

Bylaws: What's missing?



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As chairperson of the Committee of Laws, it is my job to review submissions from branches for proposed changes to its bylaws. When reviewing hundreds of submissions each year, recurring issues with branch bylaws become apparent.

This month, I want to share with you common problems the Committee sees on what is *missing* from branch bylaws. Here are a few examples of language that must be contained in branch bylaws:

Meetings—Article 3, Section 1 of the *Constitution for the Government of Subordinate and Federal Branches (CGSFB)* states that regular meetings of the branch shall be held “at

such time and place as may be designated in the Branch bylaws.” Presidential rulings have consistently held that this language clearly requires that both the date and the hour of the meetings be fixed in the bylaws (e.g., the second Tuesday of each month at 7 p.m.). It is impermissible for branches to leave the date and the time of the meeting in doubt.

Officers—The Committee sometimes receives bylaws that fail to list the officers of the branch. While the list of branch offices set forth in Article 4 of the *CGSFB* would govern in the absence of specific provision in the bylaws, it would be preferable to list those offices directly in the bylaws because it is important that the membership know readily what the branch offices are. In addition, the *Constitution* allows the branch board of trustees to consist of three or five members. The bylaws should specify the number of trustees.

Term of Office—Article 4, Section 2 of the *CGSFB* states: “All officers shall be elected for a term of one (1), two (2), or three (3) years, at the option of the Branch, or until their successors are duly elected and installed.” The bylaws should specify which term of office the branch opted for.

Elections—Article 5, Section 4 of the *CGSFB* states: “Election of officers shall take place at a time prescribed by the Branch bylaws.” The *Constitution* requires that the branch bylaws specify the exact date of the elections. If the election is by mail, the date on which ballots are due should be set forth. It would be sufficient to indicate that the election will be held at a branch meeting. In addition, the bylaws should state when nominations will take place. (Article 5, Section 5 (b) of the *CGSFB* requires that nominations be

held at a regular or special meeting of the branch not less than four weeks before the date of the election, but not less than 10 days after the notice of nomination and election has been sent out.)

Delegate elections—Article 5, Section 4 of the *CGSFB* states: “Election of delegates and alternate delegates to the National and State Association Convention shall be made no later than December of the year preceding the convention year.” Again, the date, place and manner for nomination and election should be stated in the branch bylaws.

Stewards—Article 4, Section 5 of the *CGSFB* states: “Branches having members in two or more stations may make provisions in their bylaws for station delegates, representatives or shop stewards to be appointed or elected, within the respective stations as the Branch may be determined....” The branch bylaws should specify how the branch has decided to choose its stewards—election by the general membership, election by station or by appointment.

Dues—Article 7, Section 1 of the *CGSFB* provides: “Initiation fees and dues shall be fixed in the bylaws and payable in advance, provided that regular members with 50 years’ membership shall be exempt from the payment of dues, fines and assessments.” Branch bylaws must specify the amount of branch dues. If the branch dues are the same as the minimum dues required by Article 7, Section 2 of the *National Constitution* (not the *CGSFB*), it would be sufficient to so indicate. But the branch dues must be listed in the bylaws.

Again, these are just a few examples of language that must be included in all branch bylaws. To assist branches that may be considering revising their bylaws, the Committee recommends that branches refer to the *Constitution for the Government of Subordinate and Federal Branches* as a guide. The *CGSFB* begins on page 66 of the *NALC Constitution*. The *NALC Constitution* can be found on the NALC website and also may also be purchased from the NALC Supply Department.

For more information concerning branch elections, please consult the *NALC Regulations Governing Branch Election Procedures*. A copy of the regulations also can be found on the NALC website and can be ordered from the NALC Supply Department.

I want to send a special thanks out to the convention delegates who attended the ByLaws and Elections workshop. I enjoyed going through the flawed “Branch o” bylaws with all of you and the interaction in the class. As you may have guessed, I enjoy being the chairperson of the Committee of Laws.