not otherwise prohibited by the New York State Civil Service Law, but only if it has received the approval of a majority of the members who vote thereon. It shall have authority to terminate a strike when it deems it appropriate in accordance with the CWA Constitution.
- i. The Executive Board shall provide for the review or audit of the books of the Local Union and for the bonding of all persons required to be bonded by law.
- j. The Executive Board shall have authority to approve the President's selection of professional or legal aid.
- k. The Executive Board shall have the authority to establish committees from time to time for those purposes deemed necessary or desirable.
- l. The Executive Board shall have all other duties and obligations required of it by these bylaws or the CWA Constitution or reasonably inferred from them.
- m. The Executive Board shall adopt suitable rules to govern the procedure of its meetings and shall decide all questions insofar as consistent with these bylaws.
- n. An Executive Board member from each Division shall constitute a quorum. No business shall be transacted in the absence of a quorum. Each member of the Executive Board shall be entitled to cast one vote. A majority of those voting shall be required to approve any matter by the Executive Board.
- o. The Executive Board shall have the authority to call regular or special meetings of the membership of the Local Union.
- p. Any procedures not defined in these bylaws shall be determined by a majority of the Executive Board.

ARTICLE 11 -- VACANCIES

Section 1 -- Vacancies of Officers

A vacancy in the office of the President shall be filled by an Executive Vice President selected by the Executive Board. A vacancy in the office of the Executive Vice President or

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Secretary-Treasurer shall be filled by a Division Business Agent as selected by majority vote of the Executive Board. Such designations shall be for a period of up to sixty (60) days, by which time an election will be held, which would allow the Local Union membership to vote for the officer. Such elected term will be for remainder of the unexpired term. For a Business Agent vacancy in the Education Division, the Local Union shall, when possible, conduct the election when the members of the voting section are on campus.

Section 2 -- Vacancies of Business Agents

A vacancy in the position of Business Agent will be filled by the President with the concurrence of the Executive Vice President of that Division. Such designation shall be for a period of sixty (60) days, at which time an election will be held which will allow the membership of the voting sections serviced by the Business Agent to vote for the Business Agent. Such elected term will be for the remainder of the unexpired term.

ARTICLE 12 -- BUSINESS AGENTS

Each Division shall select Business Agents to service its members. A Business Agent is authorized to act on behalf of the Local Union as the occasion warrants in dealing with representatives of employers in all matters of individual or group interest. The Business Agents shall be selected by vote of the members in the voting section of the Division which the Business Agent services, and shall serve a term of three years.

The Education Division will have five Business Agents, initially designated as the Albany, Binghamton, Buffalo, ~~and~~ Stony Brook and At Large Business Agents. The Operator Services Division will have two Business Agents At-Large. Effective December 1, 2020, one business agent position will be eliminated leaving only one position remaining. The Telecommunications Division will have four Business Agents, designated as Central Office/Clerical, Avaya & Non-Telephone, Installation & Repair, and Const. & Real Estate.

ARTICLE 13 -- CHIEF STEWARDS

The Executive Board may create or designate Chief Steward positions to represent certain voting section(s). The Chief Stewards will be elected by the members whom they represent. The duties of the Chief Stewards will be designated by the Executive Board. Initially there will be Chief Stewards in the Education and Telecommunications Divisions.

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ARTICLE 14 -- ELECTION OF UNION OFFICERS AND BUSINESS AGENTS

Section 1 -- Elections

Election of Officers and Division Business Agents shall take place each three (3) years. Commencing December 1, 2002 terms of the office shall be for a three year period commencing December 1st of each term period and ending November 30th of each succeeding three (3) year period. The nominations and elections shall be conducted by an Election Committee appointed by the Executive Board. Members of the Election Committee shall not be candidates for office. The Election Committee shall consist of at least four members and a Chairperson. Nominations for the office of President, Executive Vice President, Secretary-Treasurer and Division Business Agents shall take place in September with an election on or before November 23. Newly elected Officers and Division Business Agents shall take their respective offices on December 1st of the year of their election.

Section 2 -- Nominating Petitions

- a. During the month of September of an election year, nomination petitions for Officers and Business Agents shall be made available to prospective candidates and any member who so requests at locations to be determined by the Executive Board. Petitions for each Executive Vice President and Division Business Agent position must clearly indicate the specific Division area and/or voting section for which the individual is being nominated.
- b. Petitions shall be returned to the general office of the Local Union in the self-addressed envelope supplied to the member for that purpose. The Election Committee, upon determining the name of the nominees, shall notify each nominee of the nomination. Declination of nomination shall be addressed to the Election Committee of the Local Union at the Local Union office. If the nominated candidate fails to notify the Local Union that he/she declines to be a candidate within 10 days of notification, the candidate shall be deemed to have consented to be a candidate.
- c. Candidates for Officer positions are required to collect petition signatures. The (a) number of signatures required, and (b) the location of employees providing signatures depend on the position sought, as follows:
 - i. President and Secretary-Treasurer
 - a. 300 signatures or 5 percent of the membership (whichever is less)

