

***A GUIDE
FOR
LOCAL UNION
BYLAWS***



**INTERNATIONAL UNION, UNITED
AUTOMOBILE, AEROSPACE & AGRICULTURAL
IMPLEMENT WORKERS OF AMERICA-UAW**

INDEX

	<u>Page</u>
1. Name	1
2. Constitution and Bylaws	1
3. Fiscal Year	2
4. Membership	2
5. Membership Meetings	3
6. Powers of Administration	4
7. Local Union Officers	5
8. Executive Board	5
9. Stewards and Committeepersons	7
10. Stewards Councils and Bargaining Committees	8
11. Committees	9
12. Elections and Election Committees	9
13. Finances	11
14. Eligibility for Elected Office	12
15. Attendance Rules	12
16. Delegates From Local	14
17. Order of Business	14
18. Appeals	15
19. Strikes and Strike Committee	16
20. Leases And Long Term Agreements	16
21. General	17
22. Amendments	17
23. How to Submit Local Union Bylaws	18

Guide for Local Union Bylaws

This Guide is to assist Local Unions in either revising existing Bylaws or adopting new Bylaws.

1. Name

A provision such as the following should be the first article of your Bylaws:

“This Organization shall be known as Local No. _____,
International Union, United Automobile, Aerospace and
Agricultural Implement Workers of America (UAW).”

Some Local Unions, for identification purposes, may wish to include in the name the city in which they are located or plant over which they have jurisdiction; i.e., Lansing Local 100 or Buick Local 200. This additional name or designation may, of course, be included in the name if the membership desires.

2. Constitution and Bylaws

To comply with Article 1 of the International Constitution, the Local Union Bylaws should contain a provision similar to the following:

“The Constitution of this Local Union shall be the Constitution of the International Union, UAW, and these Bylaws shall be in all respects subordinate to said Constitution and all applications and interpretations thereof.”

Bylaws submitted by Units of Amalgamated Local Unions should include the following language:

“These Unit Bylaws are in effect a supplement to the Bylaws of Local ____ and wherein these Unit Bylaws do not provide for Constitution provisions, the Bylaws of Local ____ will be used. In addition, the Unit and Local Union Bylaws shall be in all respects subordinate to the International Constitution and all applications and interpretations thereof.”

Where necessary to maintain order, the member may be evicted from the meeting by order of the Chairperson subject to the challenge of the membership. Flagrant or persistent violation of this section by any member shall be conduct unbecoming a union member.”*

For clarity and information of the membership, the Bylaws should repeat the sentence at the end of Article 42 or the Constitution setting forth that “questions of a parliamentary nature shall be decided by Robert’s Rules.”

6. Powers of Administration

To provide for the administration of the Local Union, provisions along the following lines should be included:

(a) The membership is the highest authority of this Local Union and shall be empowered to take or direct any action not inconsistent with the Constitution or these Bylaws.

(b) Between membership meetings, the Executive Board shall be the highest authority of the Local Union and shall be empowered to act on behalf of the membership to the extent urgent business requires prompt and decisive action, subject to subsequent membership approval, but the Executive Board may not take action affecting the vital interests of the Local Union without prior membership approval.

(c) Between meetings of the Executive Board, the President shall exercise general administrative authority and, shall be empowered to act on behalf of, and take action permitted, to the Executive Board subject to subsequent approval of the Executive Board.

* This provision is necessary for the Local to fully protect itself under the law.

7. Local Union Officers

This article should contain a provision establishing the Executive Officers of the Local Union in accordance with Article 38, Section 1 of the Constitution. If a Local Union desires to have more than one Vice President, the number of Vice Presidents should be set forth in this section.

If a Local Union elects more than one Vice President, the Vice Presidents should be titled as "First Vice President", "Second Vice President", etc. The By laws should specifically provide that only the First Vice President would succeed to the presidency in the event of a vacancy in that office. The Bylaws should further specify that if the First Vice President should succeed to the presidency, the First Vice Presidency would be filled by a special election in the same way as any other vacated executive office, other than the presidency, would be filled. (Specific and detailed procedures for conducting elections for Local Union officers are contained in the revised *Guide to Local Union Elections*.)

