

Branch bylaws: Offices



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As chairperson of the Committee of Laws, it is my job to review submissions from branches for proposed changes to their bylaws. After reviewing, I then make a recommendation—based on long-standing presidential rulings—to the full committee on whether the proposed change is in conflict or not with the *NALC National Constitution*. Also serving on the Committee of Laws are Director of Safety and Health Manuel L. Peralta Jr. and Director of Life Insurance Myra Warren.

When reviewing close to 200 submissions each year, recurring issues with branch bylaws become apparent. This month, I want to share with you some common problems the committee sees that pertain to

branch offices.

Required offices—Article 4, Section 1 of the *Constitution for the Government of Subordinate and Federal Branches (CGSFB)* lists the required offices of a branch. They are a president, vice-president, recording secretary, financial secretary, treasurer, sergeant-at-arms, a health benefits representative, and a board of trustees composed of either three or five members. The most common problem the committee encounters is branch bylaws that fail to provide for the election of one or more of the required offices.

Consolidating offices—Article 4, Section 3 of the *CGSFB* allows branches to consolidate the offices of the branch, with the exception of the office of president. (However, branches with less than 10 active members may consolidate the office of the president with other offices.) This is another problem area that the committee encounters and may actually be a contributing factor to conflicts found with Article 4, Section 1 of the *CGSFB* concerning the list of required offices in branch bylaws.

While it is permissible for a branch to have fewer elected officers than those listed in Article 4, Section 1 of the *CGSFB*, the bylaws must guarantee that only elected officers may handle the duties assigned to the officers listed in the *Constitution*. Accordingly, the branch bylaws *must explicitly* consolidate each office that the branch wishes to forgo with one of the other elected branch offices.

For example, let's say that a branch wishes to consolidate the offices of recording secretary and financial secretary. This is permissible under Article 4, Section 1 of the *CGSFB*. However, the branch's wishes must be expressly stated in the bylaws. This could be accomplished several ways: by simply listing the office as recording secretary/

financial secretary; by including a sentence in the branch bylaws stating that the office of financial secretary will be consolidated with the office of recording secretary; or by listing the duties of the financial secretary (found under "Financial Secretary" in Article 6 of the *CGSFB*) under the duties of the recording secretary in the branch bylaws. The bottom line is that long-standing presidential rulings have held that it should be clear somewhere in the branch bylaws that the offices were combined.

List of offices—Every branch's bylaws should contain a list of the branch's elected offices. There are a couple of reasons for this requirement. First, it is important that the membership of the branch know readily what the branch offices are. Secondly, the *Constitution* provides that a board of trustees of either three or five members be elected. If the offices of the branch are not listed in the bylaws, then it is unclear whether the branch's board of trustees is composed of three members or five members.

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Additional offices—Article 4, Section 1 of the *CGSFB* also states that a branch may provide for additional elective offices in its bylaws. If a branch wishes to have additional elective offices then, of course, those offices also should be listed in the branch bylaws.

Term of office—Article 4, Section 2 of the *CGSFB* provides that all officers shall be elected for a term of one, two or three years at the option of the branch. Often the committee encounters branch bylaws that fail to specify what the term of office is for its officers. The branch may choose that the term of office be either one, two or three years, but the bylaws must specify what term of office the branch opted for.

Again, these are just a few of the common problems the Committee of Laws encounters when it comes to proposed language concerning branch offices. 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* may be found on the NALC website at nalc.org/nalc/facthist/Constitution/NALC%20Constitution.pdf.