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- b. 100 signatures or 5 percent of the Division membership (whichever is less) from at least two Divisions
 - ii. Executive Vice President, Telecommunications Division
 - a. 150 signatures or 5 percent of the Telecommunications Division membership (whichever is less)
 - b. signatures from a least 3 different work locations in the Telecommunications Division
 - iii. Executive Vice President, Operator Services Division
 - a. 150 signatures or 5 percent of the Operator Services Division membership (whichever is less)
 - b. signatures from at least two of the three operating units [Operators/Live Source. Accounting, Research Assistants].
 - iv. Executive Vice President, Education Division
 - a. 150 signatures or 5 percent of the Education Division membership (whichever is less)
 - b. signatures from at least 3 different institutional work locations in the Education Division.
- d. For the office of Division Business Agent a minimum number of 75 signatures or 5 percent of the membership from the area and/or voting section in the Division in which the candidate is seeking a position (whichever is less) are required to be deemed a candidate and appear on the ballot. Nominating petitions from Business Agent candidates in the Telecommunications Division and the Operator Services Division shall contain signatures form at least two work locations.

Section 3 -- Designation of Office

A member may not be a candidate for more than one office. A member nominated for more than one office or position who fails to select the one office or position for which such member desires to stand for election, shall be included on the ballot for one office or position only and such office or position shall be designated by the Executive Board. A member's failure to designate the office for which he/she will run within 5 days of notification of the nomination shall be deemed consent for the Executive Board to make such designation.

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Section 4 -- Ballots/Votes

- a. After October 1st of the year of the election, the Election Committee shall cause to be prepared a ballot containing the names of the candidates for office of the President, Secretary-Treasurer, Executive Vice Presidents and Division Business Agents. The ballots shall clearly indicate the precise Division for each Executive Vice President and Division and Area for the Business Agent positions. The Election Committee shall then conduct a secret mail ballot election by mailing the ballots to the members' last known home addresses as they appear on the books of the Local Union with instructions for the method of voting. Each member may vote for one candidate for President, one candidate for Secretary-Treasurer, and one candidate for each of the Executive Vice President positions, totaling five. Members will also vote for Business Agent for the member's Division, area and voting section. The mailing of the ballots shall be under the direction of the Election Committee which shall designate the person or persons who will mail the ballots. The instructions shall inform the member in clear concise language as to how to mark the ballot. Ballots must be returned to the address on the envelope by the date designated in the voting instructions. All ballots must be returned by mail by the date and time designated on the ballot to be eligible to be counted.
- b. The Election Committee shall count the ballots by November 23rd at a time and place designated by the Committee. Upon completion of the tally of the ballots, the Election Committee shall certify the results of the ballot count and transmit their certified report to the Secretary-Treasurer of the Local Union on the day of the completion of the count of the ballots. The report shall be signed by the Election Committee members.
- c. Each candidate shall be entitled to be present or to have an observer present at the time that the ballots are counted, at their own time and expense.
- d. No write-in votes will be allowed.
- e. For the offices of President, Executive Vice President for each Division, and Secretary-Treasurer, the candidate receiving the majority of votes cast shall be deemed elected. In the event no one nominee receives a majority on the first ballot, a run-off election shall be conducted and two nominees receiving the greatest number of votes on the first ballot shall be the nominees on the second ballot. If no one nominee receives a majority on the first ballot and there is a tie for second place, a run-off election shall be conducted and the person receiving the greatest number of votes on the first ballot and the two persons who tied for second place shall be the nominees on the second ballot.

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- f. The Business Agent candidates for each Area in each Division receiving the highest number of votes cast in that Area of the Division, shall be deemed elected to the office of Business Agent.
- g. The results of the election shall be made known to the membership. Winning candidates shall be notified by mail.

ARTICLE 15 - ELECTION OF UNION STEWARDS

Appointment/Additional Elections

Stewards for all divisions shall be appointed by the President. The Executive Board may also provide for the election of other Stewards or Business Agents to serve Divisions and/or voting Sections.

ARTICLE 16 - AT LARGE CONVENTION DELEGATES

The Election Committee shall cause to be prepared nomination petitions and ballots for Convention Delegates at the same time as Officer elections using the same procedures. The six candidates receiving the highest number of votes from all Divisions shall be deemed elected at large, joining the five Officers of the Local Union. The delegates shall serve for three years. Should the Local Union be entitled to less than six additional delegates, the delegates with the highest number of votes shall represent the Local Union along with the Officers.

ARTICLE 17 -- ELECTION CHALLENGES

A challenge to the conduct of any election under these bylaws shall be made pursuant to Article XV of the CWA Constitution.

ARTICLE 18 -- DUES AND FINANCES

Section 1 -- Dues

Each member of the Local Union shall pay membership dues totaling 2% of their base salary.

Section 2 – Change in Membership Dues

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 fifteen (15) days in

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advance of the meeting, or by notice mailed to each member at least fifteen (15) days in advance of the meeting.

Section 3 -- Assessments

No assessment shall be made unless approved by secret vote of a majority of the members voting thereon.