There should be a provision in accordance with Article 38, Section 14, providing for a prompt special election to fill the vacancy in any executive office other than the presidency, and if desired, a procedure setting forth the "other means for filling such vacancies for the temporary period pending the holding of the election."

There should also be a provision that in any such special election to fill a vacancy, the procedures, etc., applicable to the original election shall be followed. (See Constitution, Article 38, Section 2)

The duties of the Executive Officers are specifically set forth in Article 40 of the Constitution. There is no purpose in repeating these duties in the Bylaws but if the Local Union has a custom of assigning some additional duties not inconsistent with the duties set forth in the International Constitution in any particular executive office, that matter should be clearly set forth in this article.

8. Executive Board

This article should very clearly define what members in addition to the Executive Officers, if any, the membership desires to comprise

the Executive Board of the Local Union. If the Local has Executive Board Members in addition to the Executive Officers, this article should include a provision that these Board Members be elected in accordance with Article 38, Section 5 of the Constitution which, in effect, because of legal requirements, makes the procedures of Article 38, Section 2, for Executive Officers applicable. Article 38, Section 5, stipulates that Executive Board Members-at-Large shall be elected by a plurality vote, unless the Local Union membership, by affirmative action, requires a majority vote.

There should be a provision setting forth the procedure and notice requirements for Special Executive Board Meetings. It is usually desirable that these meetings may be called either by the President, or by a majority of the Board Members.

There should be a section setting forth the general authority of the Executive Board in accordance with Section 6(b) of this pamphlet. This provision should permit the Executive Board to direct payment of all ordinary bills and expenses of the Local Union but should restrict its authority in making disbursements of funds to a particular dollar amount in any single disbursement, and require the disbursement to be reported to the next membership meeting for approval.

There should be a provision that provides the order of authority within the Local Union Executive Board is the same as the ranking of Executive Board Offices in Article 38, Section 1, i.e. President, Vice President or Vice Presidents, Recording Secretary, Financial Secretary, Treasurer, three (3) Trustees, Sergeant-at-Arms and Guide.

The following additional sections phrased in Bylaw language, are often found desirable:

“(a) A simple majority of the Local Union Executive Board shall constitute a quorum.

“(b) Minutes will be taken of all Executive Board Meetings by the Recording Secretary and shall be read to the membership at meetings.

“(c) All decisions and recommendations of the Executive Board shall be referred to the next regular membership meeting.

“(d) The Executive Board shall appoint at least one of its members to each of the standing committees in a liaison or advisory capacity, except, however, the Plant Bargaining Committees, Election Committee, or any Trial Committee.

“(e) The Executive Board shall review each issue of the Local Union paper, and where necessary shall take steps to bring the contents and policy of the paper into conformity with the policy of the International Union. (This inclusion is particularly desirable to conform to Article 29, Section 7 of the Constitution.)”

9. Stewards and Committeepersons

This article should contain necessary provisions establishing the nomination and election procedures of Stewards and Committeepersons, including the methods and places of balloting and the required notice procedures. However, it is still permissible to provide, as is the practice in many Local Unions, that Stewards and Committeepersons shall be nominated and elected at the same area or district meeting. It is impossible to make any specific suggestions in this area since Local Unions have such differing customs, all equally constitutional in this area, and the Steward and/or Committeepersons structure of each Local Union is determined primarily by its collective bargaining contract.

This article should provide that all members in good standing working under the jurisdiction to be represented by the Steward or Committeeperson shall be eligible to nominate and vote for the Steward or Committeeperson.

There should be a provision setting forth the procedure for recall of a Steward or Committeeperson in accordance with Article 45, Section 3 of the Constitution, and this provision should set forth the following reasonable minimum requirements for the recall procedure:

“A vote on the question of recalling a Steward or Committeeperson may be initiated by a petition setting forth the reasons why the recall is sought, and signed by at least 25 percent of the current members working under the jurisdiction of the Steward or Committeeperson.

