

Changing bylaws about branch officers



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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 make a recommendation—based on precedent from long-standing presidential rulings—to the full committee on whether the proposed change is in conflict 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 James W. “Jim” Yates.

While reviewing submissions each year, it becomes apparent that there are recurring issues with branch bylaws. This month, I want to share with you some common problems the committee sees that pertain to branch officers.

- **Required officers**—Article 4, Section 1 of the *Constitution for the Government of Subordinate and Federal Branches (CGSFB)* lists the required officers of a branch. They are 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 are branch bylaws that fail to provide for the election of one or more of the required officers.
- **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 fewer than 10 active members may consolidate the office of the president with other offices.) This is another problem area the committee encounters, and it may be a contributing factor to conflicts found with Article 4, Section 1 of the *CGSFB* concerning the list of required officers in branch bylaws.

While it is permissible for a branch to have fewer elected officers than are 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 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 in 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 somewhere in the branch bylaws it should be clear 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 *CGSFB* states that a board of trustees of either three or five members must 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.
- **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 decide 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 *CGSFB* as a guide. The *CGSFB* begins on page 66 of the *NALC Constitution*. The *NALC Constitution* may be found on the NALC website. The link can be found under the “Union Administration” tab at the top of the homepage.

Update: One-Year Delay Announced on California’s Anti-Harassment Training

As outlined in the November 2019 edition of *The Postal Record*, California employers with five or more employees are required to provide sexual-harassment-prevention training every two years to all employees, including one hour of training to non-supervisors and two hours of training to supervisors. The initial training deadline was Jan. 1, 2020, but employers now have until Jan. 1, 2021, under SB 778, which Gov. Gavin Newsom recently signed into law. Starting Jan. 1, 2021, new employees must be trained within six months of their hire date, and newly promoted supervisors must be trained within six months of their

promotion. The new law clarifies that supervisors and non-supervisors trained in 2019 need not be retrained until 2021. If employees are not trained properly, an employer could be investigated by the California Department of Fair Employment and Housing (DFEH), and a court could order the employer to comply. Please note that, despite the extended training deadline for most employees, seasonal and temporary employees—including those hired to work for less than six months—must be trained within 30 calendar days of hire or 100 hours worked, whichever occurs first, beginning Jan. 1, 2020.