Section 4 -- Union Funds

- a. The income of this Local Union shall be derived from dues, interest on investments, monies on deposit, fines and assessments, or other means approved by the Executive Board.
- b. No funds of the Local Union may be expended for any purpose other than the promotion of objectives of collective bargaining, mutual aid and protection, and the advancement of interests of the members.
- c. Title to all property, funds and other assets of the Local Union shall at all times be vested in the Local Union, and no Executive Board member shall have any proprietary right, title or interest therein.
- d. The funds of the Local Union shall be invested to the extent and in such manner as is determined from time to time by the Executive Board.

Section 4 -- Audits

The books of the Local Union shall be reviewed and/or audited no less than once a year by a CPA. Copies of the review or audit shall be distributed to the Executive Board.

ARTICLE 19 -- TRIALS AND APPEALS

Section 1 -- Persons Subject to Trial

Members of the Local Union may be fined, suspended or expelled for any of the acts enumerated in Article XIX of the CWA Constitution.

Section 2 -- Trials

Any accused person shall be tried under the provisions of Article XX of the CWA Constitution. A Trial Court of this Local Union, selected by the Executive Board pursuant to

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Article XX of the CWA Constitution, shall be composed of three (3) members of the Local Union.

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, Section 4 of the CWA Constitution.

ARTICLE 20 -- COLLECTIVE BARGAINING

Section 1 -- Local Bargaining

The Executive Board or its duly authorized representatives shall represent the Local Union in all relations with employers in matters concerning the adjustment of grievances and collective bargaining for employees represented by the Local Union.

The President or Executive Vice President representing a Division of the Local Union or their designee shall be the Chairperson and/or representative on all negotiating committees in that Division. Collective bargaining agreements shall be submitted to the membership for ratification. Approval of a majority vote of the members voting thereon shall constitute ratification. The President or Executive Vice President from the Division or their designee is authorized to sign the agreement when ratified.

Section 2 -- GSEU Bargaining

- a. Recognizing the unique legal situation relating to employees of the State of New York, the Local Union agrees that, notwithstanding any contrary provision in the CWA Constitution or these bylaws, GSEU shall continue to be denominated the exclusive bargaining agent for the bargaining unit consisting of State of New York graduate and teaching assistants. GSEU shall at all times retain the sole authority to negotiate terms and conditions of employment, contracts, or memoranda of understanding, and to take, or refrain from taking, such lawful job actions or contractual enforcement actions regarding its members as it chooses. GSEU shall at all times retain the authority to act as exclusive bargaining representative for employees it represents and to take such lawful actions as may, in GSEU's judgment, be required on behalf of employees it represents.
- b. The decision of GSEU, as made by the Executive Vice President of the Education Division whether or not to take a particular grievance to arbitration or whether to file an improper practice charge that arises in GSEU may be appealed for reconsideration in writing to the Executive Vice President of the Education Division within thirty (30) days of the decision. The Executive Vice President

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shall investigate and review the appeal and, within thirty (30) days, affirm, reverse or modify the decision. The decision of the Executive Vice President may be appealed to GSEU as defined in Section 3c. below within thirty (30) days of the decision of the Executive Vice President. This body shall review the appeal and, within thirty (30) days, affirm, reverse or modify the decision of the Executive Vice President. The decision of GSEU may be appealed to the membership of GSEU by presenting notice of such appeal to GSEU within thirty (30) days of the decision of GSEU. The membership of GSEU will be presented with such appeal within one year of the appeal by referendum or at membership meetings, the choice to be determined by GSEU. The decision of GSEU or the Executive Board whether or not to take a particular grievance to arbitration or whether to file an improper practice charge that arises in GSEU shall not be subject to the CWA Internal Appeals Procedures.

- c. For purposes of this section, GSEU shall mean a decision-making body comprised of the Executive Vice President of the Education Division, Business Agents of the Education Division and Chief Stewards of the Education Division.

ARTICLE 21 -- REFERENDUM

Should the Executive Board, by majority vote, determine that a referendum vote should be held by the members of the Local Union or by a Division of the Local Union, such referendum shall be by secret ballot mail vote or by secret ballot voting at membership meetings, the choice to be determined by the Executive Board. If such referendum is by mail, it shall be conducted in accordance with instructions mailed to the members. If such referendum is conducted at a membership meeting, the questions to be voted on shall be presented at the meeting.

ARTICLE 22 -- AMENDMENTS

Amendments to these bylaws may be made as follows:

- a. May be made by any member and if approved by a majority of the Executive Board it shall be submitted to the membership for its vote. Such vote may be held at any regular election or by special referendum at the order of the Executive Board.
- b. The Executive Board may by a majority vote of the Board initiate a proposed amendment. It shall be submitted to the membership for vote at such an election or referendum as the Board determines.

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A proposed amendment to the bylaws must be approved by a majority of the total votes cast.

ARTICLE 23 -- MERGERS

This Local Union may enter into voluntary merger agreements with other local unions by a majority vote of the members voting thereon.

ARTICLE 24 -- ADOPTION OF BYLAWS

These bylaws shall become effective immediately upon their adoption by the majority of members voting thereon. All previous constitutions and bylaws shall no longer be effective and shall terminate.