“Twenty-five percent of the current members working under the jurisdiction of the Steward or Committeeperson must be present at the recall meeting to establish a quorum.

“A two-thirds vote of those present and voting is necessary to recall.”

NOTE: The petition and quorum requirements cannot be less than 25 percent or more than 50 percent and the petition and quorum requirements must be the same percent.

There should be a provision providing that in the event of a vacancy in a Steward or Committeeperson position, one or more new Stewards or Committeepersons must be elected as soon as possible, and in any event within 30 days.

10. Stewards Councils and Bargaining Committees

Many Local Unions establish Stewards Councils. Where they are established, they vary greatly in functions and duties.

Often their existence or their functions depend on the composition and functions of a Plant Bargaining Committee. The variety is so great in the whole area of Stewards Councils and Bargaining Committees, and often is so substantially influenced by the collective bargaining agreement, that no specific recommendations can be made on this point. However, any such body, or bodies, which are desired should be specifically established in the Bylaws, and the Bylaws should set forth their membership and functions. Any such body established by a Local's Bylaws will be carefully reviewed by the International Union and the Local will be specifically advised if there is any unconstitutionality or impropriety in the structure.

Where Stewards Councils are established, the following provision should be included in this article:

“The Stewards Council shall exclusively perform advisory functions and shall be a non-legislative body within the Local Union structure.”

11. Committees

This article should set forth the standing committees of the Local Union exclusive of the Election Committee, Trial and Bargaining Committees. These committees must include those required by Article 44 of the Constitution, and may include any other committees the membership may desire.

The method of appointing or electing the membership of the committees, and of filling vacancies on the committees should be specifically set forth in a section of this article.

If the Local adopts a provision for the Executive Board designating one of its members as a member of each committee as provided under Article 8, Section (d) above, this provision should be referred to at this point as providing for an additional committee member.

There should be a provision as to how the committee chairperson is chosen, i.e., election by committee members or designated by appointing official.

The functions or duties of standing committees may be specifically set forth in this article. In any event,, the article should contain a provision similar to the following:

“These committees shall perform all duties assigned to them by the Constitution and Bylaws and such additional duties as they may be directed to perform from time to time by the Executive Board or the membership.”

12. Elections and Election Committees

Under the Constitution, there must be a democratically elected Election Committee to conduct all elections for Executive Officers and International Convention delegates. It is often desirable for the larger Local Unions to have a Standing Election Committee which will conduct all elections which an Election Committee must

constitutionally conduct, and often certain other elections during the period of the Committee's tenure, which under Article 38, Section 2, would be synonymous with the three-year terms of the elected officers.

This article of the Bylaws should contain provisions setting forth when and how a Standing Election Committee will be elected. These provisions should ordinarily provide for the election of the Election Committee at a meeting shortly preceding or at the meeting at which the nominations for Local Union Executive Officers takes place.

If a Local, for particular reasons, desires to have Special Election Committees elected to conduct each election, the Bylaws as an alternative should provide how and when such Special Election Committees will be elected.

This article is also an appropriate place for the Local Union to establish its nomination procedure. Ordinarily, this will be the same for all elective offices with, of course, varying time limits. There are two permissible methods of nominating:

(a) Nomination by a member at a meeting with the nominee being under an obligation to accept within a specified number of days upon being notified with the nominated member automatically being considered as declining if s/he fails to so accept within the time limits.

(b) Provisions that all eligible members shall be automatically nominated for each office for which they are eligible if they accept the nomination in writing within a certain number of days of the notices of automatic nomination being posted.

Insofar as specific rules for the conduct of nominations and elections are concerned, they are set forth in great detail in the Election Guide which is available to each Local Union. This pamphlet may be purchased through the UAW Purchasing Department. A Local Union may wish to take some of these suggestions as basic policy and establish them in their Bylaws. By and large, however, it is sufficient for the Membership, Executive Board or Election Committee conducting the election to adopt the *Election Guide* with such

permissible additions or changes as they may desire, as the rules governing the conduct of the election. (Care should be taken to specify the alternative desired where the Election Guide mentions two or more alternative methods in any area.) This matter is largely left to the discretion of the Local Union since either practice, or in some instances, a combination of both, is satisfactory.

