

## ‘Where are our bylaws?’



**Mack I.  
Julion**

**I**n my April column, I suggested that it was a good time for branches and state associations to amend or update their bylaws. I’m not sure if it was coincidental or if that column generated the uptick in bylaw submissions that we have seen in the first half of this year. Whatever the reason, I can tell you that two out of every three calls my office receives are related to bylaws, and most often the question is “Where are our bylaws?” or “How long will it take for us to get a response?” So, I will use my space this month to go over the process itself and break down the timeline of successfully amending your bylaws.

**Initiating the bylaw change begins with the stipulations provided in Article 15 of the *NALC Constitution*.** This process must be followed prior to the submission of the proposed bylaw change to the Committee of Laws.

Many branches or state associations have a committee in charge of recommending and updating bylaws, but that is not required, unless it is part of a process that is stipulated in your bylaws. What is required for branches, as noted in Article 15, is that the “amendment has been submitted in writing at the last previous regular branch meeting, and suitable notification to members shall be made at least ten (10) days before the regular meeting at which the vote is to be taken.”

I have received calls from members about various aspects of the initial process of notification and I have to refer them to the language in the *Constitution*. Any perceived error in the notification or presentation to the members must be dealt with on the local level. Those issues are not within the purview of the Committee of Laws.

The Committee is also asked on occasion to interpret branch or state bylaws. However, we are not authorized to *interpret* the bylaws. Our charter extends only to reviewing the proposed bylaws for compliance with the *NALC Constitution*.

So, after the members have voted to approve the change, it then has to be submitted to us for final approval. Article 15 states that bylaws “shall not become effective until approved by the Committee of Laws.”

The only exception to this is the change of dues,

initiation or reinstatement fees, or the change in the place and time of the meeting. That would not require our approval, but the change still should be sent to us so we can update the bylaws we have on record. If you simply want to delete language from your bylaws, it still needs to be approved by the Committee of Laws and go through the Article 15 process. We make sure that this change does not result in a conflict with the *Constitution*.

The final leg of the process is the submission to the Committee of Laws and the receiving of a decision. I had a member call and ask, “We submitted our changes last week—when can we expect them back? We sent it expedited!” Let me assure you that we are committed to getting them back to you as fast as we can, but please realize that we are navigating around our other duties as well. The other members of the committee are Director of Life Insurance Jim Yates and Director of Safety and Health Manny Peralta, who is the longest-serving member on the Committee of Laws. We often go back and forth on the amendments before deciding. As chairman of the committee, my office receives the proposed change, either digitally or manually (mailed). Although I am a big fan of the Postal Service, the online digital submission through the Members Only portal of our website is the fastest and most convenient way to get a quick response.

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**Branch and state presidents, treasurers and secretaries** have access to the bylaws submission process through the Members Only portal on our website ([nalc.org](http://nalc.org)). Once your bylaw change is submitted, you can track the progress through the portal. When received, it will be acknowledged as “pre-check.” It is then cleared to make sure that it’s submitted with a copy of current bylaws and then moved to “review” status.

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## ‘Where are our bylaws?’ (continued)

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That is probably the status you will see more than any other notification, but in *review* a lot is happening. First, I go over the proposed bylaw change and make my initial ruling based on the *Constitution*, past presidential rulings, and sometimes legal advice from our counsel. I have been fortunate to have two previous assistant secretary-treasurers to advise me and help move some of the proposed changes through the process. Executive Vice President Paul Barner and Secretary-Treasurer Nicole Rhine have been very helpful, and I appreciate their assistance.

Once the initial ruling is applied, it then goes to Manny and Jim for concurrence or correction. Once we have an agreement on the final ruling, it is signed by

all, and you can view it on the portal before you receive the hard copy in the mail. You should note that it can be in “review” status while it is waiting to be printed and mailed.

**I would like to provide the members with a definitive timeline for the Committee of Laws, but there are so many variables (i.e., travel, contract negotiations, etc.) that can cause a delay.** By the time you read this, I am confident that all proposed changes received through May of this year have at least an initial ruling. It is the desire of our committee to keep that window of completion between 30 and 45 days. That, of course, can depend on the complexity of the submission.

In future columns I will give more insight into the rulings, especially those items that we find “*in conflict*”!

## Vice President

## LMOU impasses (continued)

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Include any additional information you have gathered to support the union’s position. This will be helpful when discussing the issues or preparing for arbitration. Do not send this letter or any other additional information you have gathered to support the union’s position to the Labor Relations Service Center or the installation head (postmaster) with your impasse.

- If management makes its own appeal to impasse, claiming a provision is an “unreasonable burden” or “inconsistent or in conflict with the National Agreement,” make sure to request and provide a copy of management’s impasse. You also will want to enclose any documents management has with the impasse item(s) package you send to the NBA.
- If management attempts to impasse an item that is outside of the 22 listed items in Article 30 of the National Agreement, make sure to follow the same procedures as in impassing the 22 items. In any of these situations, also enclose any documentation they have with your impasse items package that you send to your NBA.

- Your NBA may need additional branch input during settlement discussions with management at the regional/area level. Please make sure your NBA knows how to contact your negotiating team.

What can you do to avoid an impasse? Since the impasse is handled at a higher level, the branch should communicate with the NBA if you perceive that an impasse may occur with the subject items. The NBA can provide guidance as to how to resolve the conflict with any of the subject items. Both parties can keep the language they already have by declining to impasse it if they cannot come to an agreement.

**It is advised that the local implementation committee research and learn the impasse rules before negotiations begin.** Do not, under any circumstance, wait until the last minute to appeal the impasse subject items.

While the 2019-2023 National Agreement expired at midnight on May 20, the parties chose to extend the negotiations. Therefore, the existing language for the National Agreement and local memorandum of understanding will remain in effect until the new National Agreement has been ratified or arbitrated.