

How to get that stamp of approval



**Judy
Willoughby**

Each year, the Committee of Laws rules on approximately 200 submissions from branches for proposed changes to their bylaws. A majority of the submissions the committee has received over the past year were stamped “approved,” indicating that the proposed changes did not conflict with the *NALC Constitution*.

The remainder typically are stamped “approved with exceptions,” indicating that some of the proposed changes were in conflict with the *Constitution*. In those cases, the committee will explain in a detailed letter to the branch why it believed the provisions at issue were impermissible. Where possible, the committee also suggests how the branch or state association might achieve its objectives without violating the *Constitution*.

As chairman of the Committee of Laws, it is my job to review the proposed bylaws and then make a recommendation to the full committee on how we should rule. When reviewing close to 200 submissions each year, common problems with proposed language become apparent. So, in an effort to help branches get that required stamp of “approval,” here are some of those common issues:

Officers—Article 4, Section 1 of the *Constitution for the Government of Subordinate and Federal Branches (CGSFB)* lists the required officers of a branch: 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.

For several reasons, this section of the *CGSFB* generates many of the problems the committee identifies in branch bylaws, including: 1) the bylaws fail to list the elected officers of the branch all together; 2) the bylaws do not provide for the election of one or more of the listed officers; and 3) the bylaws fail to explicitly consolidate each office the branch wishes to forgo. (Two most common required officer positions are a financial secretary and health benefits representative. If your branch secretary is both the recording and financial secretary, the bylaws must indicate the consolidation.)

Keep in mind that, under Article 4, Section 1 of the *CGSFB*, branches may provide in their bylaws for additional elective offices. Also, under Article 4, Section 3, branches may consolidate the offices of the branch, with the exception of the office of president (unless there are fewer than

10 active members in the branch).

While Article 4, Section 3 allows branches to have fewer elected officials than those listed in the *Constitution*, the bylaws must guarantee that only elected officers 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 officers.

Chief steward—Article 6, Section 1 of the *CGSFB* states under the duties of the branch president that “he/she shall, by virtue of his/her office, be the chief steward for the Branch, and he/she may delegate such authority to other members.” It would conflict with the *Constitution* to have a chief steward be separately elected by the branch.

Special meetings—Article 3, Section 2 of the *CGSFB* states: “Special meetings shall be called by the President upon the written request of members (number to be determined by the Branch) in good standing or by vote of the Branch.” A common problem is proposed language that gives the branch president independent authority to call a special meeting. The *Constitution* does not permit the president to call special meetings on his/her own authority. The same applies to the branch’s executive board.

Quorum—Article 3, Section 4 of the *CGSFB* states: “The Branch shall be called to order at the time prescribed in the by-laws if a quorum be present.” On occasion, the committee receives language that eliminates the requirement of a quorum. This is a conflict. Unless a quorum is present, a branch meeting may not come to order and conduct business. Another problem the committee encounters is proposed language that requires that a branch quorum consist of a certain number of officers before a meeting can be called to order. However, the *Constitution* does not authorize the branch to invalidate a branch meeting because no officer bothered to attend.

Again, these are just a few of the common errors that the Committee of Laws encounters. To assist branches that may be considering revising their bylaws, the Committee of Laws recommends that branches refer to the *CGSFB* as a guide.

On this Memorial Day, I ask that we all take a minute out of our day to remember those U.S. military men and women who made the ultimate sacrifice and died while serving our country.

Also, I wish everyone a very Happy Mother’s Day.