13. Finances

Article 16, Section 1 of the International Constitution, requires Local Unions to establish an initiation fee provision in their Bylaws which may not be less than ten dollars (\$10.00) nor more than fifty dollars (\$50.00). Also, Article 16, Section 1 requires a reinstatement fee not less than the minimum of the initiation fee and not more than fifty dollars (\$50.00).

The Bylaws shall set forth very specifically, and in considerable detail, the salaries, allowances, expenses and other forms of compensation, including who is paid a salary or expense; how much is paid; how often it is paid - weekly, monthly. Also, lost time formulas for elected or appointed officials must be detailed.

This article should also include specific provisions for out-of-town per diem expenses when it is necessary for a representative of the Local Union to travel away from home; for example:

Expense paid to travel - when flying, when driving;

Expense paid when required to stay overnight, lodging, meals;

Expense paid when overnight is not required.

The International Executive Board has established a policy relative to per diem expenses. Contact your Regional Director for the current International Executive Board policy.

This article should include a provision defining lost time along the following lines:

“The Local Union shall pay a representative or member lost time only when that representative or member is performing necessary duties for and on behalf of the Local Union during a time for which s/he would otherwise be compensated by the employer. The amount of lost time should never exceed the amount which the Local Union representative or member would otherwise have received from her/his employer for the same period of time for which s/he is being compensated by the Local Union.”

14. Eligibility for Elected Office

The eligibility for executive offices is set forth in the International Constitution and cannot be increased or decreased by the Local Union. The Local might, nonetheless, wish to repeat this eligibility requirement from Article 38, Section 3, of one year's continuous good standing.

The Local is free to establish its own eligibility requirements in terms of continuous good standing for all other elected officials. They may be uniform or may vary as between Executive Board Members-at-Large, Stewards, Committeepersons, etc., but in no case shall any eligibility requirement exceed the constitutional requirement for Executive Officers of one year's continuous good standing. If there are no eligibility requirements for Non-Executive Officers or officials in the Bylaws, it would be presumed that the only requirement is to be a member in good standing.

15. Attendance Rules*

Article 37, Section 5, directs the Local Union to establish attendance rules for elected officers or officials. These rules fall into two parts. One part concerns attendance by elected officers or officials at membership meetings and the other concerns their attendance at meetings where attendance is part of their official duties, such as an Executive Board Member attending Board meetings.

In general, the Local Union may establish for all Local Union officers and officials, attendance requirements requiring their attendance at as many as two out of three general membership meetings. It should

* Attendance provisions are mandatory under Article 37, Section 5 of the Constitution.

be emphasized that no attendance requirement can be made a condition of eligibility to run for the office but only a condition of continued eligibility to occupy and hold the office, once elected.

The Bylaws may establish specific attendance requirements for various different elected officers and officials attending various board and committee meetings, which are part of their functions. If this is desired, each separate group of officers may be treated separately in the Bylaws. The Local Union may, however, if it chooses, establish a general requirement for all officers and officials attending any board or committee meetings which are part of their duties. In either event, the attendance requirement should not require attendance at more than two out of every three such meetings.

In this provision of the Bylaws, an excuse procedure must also be established. The requirements for attendance at meetings must include a procedure that provides a member may be excused from attendance at a meeting for good cause, and any such excused absence cannot be counted against her/him. The Local Union Bylaws should specifically state what group will be authorized to consider requests for excuses and should set up some general standard for granting such requests as an absence because of circumstances beyond a member's control or because of very substantial inconvenience. Some Local Unions have a standing excuse or attendance committee while others place this function in the Executive Board. It is an optional matter and the membership should decide which form it decides is best. However, a provision giving the authority to excuse to some group is required.

Examples of provisions which Local Unions should have are:

- (a) All members of this Local Union holding an elective position are required to attend:
 1. Two out of three consecutive membership meetings unless officially excused for cause by the Local Union Excuse Committee;
 2. Two out of three consecutive meetings other than membership meetings expected of their respective office or position, unless officially excused for cause by the Local Union Excuse Committee;

(b) Whichever of these bodies the matter is referred to shall consult with the grievant and permit her/him full opportunity to be heard prior to making a decision.

(c) Within 30 days of receiving a notice of such decision, the grievant may appeal further, by submitting her/his appeal to the Recording Secretary in writing, for consideration by the membership at the next membership meeting.

The foregoing is an example of the type of procedure that should be established in the Bylaws. The procedure will vary in detail from Local to Local. A Local Union may elect to have a collective bargaining grievance which has been reviewed by a Bargaining Committee or Steward Council to be further reviewed by the Executive Board prior to being submitted to the membership. There are other variations a local union may elect, depending on the different intermediate bodies in the Local Union structure.

These appeal provisions are very important and if properly drafted to conform with the Local Union structure can save the Local Union a good deal of time, trouble and expense when processing appeals. The Local Union Bylaws Committee should consult with the Local's Regional Director and Servicing Representative when working out the details of such a procedure.

19. Strikes and Strike Committee

The Bylaws should provide that all strikes shall be called or terminated only in strict conformance with Article 50 of the International Constitution.

20. Leases and Long Term Agreements

As a result of problems that many of our Local Unions have incurred with leases and other long term agreements and the advice of our Legal Department, the Bylaws should include the following provision:

No agent or official of the Local Union is authorized to execute a real estate lease, deed, service or maintenance contract or other long-term agreement unless the proposed agreement has been reviewed by an outside expert or attorney and approved by the Local Union Executive Board.

21. General

The general article in Bylaws is intended to cover various matters which are of particular concern to the Local Union but which are not specifically covered elsewhere. It is generally advisable to minimize the number of items contained in the general article since a member attempting to find a provision normally tends to look under appropriate headings rather than in the general article.

The following two provisions often appear in the general article:

- (a) All Local Union Officers, Committees, Stewards and other members handling funds or other property of the Union shall, at the completion of their duties, turn over all papers, documents, funds and/or union property to the properly constituted Local Union officers.
- (b) Wherever in these Bylaws a pronoun is used it refers equally, where the reference is applicable, to both men and women in the singular and in the plural.

22. Amendments

All Bylaws should contain an amendment provision along the following lines:

These Bylaws may be amended by presenting a motion in writing setting forth the amendments sought to a membership meeting. The motion shall be read to that meeting and referred to the Constitution and Bylaws Committee which will report to the succeeding membership meeting, the notice of which must contain a notice of the particular Bylaw amendments that will be considered. If approved by two-thirds of the membership vote thereon at this succeeding meeting, the amendment shall be considered adopted by the membership.

23. How to Submit Local Union Bylaws

Bylaws submitted to the International Union for review and approval should be typed or printed on 8 1/2 x 11 sized paper.

To resubmit your Bylaws with changes, revisions or amendments, Please Take the Following Steps:

Step 1: Take each page of the Bylaws that needs to be changed, and mark the sections you want to change.

Step 2: Retype the entire page, with the change typed in.

Step 3: Underline the changes on the new page in red pencil or red ink. (If you deleted a portion of the old Bylaw without substituting anything new for it, so you have nothing to underline, make a note in red that the section was changed.)

Step 4: Insert the new page, with changes, into the Bylaws and discard the old page.

Step 5: Send one total set of the revised Bylaws to the International Union. A report will be submitted to your Local Union after the Bylaws have been processed.

Step 6: Please indicate the date the Local Union membership approved the local Bylaw changes.

(The address for the International Union Bylaws Department is — 8000 East Jefferson Avenue, Detroit, Michigan 48214.)

Some Regions have designed a procedure where the Local Union sends the Bylaws to the Region and the Region forwards same to the International Union Bylaws Department. Check with your Regional Office for the correct procedure.

Additional copies of this publication are available from:

**UAW Purchase and Supply Department
8000 E. Jefferson Avenue
Detroit, Michigan 48214**

Published by UAW Education Department

Pub. No. 354 - 10M - Revised 9/98

opelu494
Printed in U.S.A.

